

**Subject: Response to Chairman Hill's Request for Additional Information Regarding Mitigations Agreed Between Maret School and Residents of 5931 Utah Avenue**

**Ref: BZA Case Number 20643**

**Date: March 16, 2022**

**Submitted by: Meredith Rathbone and Stephen Bocanegra, 5931 Utah Avenue NW**

We wish to provide this response to Chairman Hill's request at the March 08, 2022, Board of Zoning Adjustment (BZA) hearing for details surrounding the discussions and agreements made between us (Meredith Rathbone and Stephen Bocanegra, residents of 5931 Utah Avenue NW) and Maret and the Episcopal Center for Children (ECC).

As noted during the hearing, we are the closest neighbors to the ECC buildings themselves, and are the immediate next door neighbor to the proposed restroom/locker room building.

As discussed at the hearing, we have reached agreement with Maret on many aspects of the mitigation plan (provided below), including fencing and screening, both between our house and the locker room/restroom building and between the building and the field, so as to discourage people from congregating near our back and side yard.

**Unfortunately, even after subsequent correspondence with Maret following the March 08 hearing, we remain at an impasse over the location of the entrance to the proposed restroom/locker room building.** Of all the aspects of Maret's proposed athletic complex, this will be the most disruptive to our lives, inside and outside our home, because we can see and hear that space from our kitchen, dining room, three bedrooms, an office, where one of us works from home, and our back patio. We have asked Maret to locate the entrance to the south/east side of the building facing in the general direction of Nebraska Avenue. This is the area where Maret itself originally proposed building an entrance to the building for use by Maret and third parties, and we believe it would have the mutual benefit of being placed in the part of the building closest to the fields and also allow for the building itself to help serve as buffer between the significantly increased foot traffic into and out of the building and our property.

**Our proposed mitigation for Maret's use of the Media Center would allow them to utilize the facility as they had originally planned, with no change to its intended scope or purpose.** While the location of the entrance on the side near the field (rather than the side near our house) would not completely eliminate the negative effect on us, it would significantly improve our privacy and day-to-day enjoyment of our house. To us, this step, along with the other agreed mitigations, seems to be a reasonable and mutually beneficial compromise for a neighbor in such close proximity to the Media Center and the proposed fields.

In seeking the BZA's assistance on this matter, we note Maret originally proposed building an entrance near the fields, and told us during our on-site discussions that they intended the entrance to be located facing the fields. Our immediate discussions about other proposed mitigations that followed, therefore, were focused on how to minimize from the likelihood that people would congregate at the Media Center near the alley behind our house. It was only after hearing in the final ANC meeting that we learned in a Maret-sponsored "office hours" that the plan had changed (Maret did not affirmatively reach out to us to inform us of this very significant change to their plan), and at that point we engaged Maret about that aspect of their plan. During

that ANC meeting, Maret said they had made that change in response to our original concerns about noise and congestion at the back of the media center near our alley. It is very difficult for us to understand how Maret could have understood from our discussions that we would prefer to have the noise and reduction in privacy associated with the proposed restroom/locker room area moved CLOSER TO our house – right outside of several windows and near our back patio.

With the currently-proposed entrance location—even with the use of only the south-facing door as an entrance as currently proposed by Maret—we can hear voices in this area from inside our house, and we can look out our window and see people standing only a few yards away... and they can look in and see us in our kitchen, dining room, bedrooms, and office. Because of the very narrow offset between our yard and our property line, we do not have the ability to install screening trees in that area, nor would trees or a fence be sufficient to mitigate the impact.

In reference to the agreed parts of the mitigation, we appreciate those steps, but admittedly we find it odd that these mitigations needed to be negotiated in the first place given the significant change in intended use of the facility. This is particularly true given the original 2001 BZA discussion and approval for the construction as highlighted in our prior testimony, which focused on ensuring the placement of the Media Center would not become objectionable due to noise traffic, number of students, or other objectionable conditions. Clearly, the proposed use of the building is very different than that proposed when it was built in 2001. While we do not find the current entrance to that building objectionable if it were to be used on Monday-Friday by ECC students during school hours, we do find the location of the entrance inappropriate—and inconsistent with conditions on which the BZA originally approved the construction of the building—for the very significantly expanded use proposed by Maret, including 7-day-per week usage not only by Maret students but also by third parties.

We are new to the BZA process and admittedly do not have experience in this area. For us, the outcome of BZA's decision will have a significant impact on our ability to enjoy peace and quiet not only outside, but also within, our home, and likely will affect our property value. This is not a negotiating tactic on our part nor is it a desire to gain something we did not previously have... it is simply a sincere request for the BZA to ensure that Maret take what we believe are reasonable steps to return to its originally-planned entrance location—a move that would have absolutely no impact on Maret's ability to use the property/building as they have proposed.

With respect to our own ongoing effort to close the narrow alley adjacent to our properties, this four to five foot strip of property has been within the visual and fenced in area of our property for many decades (from what we can discern from the city's GIS records). None of the property is currently used by ECC, and we have been responsible for maintaining the trees and land on that property (as had the prior owners of our home). Our effort to engage an attorney, Mr. Marty Sullivan, was to help facilitate this alley closing process rather than to engage directly with Maret about their intended use of the ECC property.

We have thus far agreed with Maret on the following Mitigation Steps:

- Plant additional trees, hedges and bushes to prevent or otherwise discourage people from accessing and/or loitering in spaces near the Media Center Building – both between the Media Center Building and the property line of 5931 Utah Avenue, NW and between the Media Center Building and the multi-purpose field. Maret agreed to work with us regarding the type, number, and maturity of the trees to be planted in connection with the project.

- Install a fence along the walkway between the ECC and the west side of the Media Center that wraps around the existing Media Center Building entrance vestibule and ends at the edge of the vestibule, limiting access to the lawn between the vestibule and the existing brick tunnel only to ECC students and staff and not to any field users.
- Replace the fence along the property line of 5931 Utah Avenue, NW, from the alley extending parallel to the Media Center Building to the point of the outer corner of the entrance vestibule, with a solid fence to enhance visual screening and noise mitigation.
- Install a fence 6' in height with a locked gate between the east side of the Media Center Building and the above-mentioned new solid fence along the 5931 Utah Avenue, NW property line to prevent unauthorized access to the space adjacent the Media Center Building that is near 5931 Utah Avenue, NW.
- Increase the height of the gate at the end of the Utah Avenue alley to 6' in height and ensure that it is locked when it is not in use by ECC or Maret for maintenance purposes or for emergency vehicles. (We note that this was a request by multiple neighbors and is a continuation of the current fence height.)
- Ensure that any security lights used on the property Maret is leasing from ECC will be lowglare and low-wattage so as to avoid light pollution at night. (We note that this was required in the 2001 BZA stipulations though the current lights are not lowglare/low-wattage).
- Explore the use of quiet-close doors.
- Relocate the dumpster from its originally-proposed location right near the Utah Avenue alley to the parking lot. (We note that our understanding is that the city also requested this move to align the Maret proposed dumpster location with that of ECC's dumpster.)

Again, while we appreciate the above mitigation steps, **the most impactful and important mitigation step by far from our perspective is the movement of the entry to the restroom/locker room back to the location *originally proposed by Maret* on the other side of the building toward the field, and facing Nebraska Avenue. We respectfully request that the BZA require Maret to take this mitigation step in addition to those described above.**

Please do not hesitate to contact us should you have any questions.

Best regards,  
Meredith Rathbone and Stephen Bocanegra  
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