

Presentation to the
Board of Zoning Adjustment

In Opposition to
Case #20643, Maret School's
Application for a Special
Exception to Build "Athletic
Facilities" at the Episcopal
Center for Children

March 9, 2022

Our
Neighborhood,
Our
Community,
Our Goal

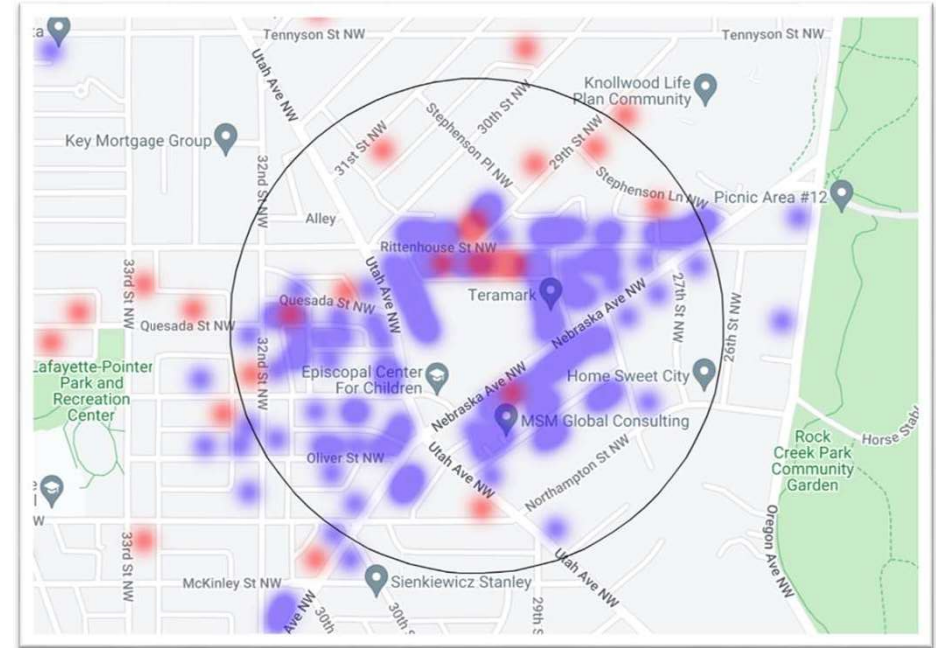
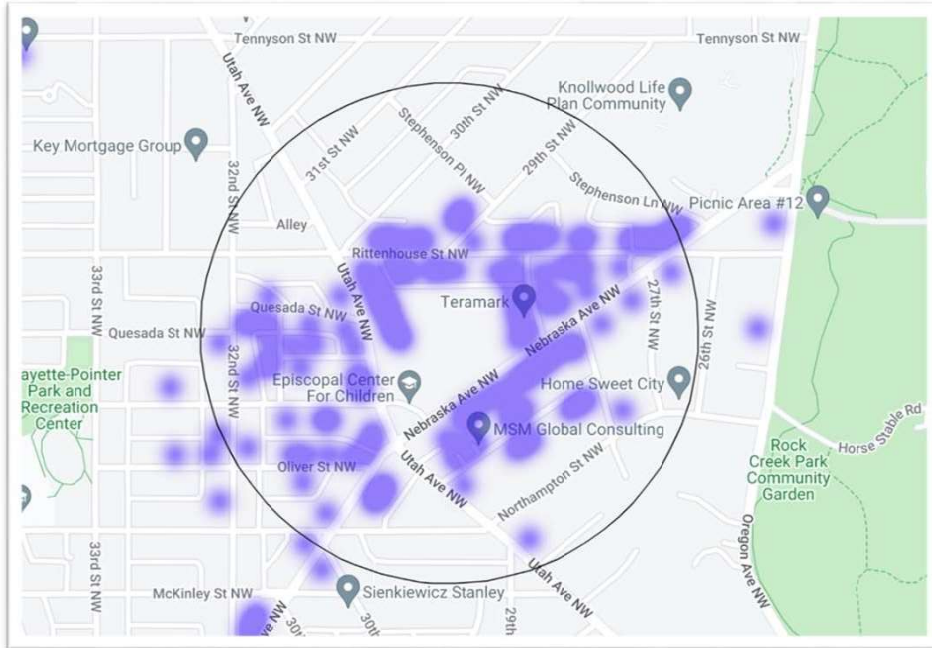




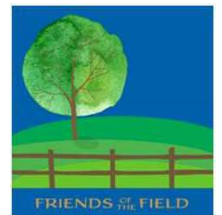
The Field

Friends of the Field: Who We Are, Where We Reside

Friends of the Field is an alliance of Chevy Chase neighbors, families, and concerned citizens who care about safety, environmental stewardship, and quality neighborhood life. We work for transparent due process, inclusiveness, and thoughtful use of precious green space.



267 Individuals • 142 Households • 122 within ¼ mile of center of the field
122/142 = 86% • 122 (FoF) : 16 (Maret) within ¼ mile



A photograph of a man and a woman sitting on a white porch. The man is on the left, wearing a purple button-down shirt. The woman is on the right, wearing a pink and white striped blouse. They are both smiling. The background shows trees and a brick house.

Eric and Candace Campbell
6 - Year Residents

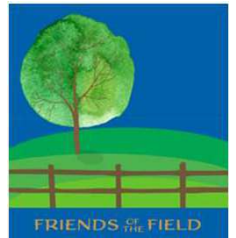
Our Goal

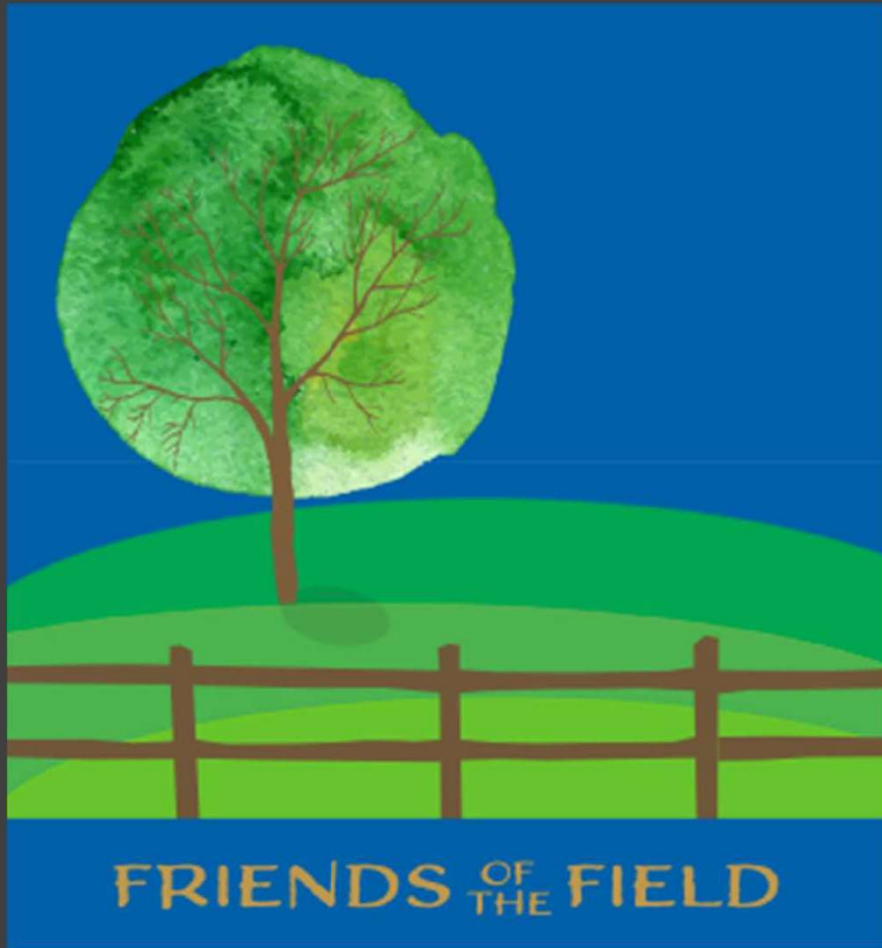
We come to the BZA today with one and only one aim in mind: to preserve the integrity and character of our community. We're not opposed to Maret's use of the ECC property to expand its athletic programs. We're only opposed to the plan Maret has put forth.

What Maret is proposing is simply too big in scale, too intensive in proposed use, and too disruptive for the surrounding residential neighborhood. Indeed, it is unprecedented in the city. It would create myriad adverse impacts related to noise, traffic, safety, toxicity, pollution, stormwater runoff, and other deleterious effects. Maret has not demonstrated it will adequately mitigate these harms and thus does not meet the burden of proof that the development "will not tend to adversely affect the enjoyment of neighboring property use."

We had hoped to resolve our differences with Maret through our ANC. But that was not to be. Maret presented a largely non-negotiable proposition to the neighborhood. We presented our requests for consideration, but Maret rejected them. Our ANC has endorsed Maret's plan, notwithstanding our concerns, with a set of conditions. The conditions, the ANC argues, meet many of the concerns the neighbors expressed. In fact, they reflect changes in the margins, not substantive modifications that would have made the project acceptable to a majority of immediate neighbors.

So, here we are, seeking relief from BZA. But we're not coming empty-handed. We have an alternative plan to show you. We want to be constructive toward resolving the differences that divide the Parties. And for that, we need a plan that works for all the Parties. We believe we have it.





Our Alternative Vision: A Glimpse

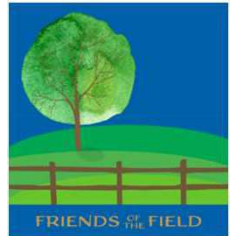


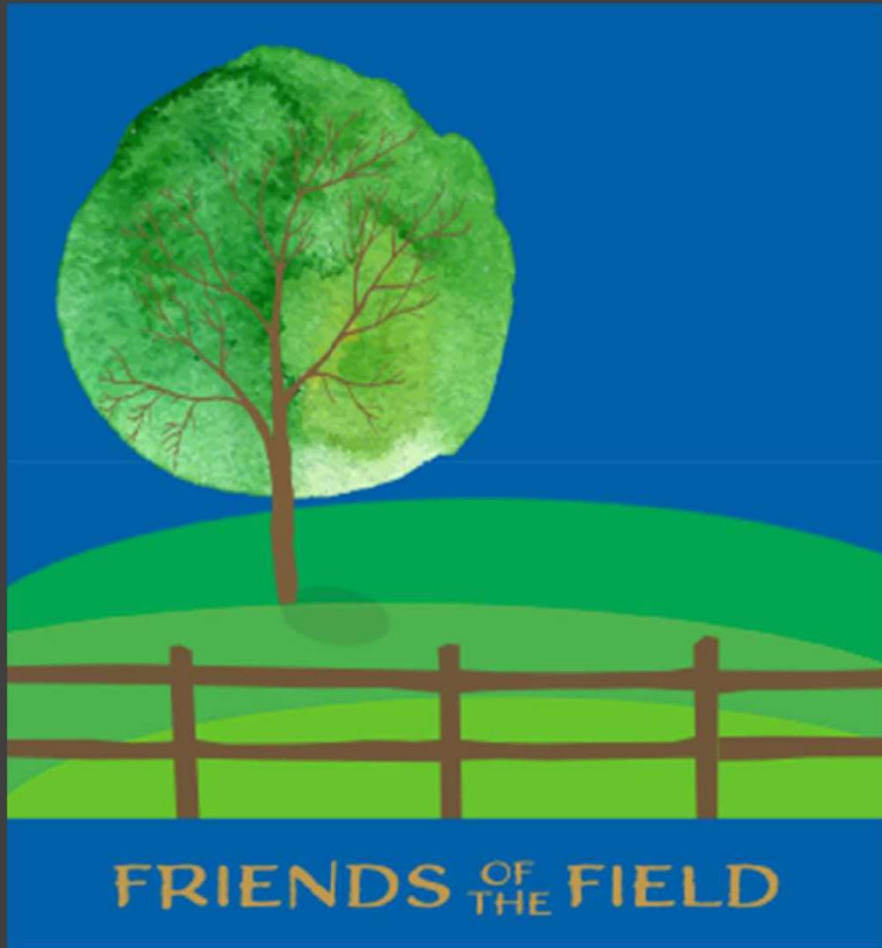
MARET SCHEME



ALTERNATIVE SCHEME

**MARET SCHEME &
ALTERNATIVE SCHEME**





Legal Challenges and Objectionable Conditions with Maret's Plan:

- Intensity of Use – Leasing
- Scale of Development
- Environmental/Site Plan Concerns
- Noise
- Plastic Turf
- Traffic

Legal Challenges

Ed Donohue, Attorney at Law, Donohue, Themak, and Miller, PLC

Maret seeks a special exception for a private school, to develop what they call "Athletic Facilities" at the Episcopal Center for Children (ECC property). The term "athletic facilities" is not a defined term in the Zoning Ordinance, and Maret seems to be combining two actual and defined terms – "athletic areas" and "sports facilities."

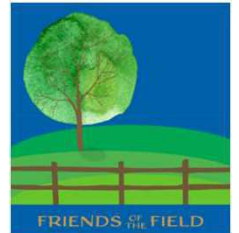
Maret is located in Cleveland Park, 3.8 miles from the ECC property.

The Use Category "Education, Private" in Subtitle B, §200.2 of the Zoning Code indicates that athletic areas and sports facilities, such as the ones Maret proposes to build, are among the possible accessory uses to a private school's primary use.

Because Maret has no private school on the ECC property, they have asserted that their proposed sports facility is a "principal use" of the ECC property. However, neither the Zoning Code nor relevant BZA or Court of Appeals opinions support this assertion. Under the Zoning Code and relevant opinions, Maret's proposed sports facility use is an accessory use, not a principal use.

An accessory use must be located on the same lot as the principal use per Zoning Code Section 203.3(a). Maret's proposed sports facility does not satisfy the "same lot" requirement and therefore cannot be an accessory use to Maret's private school.

Maret will need a zoning use variance, not a special exception, to construct a sports facility on the ECC property.



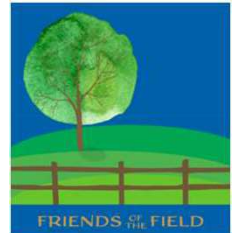
Intensity of Use – Leasing

Third-party use of private school athletic fields is frequently prohibited or subject to tight restriction, whether through institutional choice, in agreements with neighbors, or as part of BZA orders. There are ample precedents for limiting outside use, including recent examples such as St. Alban's, St. Patrick's, and The Field School. The provision to lease Maret/ECC fields to outside users threatens to overwhelm the community with objectionable commercial activity.

The distinction between public and private fields is critical. Public fields are afforded special accommodation – by the city in the form of less stringent development requirements (e.g., stormwater runoff management) and by the public in terms of its expected tolerance of increased traffic, noise, etc. for facilities to which they enjoy routine access. Private fields are a different matter, as BZA has frequently recognized. Maret wishes to have it both ways. On the one hand, Maret makes clear the facility would be under its lock and key, opened to the public only at its discretion; and, on the other hand, it seeks a reputational benefit by dangling the prospect of public use.

Yet the “public” in this case is largely private sports groups to which Maret would lease the facilities during hours it is not using them. Such supplemental use through leasing would generate daily, year-round occupation of the property. This is plainly a business proposition, a revenue-generator for Maret. Such use not only further complicates Maret's legal case, but it also recasts the initiative for what it is: a multimillion-dollar, multi-purpose, quasi-commercial sports complex almost exclusively for private benefit – yet proposed for a residential neighborhood currently zoned R-1-B.

To achieve its aims, Maret is driven to develop the ECC property in the most intensive and intrusive manner feasible, unprecedented in the District of Columbia.



Scale of Development

Jane Sherman, Friends of the Field

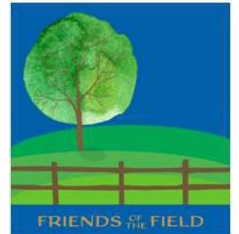
There is no field in the District of Columbia comparable to the one proposed by Maret.

There are approximately 217 playing fields in DC, public and private.

Only five private fields in R-1-B zoning have been built AFTER neighboring housing.

None look like this proposal. All five have significant setbacks and vegetative buffers, no significant netting or cut and fill.

Development of new playing fields should be synced to Ready2Play, the Department of Parks and Recreation master plan, to build them where they are most needed.





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