

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of
The Maret School

ANC: 3/4G02

STATEMENT OF THE APPLICANT

I. Nature of Application

This application is made by The Maret School (“**Maret**” or the “**Applicant**”) for special exceptions to use a portion of the property that has an address of 5901 Utah Avenue NW (Square 2319, Lot 832) (the “**Property**”) for athletics programming. Maret proposes to re-purpose one of the existing buildings on the Property to be used as a Fieldhouse and to construct a baseball diamond, a multi-purpose field and parking spaces on the Property (collectively, the “**Athletic Facilities**”). This application requests special exception relief pursuant to 11-U DCMR § 203.1(m) and 11-X DCMR § 104 to permit a private school use in a residential zone district; and pursuant to 11-C DCMR § 710.3 to allow parking spaces within a front yard. The development of the Athletics Facilities will conform to the Zoning Regulations requirements in the R-1-B Zone District in all other respects.

II. Jurisdiction of the Board

The Board of Zoning Adjustment (“**BZA**” or “**Board**”) has jurisdiction to grant the relief requested pursuant to Subtitle X § 901.1 of the Zoning Regulations (11-X DCMR §901.1).

III. Description of Property and Surrounding Area

The Property is bound by Nebraska Avenue, NW and an alley that serves properties that have frontage along Utah Avenue, NW, Rittenhouse, Street, NW and 28th Street, NW. The Property is comprised of approximately 5 acres and is located in the R-1-B Zone District. Single-family homes are located across Nebraska Avenue, NW from the Property, adjacent to the

Property along 28th Street, NW and Utah Avenue, NW, and across the alley from the Property with frontage on Rittenhouse Street, NW. The Property currently includes significant topographical changes, with a grade change of approximately 35 feet from a high-point at the northwest corner of the property to a low-point at the southeast corner of the property. The Property currently has a curb cut from Nebraska Avenue, NW and vehicular access from the internal alley system in Square 2319.

The Property is currently used as playing fields and open space for the adjacent Episcopal Center for Children (“ECC”) private school, located on Lot 831 in Square 2319 (the “ECC Property”). The ECC Property consists of approximately 2.24 acres and includes three buildings that have frontage along Utah Avenue, NW and Nebraska Avenue, NW. The use and potential future operations of the ECC Property are not part of this application.

IV. Maret School Background and Athletic Field History

A. The Maret School

The Maret School is an independent, coed, college-preparatory day school which was founded in 1911 as a school for international students. Maret has a long tradition of exploring and embracing the unique international culture of the nation’s capital and has its main campus on seven acres in the Woodley Park neighborhood at 3000 Cathedral Avenue, NW. Maret has approximately 650 students in grades K-12, with over 400 of those students residing in the District across all eight Wards. 51% of Maret’s students identify as students of color and approximately 25% of the Maret student body receives need-based financial aid.

B. Athletic Field History and Partnership with the ECC

Maret is committed to being an exemplary District citizen, “Building Community” is part of Maret’s Mission Statement. As evidence of this commitment, Maret has made its existing

campus athletic facilities at 3000 Cathedral Avenue, NW (two gymnasiums and a multipurpose athletic field) available to as many community groups as possible. These groups have included Stoddert Soccer (now known as DC Soccer), DC Dynasty Baseball, Horizons of Greater Washington, the DC Metropolitan Police Department and numerous other youth-focused organizations. In addition, Maret's Woodley Park campus is used for the Twin Spring's Farmers Market and Cleveland and Woodley Park Village activities.

While Maret makes extensive use of its Woodley Park campus athletic facilities, the Maret sports programs still require additional field space for athletic practices and competitions. Maret has utilized athletic facilities throughout the District, including: Duke Ellington Field; Wilson High School; Taft Junior High School; Jelleff Recreation Center; and the University of the District of Columbia. In the Fall of 2020, Maret signed a long-term lease (up to 50 years) with the ECC for the Property. Revenue from this lease with Maret will allow the ECC to remain a beneficial presence in the community where it has been for over 80 years, and will also allow Maret to augment its existing athletic facilities and satisfy its programmatic need for field space.

V. Development Proposal

The development of the Athletic Facilities on the Property presents a unique opportunity for Maret to enhance and simplify its athletic field needs, while also providing a significant community benefit in the form of athletic fields and open space that can be utilized by local schools, youth sports organizations, and residents of the surrounding community.

A. Athletic Fields

Maret proposes to develop a baseball diamond and a multi-purpose field that will be used for baseball, football, soccer, and lacrosse. The development of these fields will require re-

grading of the Property to provide appropriate playing surfaces, and the relocation of a handful of Heritage Trees. Small areas of bleacher seating are proposed along the first and third base lines adjacent to the baseball diamond and a seating area is proposed in the northwest corner of the Property for fans/guests/visitors watching games on the multi-purpose field. The baseball diamond and the multi-purpose field will be ringed by unobtrusive netting and support posts to keep balls from exiting the playing area. A scoreboard, with a height of approximately 20 feet above the adjacent finished grade, is proposed to be located on the northern end of the Property. This scoreboard will only be used for Maret games, and will not be used during any youth sports organization games. Various materials depicting the Athletic Facilities are provided in Exhibits A and B.

The siting, screening, and layouts of the athletic fields have been carefully studied in order to accommodate the significant grade change on the Property and to minimize any potential impacts on the adjacent properties. A significant landscape screening buffer is proposed (see Exhibit A and the renderings in Exhibit B) and the Applicant has agreed that the athletic fields will not include any lights.

B. Fieldhouse

The former ECC Media Center will be renovated in order to serve as the Fieldhouse for the Property. No additions are proposed to the former Media Center building, but interior renovations will be undertaken in order to provide locker/changing rooms for visiting teams, office space for Maret coaches and Athletic Department Staff, storage space, and restrooms for players/coaches/staff/fans/visitors to the Property. A new entrance to the Fieldhouse will be provided on the side of the building that faces the athletic fields.

C. Proposed Field Usage

The proposed development of athletic fields on the Property presents a unique opportunity for Maret to enhance and simplify its athletic field needs, while providing a wonderful benefit and amenity to the surrounding community. The intended use for the Athletic Facilities will be for both Maret and other youth sport organizations consistent with Maret's policies at the 3000 Cathedral Avenue, NW property. During the school year, the Athletic Facilities will not be utilized by Maret prior to 2:00 pm. This presents an opportunity for ECC students or students from nearby schools to use the Athletic Facilities during portions of their school day. In addition, Maret anticipates that there will be the opportunity for structured neighbor access to the Property on weekends and in the early evenings throughout the year.

A description of the anticipated use of the Athletic Facilities and the Property are provided in detail below.

Mid-August to Labor Day

Maret teams will be using the Athletic Facilities Monday – Friday during the hours of 8:00 am – 6:00 pm (generally in three-hour blocks). Coaches and players will arrive at the Property via bus, with 50-60 coaches and players expected at any one time. Maret anticipates that the Property will be made available for structured neighbor access on the weekends and during the early evening hours. No activities are anticipated over the Labor Day weekend.

Fall Season (After Labor Day to Thanksgiving)

On weekdays (Monday – Thursday) in the Fall, Maret expects to utilize the Athletic Facilities after school from 3:00 pm – 6:00 pm, with Wednesday practices and games starting at 2:00 pm. About half of the weekday afternoons are practices with up to 60 players and coaches bused to the site; most game days will include approximately 40 players and coaches along with approximately 50 to 60 spectators. On those rare Friday afternoon/early evening games and

Saturday games (from 1:00 pm to 6:00 pm) which are "rivalry games" as many as a couple of hundred spectators may attend. During the entire year - both fall and spring – these “rivalry games” will not account for more than 5% of Maret's total use of the Athletic Facilities.

Maret expects to make the Athletic Facilities available for youth sports organizations on Saturdays from 9:00 am – 1:00 pm and on Sundays from 10:00 am – 5:00 pm. Structured neighbor access is anticipated on the weekends when the Property is not being used for the activities described above. No activities are anticipated over the federal holiday weekends of Indigenous People’s Day and Thanksgiving.

Winter Season (Thanksgiving through mid-February)

During the winter months, Maret does not expect to utilize the Athletic Facilities. Maret intends to make the Athletics Facilities available to youth sports organizations on Saturdays from 10:00 am – 5:00 pm, on Sundays from 9:00 am – 5:00 pm, and during the week from 3:00 pm – 6:00 pm. Structured neighbor access is anticipated on the weekends when the Property is not being used for the activities described above. No activities are anticipated on Christmas Day, New Year’s Day, and the federal holiday weekends of Martin Luther King, Jr. Day and Presidents Day.

Spring Season (Post Presidents Day to Memorial Day)

When the Spring seasons start, Maret’s use of the Athletic Facilities will look very similar to the Fall season, with some additional times due to the lengthening days. Maret expects to utilize the Athletic Facilities after school from 3:00 pm – 7:00 pm, with Wednesday practices and games starting at 2:00 pm. Practices during these times will normally consist of 50-60 players and coaches who will be bused from Maret’s Woodley Park campus to the site. Weekday games during these times are expected to include approximately 40 players and

coaches along with 50-60 spectators for each game. Friday afternoon/early evening games and Saturday games (from 10:00 am – 5:00 pm) will occur approximately six times during the Spring season and are expected to draw up to 100 spectators and approximately 40 players and coaches. As noted above, “rivalry” games that could result in up to a couple of hundred spectators and these “rivalry games” (in total) will not account for more than 5% of Maret's total use of the Athletic Facilities.

Maret expects to make the Athletic Facilities available for youth sports organizations only on Sundays from 10:00 am – 6:00 pm. Structured neighbor access is anticipated on the weekends when the Property is not being used for the activities described above. No activities are anticipated over the federal holiday weekend of Memorial Day.

Summer Season (Early June – Mid August)

Maret does not anticipate utilizing the Athletic Facilities during the Summer months, but does anticipate making the facilities available to outside groups who can appropriately use the facilities, while also providing a benefit to the wider community. Potential Summer uses during the week could include a sports/day camp between 9:00 am and 3:00 pm. Participants in these camps are expected to be dropped off in the morning and picked up in the afternoon and not exceed 100 participants.

Maret expects to make the Athletic Facilities available for youth sports organizations in the weekday afternoons from 4:00 pm – 7:00 pm. Structured neighbor access is anticipated on the weekends. No activities are anticipated over the federal 4th of July holiday.

VI. Description of Relief Requested

Pursuant to 11-U DCMR § 203.1(m), the Board may grant special exception relief to allow private schools in the R-1-B Zone, subject to certain considerations. Pursuant to 11-X

DCMR § 104, the Board may grant a special exception for general education use by a private school, subject to similar considerations. As described above, Maret requests special exception relief pursuant to 11-U DCMR § 203.1(m) and 11-X DCMR § 104. In addition, pursuant to 11-C DCMR § 710.3, the Board may grant special exception relief regarding the location of required parking spaces, subject to certain conditions. The Applicant is requesting special exception relief to locate the parking spaces in the front yard of the Property, adjacent to the Nebraska Avenue, NW entrance.

All of 11-U DCMR §§ 203.1(m), 11-X DCMR § 104, and 11-C DCMR § 710.3 set forth the standards for consideration of a special exception and are discussed in more detail below. 11-X DCMR § 901.2 also sets forth additional standards for all special exceptions, which are also detailed further below.

VII. Satisfaction of Standards for Relief

The proposed development and use of the Athletic Facilities satisfies all of the standards and conditions for the special exception relief requested, as detailed below in Sections A and B, as well as the general special exception standards, as detailed in Section C.

A. Private School Use

The proposed development of the Athletic Facilities as a principal use on the Property and the use of those facilities by Maret is consistent with the definition of private education in the Use Categories of Subtitle B, §200.2, which defines “Education, Private” use as:

- (1) An educational, academic, or institutional use with the primary mission of providing education and academic instruction that provides District or state mandated basic education or educational uses.
- (2) Above uses may include, but are not limited to: accessory play and athletic areas, dormitories, cafeterias, recreational, **or sports facilities**; and
- (3) Exceptions: This use category does not include uses which more typically would fall within the daytime care, public education or college/university education use

category. This use category also does not include the home schooling of children in a dwelling by their parent, guardian, or private tutor. (**emphasis added.**)

The proposed Athletic Facilities are sports facilities that are an integral component of Maret's educational and academic instruction and mission. Maret students that participate on varsity athletics teams satisfy a portion of their physical education requirement that is necessary to graduate.

1. *The Campus Will Not Create Objectionable Impacts on Neighboring Properties (Subtitle U, §203.1(m)(1) and Subtitle X, 104.2).*

The use of the Athletic Fields is not likely to create objectionable impacts on neighboring properties due to noise, traffic, the number of students, or otherwise objectionable conditions.

a. Noise

The design of the Athletic Facilities will include significant landscaping to mitigate views and sounds from the immediately adjacent residential properties. A significant landscape screening buffer will be established along the perimeter of the Property, as depicted in Exhibit A.

As noted above in the discussion of the proposed field usage, no late-evening outdoor events that have the potential to create objectionable noise impacts on the neighborhood will be permitted. The Applicant has agreed that it will not propose, nor will it allow the installation or use of any lights to illuminate the athletic fields. Any lighting provided on the Property will solely be down-lit security lighting necessary to provide a safe environment.

Any public address sound system or buzzers/shot clocks¹ associated with the use and operation of the Athletic Fields will be designed to minimize noise. Maret also agrees to prohibit the use of any artificial noisemakers, such as cowbells or airhorns, by fans/visitors who are watching a game or practice on the athletic fields. For these reasons, the Applicant believes that

¹ Shot clocks are only used during lacrosse games and not in practices.

the proposed development and use of the Athletics Facilities will not create objectionable impacts due to noise.

b. Traffic

Maret will implement a Transportation Management Plan to help facilitate the flow of traffic in and out of the site and mitigate any traffic impacts that may result from the application. The Transportation Management Plan will consist of: (i) a Transportation Demand Management (TDM) Plan; and (ii) an Operations Management Plan. A Preliminary Transportation Management Plan is attached as Exhibit C.

Highlights of the preliminary TDM Plan include:

- Enhancement of bicycle infrastructure to encourage non-auto modes of travel (Maret will provide a minimum of nine short-term bicycle racks (18 spaces) on the Property);
- Designation of a bus drop-off/pick-up zone on Nebraska Avenue, NW adjacent to the Property that is sufficient in length to accommodate two full size buses (subject to DDOT approval);
- Requirement that all Maret students and coaches travel to and from the Property by bus for practice (except for students who live in the neighborhood, who will be allowed to walk or bike to/from practice); and
- Requirement that all Maret students and coaches, and all visiting team students and coaches, travel to and from the Property by bus for games (except for students who live in the neighborhood, who will be allowed to walk or bike to/from games).

Highlights of the preliminary Operations Management Plan include:

- Providing notice to Maret parents, visiting teams, and all outside users of the Athletic Facilities that:
 - When the on-site parking lot is full, they are to park only in legal on-street parking spaces (i.e. do not block driveways or park in alleys) and obey all parking restrictions; and
 - They are to obey all traffic laws when travelling to/from the Property.
- Providing event flaggers in the parking lot to direct traffic to available spaces in the parking lot during events in which the parking lot is expected to be at, or near capacity; and
- Trash and recycling will be picked up via the alley with primary trash and recycling receptacles located off the alley at the northwest corner of the Property.

In addition, the Applicant will prepare a comprehensive transportation review (“CTR”) that will provide a detailed analysis of the traffic and parking impacts of the application. The CTR and the final Transportation Management Plan will be provided to DDOT, the BZA, and community stakeholders at least 45 days in advance of the public hearing in this case.

c. Number of Students

Maret’s use of the Property for Athletic Fields will not result in an increase in the number of Maret students. The maximum number of Maret students practicing or playing on the Athletic Facilities at any one time is not expected to exceed 50-60 players. This level of student activity is not expected to generate objectionable impacts on neighboring properties.

d. Other Objectionable Conditions

The development and use of the Athletic Facilities will not create any other objectionable conditions. The Applicant’s design team have undertaken significant efforts to minimize the impact of the development on the environment and have taken steps that will help improve the current conditions of the Property that negatively impact adjacent property owners.

The development of the baseball diamond and multi-purpose field will include the relocation of Heritage Trees to the north and northwest portions of the Property. The Applicant has prepared a tree relocation plan which will allow for the successful relocation of those trees. In addition, the design and layout of the Athletic Facilities has been carefully undertaken in order to reduce any potential impact on the 12 significant trees (sometimes referred to as the Apostle Trees) that are located on the ECC Campus adjacent to the Property.

Maret has designed the Athletic Facilities to mitigate stormwater runoff and actually improve the current stormwater runoff conditions². As shown in Exhibit A, the proposed turf system that will be constructed on both the baseball diamond and the multi-purpose field will facilitate the infiltration of water into the soil, thus creating a pervious surface consistent with Subtitle C, § 502.1(b), and provides for the detention of stormwater. Maret will coordinate its stormwater management plan with the District Department of the Environment (“DDOE”). The Athletics Facilities will comply with all relevant DDOE stormwater management regulations (enumerated in Chapter 5 of Title 21 of the District of Columbia Municipal Regulations) and will satisfy the requirements of the District’s Municipal Separate Storm Sewer System (“MS4”) permit issued by the U.S. Environmental Protection Agency under the Clean Water Act.

2. Ample parking space, but not less than that required by this title shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile (Subtitle U, §203.1(m)(2)).

A private high school use is required to provide two parking spaces for every three teachers or employees and one parking space for every ten seats in the largest auditorium, gymnasium, or area usable for public assembly, whichever is greater (see Subtitle C, §701.5). Based on the maximum number of Maret teachers/employees/coaches/staff that are expected to be on the Property at any one time, and the largest number of seats provided adjacent to the Athletics Facilities, the Zoning Regulations require 20 parking spaces on the Property. The Applicant is proposing to include approximately 50 parking spaces on the Property.

² Currently, the Property includes no stormwater management infrastructure. Members of the Applicant’s design team have met with adjacent property owners on 28th Street, NW and have learned about the issues that those property owners currently have with stormwater flowing onto their properties.

3. *After hearing all evidence, the Board of Zoning Adjustment may require additional parking to that required by this title (Subtitle U, §203.1(m)(3)).*

The Applicant believes that the 50 parking spaces provided on the Property, and the implementation of the TDM Plan, will be sufficient to address the demand for parking generated by the proposed use of the Athletics Facilities. The CTR and the final Transportation Management Plan that will be submitted prior to the public hearing in this case will address this issue in greater detail.

4. *The development standards for a private school shall be those of the zone in which the private school is located. (Subtitle X, §104.3).*

The proposed Athletic Facilities satisfy all of the development standards (lot occupancy, building height, retaining walls, yards, pervious surface, etc.) of the R-1-B Zone District, except for the location of parking spaces adjacent to Nebraska Avenue. The satisfaction of the special exception relief standards for the location of the parking spaces is described in Section B below.

5. *In calculating density, the land area shall include not include public streets and alleys, but may include interior private streets and alleys within the school boundaries. (Subtitle X, §104.4).*

No public streets or alleys are included within the boundaries of the Property.

B. Location of Parking Spaces Adjacent to Nebraska Avenue, NW

As noted above, the Applicant is requesting that it be able to locate the parking spaces adjacent to the Nebraska Avenue, NW entrance to the Athletic Facilities. This area is considered to be the front yard of the Property. The Applicant is requesting special exception relief from the parking space location restrictions of Subtitle C, §710.2, pursuant to the enumerated standards of

Subtitle C, § 710.3. Subtitle C, §710.2 prohibits locating surface parking spaces on a portion of a lot that is between a building restriction line and a front lot line, and within a front yard.

As noted above, the Athletic Facilities will provide approximately 50 parking spaces located on the portion of the Property that is adjacent to Nebraska Avenue, NW. The Property and the proposed Athletics Facilities are affected by several conditions that limit the ability to provide the parking spaces anywhere on the Property, other than the proposed location adjacent to Nebraska Avenue, NW.

1. *It is not practical to locate the parking spaces in accordance with Subtitle C, §710.2 due to the unusual topography and grades of the Property and the proposed location of the parking spaces results in a more efficient use of the land, better design or landscaping, and safer ingress/egress (see Subtitle C, §710.3(a) (1) and (4)).*

Due to the significant topographical changes in the Property, approximately 35 feet from the high-point of the northwest corner to the low-point at the southeast corner, it is not practical to locate the parking spaces in the northern portion (or rear) of the Property and still provide appropriate areas for the multi-purpose field and the baseball diamond. In order to provide for the most efficient use of the site, the fields have been located in the northern part of the Property which allows for an overlapping of the baseball field onto the multi-purpose field. Providing parking in this northern section of the site would essentially create another constraint to the fields, and lessen the overall areas to be used. Similarly, if the parking spaces were required to be located on the northern portion of the Property, adjacent to the alley, the significant topographical changes would require extreme grading throughout the site in order to provide the necessary flat areas for the fields, and relocated Heritage Trees. As noted above, the northern area of the Property has been deemed to be an ideal spot for the relocation of the Heritage Trees. The relocation of the Heritage Trees to the northwest corner of the Property further enhances the overall landscape buffering proposed in this application. Finally, the existing alley is only 15

feet wide and is not conducive to the amount of two-way traffic that would be occurring in accessing the 50 parking spaces on the Property. Therefore, the proposed location of the parking spaces provides a safer alternative for ingress/egress to the Property than a scenario in which the parking spaces were located on the northern portion of the Property.

2. *The parking spaces are located on the Property so as to furnish reasonable and convenient parking facilities for Maret students/faculty/staff, guests, and visitors to the Property (Subtitle C, §710.3(b))*

The location of the proposed parking spaces, adjacent to the Athletics Facilities, provide a simple and easy access point from Nebraska Avenue, NW. Allowing access to the parking spaces from Nebraska Avenue, NW, rather than the internal alley system in Square 2319 also mitigates potential adverse impacts on adjacent properties that have frontage on Utah Avenue, NW, Rittenhouse Street, NW, and 28th Street, NW and share that alley system.

3. *The BZA may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property. (Subtitle C, §710.3(c))*

The Applicant believes that the extensive landscape buffer and screening depicted in Exhibit A effectively screens views of the parking spaces and it is not necessary for the Board to impose any additional requirements on the Applicant.

C. Satisfaction of General Special Exception Criteria (Subtitle X, § 901.2)

The BZA is authorized to grant special exceptions when granting such a special exception:

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Maps;*
- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*
- (c) *Will meet such special conditions as may be specified in this title.*

As described throughout this statement, the proposed development and use of the Athletic Fields will not adversely affect neighboring properties due to noise, traffic, or create other objectionable conditions. The Applicant has sited the fields, designed a significant landscape buffer, and agreed to certain prohibitions on operations of the fields (i.e., no lights, no artificial noisemakers, limiting PA and shot clock/buzzer noise) in a concerted effort to minimize any adverse or objectionable impacts on neighboring properties. As discussed above, the Applicant satisfies all of the specific conditions of approval for the proposed private school use and location of the parking spaces. For these reasons, the Applicant has satisfied the standards of Subtitle X, § 901.2.

VIII. Community Outreach

Representatives of the Applicant have already engaged in significant community outreach regarding the Athletic Facilities and will continue working with the adjacent neighbors, community stakeholders, and Advisory Neighborhood Commission (“ANC”) 3/4G as this application approaches the public hearing date before the BZA. Representatives of the Applicant made a presentation at ANC 3/4G’s monthly meeting on September 27, 2021 and received helpful feedback from the 100+ participants in that Zoom meeting. The Applicant is committed to continuing dialogue and discussions with the adjacent neighbors, ANC 3/4 G, community stakeholders, and DC Government agencies regarding this application.

IX. List of Exhibits

Exhibit A – Plans/materials/pictures of existing conditions/additional information depicting the Athletics Facilities

Exhibit B – Renderings of the proposed Athletic Facilities

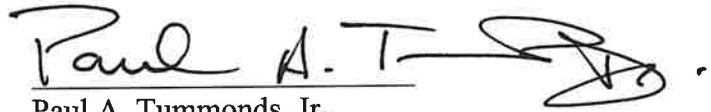
Exhibit C – Preliminary Transportation Management Plan

Exhibit D – List of Expected Witnesses and Preliminary Outline of Witness Testimony

X. Conclusion

For all of the above reasons, the Applicant is entitled to the special exception relief requested in this case. The entire Maret Development Team looks forward to continuing to engage with the community and the ANC prior to the Board's public hearing regarding this application.

Respectfully submitted,


Paul A. Tummonds, Jr.