**ANC 3/4G Response to the Friends of the Field’s**

**Position Statement on the Proposed**

**Sports Field at Maret/ECC**

**January 14, 2022**

 On January 13, 2022, the Friends of the Field (Friends) sent ANC 3/4G a “Position on the Proposed Development by Maret School of a Sports Complex at the Episcopal Center for Children.” Two points in this “Position Statement” warrant a public Commission reply: (1) the Friends’ statement that the ANC discussed options and plans for the ECC property before consulting neighbors; and (2) the Friends’ request that the ANC declare actions or associations, past or present, that may reflect bias in considering Maret’s proposal. This is the Commission’s response.

**1. The Commission’s Knowledge of Maret’s Plans and Consultation with Neighbors**

 The Position Statement “regret[s] that we, the most-affected neighbors, were not brought into consultation before the Maret proposal was completed – indeed, as ECC, Maret, and the ANC were first discussing options and then plans for the property.” This statement is incorrect as to the ANC’s discussions before consultations with the community. As reported repeatedly to the community in early 2021, the Commission attempted to facilitate discussions between the District of Columbia Public School (DCPS) and ECC about a possible lease or purchase of ECC’s facilities to alleviate overcrowding at Lafayette Elementary School.[[1]](#footnote-2) DCPS was not willing to consider a lease, however, and ECC was not willing to consider a sale. Thus, these talks never proceeded past a very preliminary stage. This is the only “option” for the ECC facilities that the Commission discussed, and it was fully reported to the community at the time.

 It is incorrect to imply that the Commission had any advance knowledge of, or participation in, the negotiation of an ECC lease with Maret or plans for a sports field. The first information the Commission had on this lease was on February 10, 2021, when ECC’s President called the Commission’s Chair who reported the following to the commissioners:

“Stefanie Nash from ECC called me to say that they have signed a lease with Maret for its use of the field and the newer building (which they will make a field house). I asked how long the term of the lease is, and she said “longer than we’ll be around — longer than ten or twenty years.” That will make it very difficult for the fields to be used for anything else since any future owner would have to buy Maret out of the lease. Maret will make substantial improvements to the field (I assume by installing all-weather surfaces). We also need to think about the impact this athletic field will have on traffic and parking whenever Maret has games there.”

On February 20, 2021, the Commission learned additional information about Maret’s plans from Councilmember Lewis George’s chief of staff, and the Chair reported the following to the commissioners:

“Lenace Edwards, CM Lewis George’s chief of staff, called me last night to report on a conversation she had with Aakash Thakkar, Board member at Maret School (athakkar@eya.com, 202-427-4066). She reported the following: (1) Maret plans to build a 70-car parking lot on the property; (2) they expect to cut down several trees and have discussed the removal with Urban Forestry (I noted that there may be heritage trees that may not be removed); and (3) Maret may sublease the fields to other organizations for use when Maret does not need it (e.g., to Stoddart soccer). Lenace did not know the length of the lease.

“Lenace asked about ECC’s historic landmark designation application, and I said we are considering it at Monday’s meeting. I said that the “site” for the landmark designation does not include the fields or the newer building that Maret plans to convert to a field house. If approved, the landmark designation would not prevent Maret’s planned development of the fields. It also would not prevent modernizations and additions to the existing buildings so long as the contributing elements were preserved. In response to her question about who originated the application, I said it was requested by ECC.

“Maret’s plans are more extensive than I’d expected. ECC has a right to lease its property to Maret, and Maret can develop it consistent with zoning regulations. The entire ECC site is zoned R-1-B. Some years ago, ECC obtained a special exception from the Board of Zoning Adjustments (BZA) to construct its library/media center (BZA application # 16671), but I was not able to download the order. That was the only special exception that I found in the BZA database. It’s almost certain that Maret will need a new special exception to develop the field as it plans, and that application must come before the Commission for our review before the BZA acts.

“I suggest that we contact Mr. Thakkar before Monday’s meeting to see if we can get more information about its lease and plans for the field — e.g., the length of the lease, the size and reason for the parking lot, the trees it plans to remove, and whether it will be seeking a special exception. ECC is in [Commissioner Higgins’] SMD, but it is close enough to affect many constituents from other SMDs. The lease may also have implications for the future use of the property as a DCPS facility. I’ll be glad to assist in whatever way you want. There will likely also be objections from ECC’s immediate neighbors.”

On February 26, 2021, Maret and ECC issued a [joint statement](http://eccofdc.org/joint-statement-the-episcopal-center-for-children-and-maret-school-have-signed-lease/) that “On February 3, 2021 the ECC and Maret School signed a long-term lease for up to 50 years that will allow Maret to use the grounds behind the ECC’s buildings, as well as the smallest of its four buildings.” The Commission was not involved in any way with discussions between ECC and Maret. After it became clear that the deal between ECC and Maret was *a fait accompli*, the Commission reached out to Maret to learn about its plans for the field and had its first meeting with Maret on May 18, 2021. The Commission promptly notified the community of what it learned and what steps it would take to ensure that the final plans best reflected the needs of our community.

As reflected in the Commission’s June 28, 2021 public meeting [minutes](https://anc3g.org/wp-content/uploads/2021/09/Minutes-June-28-2021-FINAL.pdf), the Chair made the following announcement:

“The ECC and Maret issued a joint statement about Maret’s 50-year lease of part of the ECC property for sports fields, available at <https://bit.ly/2Swj0vq>. The statement indicated that over the summer, there will be preliminary site and engineering studies as Maret prepares a plan for the fields. Maret will be meeting with the appropriate city agencies about traffic, trees, zoning, and related matters. They expect to share plans with the Commission in late summer/early fall and then submit an application to the District’s Board of Zoning Adjustment. Maret said that it is “committed to a transparent and open dialogue with the ANC and the community.” The Commission will continue to review Maret’s plans as they become available and solicits any questions or comments from the community. Separately and following up on our June 14, 2021 meeting with DCPS Chancellor Ferebee, the Commission has arranged for Dr. Ferebee to meet with ECC and the Commission to review the site on June 30, 2021, and to explore the possibility of using the site to relieve overcrowding at Lafayette Elementary School.”

At the ANC 3/4G public meeting held on September 13, 2021, the Chair announced that,

“Maret has refined its plans for building a sports field at the Episcopal Children’s Center. Maret will present its plans at the Commission’s September 27, 2021 meeting and hopes to file an application for approval of the plans with the Board of Zoning Adjustments sometime in October 2021. At the Commission’s request, Maret is distributing flyers to all the nearby residents advising them of this meeting and the opportunity to ask questions or make comments. More information is available on Maret’s [project website](https://www.maret.org/athletics/proposed-new-fields-at-ecc).”

At its regular public meeting on [September 27, 2021](https://anc3g.org/wp-content/uploads/2021/11/ANC-34G-minutes-Sept-27-2021-FINAL.pdf), the Commission devoted almost two hours to Maret’s proposal for the field — about 20 minutes for a Maret presentation, 26 minutes for commissioners’ questions, and 72 minutes for community comments and questions.

To reiterate, the Commission was not involved at all in the Maret/ECC discussions that led to ECC’s decision to lease its fields to Maret. Contrary to the implication of the Friends’ Position Statement, when the Commission initially learned the scope of Maret’s plans, it sought more information in order to inform the community, reported regularly on its efforts to secure ECC space for DCPS use and to secure more information from Maret, and held a public meeting to solicit community input. With respect at least to the Commission, the accusation made in the Friends of the Field’s Position Statement that “most-affected neighbors, were not brought into consultation before the Maret proposal was completed – indeed, as ECC, Maret, and the ANC were first discussing options and then plans for the property” is not true, and the Commission requests that Friends of the Field correct its statement.

**2. The Commission’s Ethical Responsibility to Disclose Potential Bias**

The Friends’ Position Statement asks that the Commission “mandate that all involved parties declare any actions or associations present or past that could reasonably be construed as instances of bias or preference with respect to the Maret proposal.” The Commission is certainly aware of its ethical obligations with respect to potential conflicts of interest.[[2]](#footnote-3) Those standards require a commissioner to recuse herself or himself from participating in any proceeding in which she/he has a financial interest.[[3]](#footnote-4)

Beyond these rules, the Commission is committed to transparency and avoidance of the appearance of a conflict of interest. Thus, in order to be fully transparent, the commissioners are providing the following statements of any actions or associations, present or past, with respect to the Maret proposal.

Commissioner Cadwell — I have no current or past financial relationship with, or interest in, either Maret or ECC nor in any property within the neighborhood of the proposed project.

Commissioner Chang — None. Neither of my two daughters attended Maret. I have no friends whose children currently attend Maret and I have no association with Maret or ECC for that matter.

Commissioner Gore — None.

Commissioner Gosselin — I have no current or past financial relationship with, or interest in, either Maret or ECC nor in any property within the neighborhood of the proposed project.

Commissioner Higgins — I have no past, current or future financial interest in either Maret or ECC, or any other party associated with the project in BZA Case 20643 or in any related property.

Commissioner Speck — Though it has no bearing on Maret’s BZA application, 25 years ago our now grown daughter graduated from Maret. I’ve had no association with Maret since then, and there is no reasonable basis for construing a bias or preference with respect to Maret’s proposal. Neither I nor anyone in my family has anything to gain or lose — financial or otherwise — from Maret’s proposal. I also live about two blocks from the field and, like others in the community, will be impacted as a nearby neighbor by whatever happens at the field.

Commissioner Zeldin — I have no association with Maret. My kids (now both in their 30s) went to Georgetown Day School, and Maret was a rival school. I believe that my daughter went to a summer camp there when she was in elementary school.

None of these actions or associations described in the above statements suggest any financial interest by any commissioner nor do they warrant recusing any commissioner from participating in the BZA proceeding.

1. See, e.g., the Commission’s meeting minutes for [January 20, 2021](https://anc3g.org/wp-content/uploads/2021/05/Minutes-1-25-2021-.pdf), [February 8, 2021](https://anc3g.org/wp-content/uploads/2021/03/Minutes-2-8-2021.pdf), [June 2, 2021](https://anc3g.org/wp-content/uploads/2021/06/Minutes-June-2-2021-FINAL.pdf), [June 14, 2021](https://anc3g.org/wp-content/uploads/2021/07/Minutes-June-14-2021-FINAL-1.pdf), and [July 12, 2021](https://anc3g.org/wp-content/uploads/2021/09/Minutes-July-12-2021-FINAL.pdf). [↑](#footnote-ref-2)
2. See, e.g., Board of Ethics and Government Accountability, [Ethics Manual](https://bega.dc.gov/sites/bega/files/publication/attachments/Ethics_Manual_-_11.1.14.pdf), November 1, 2014; Board of Ethics and Government Accountability, [Advisory Opinion, ANC Ethical Standards](https://bega.dc.gov/sites/bega/files/publication/attachments/1009-015%2520-%2520Advisory%2520Opinion%2520-%2520Ethics%2520Applicability%2520to%2520ANC%2520Commissioners.pdf), April 10, 2017. [↑](#footnote-ref-3)
3. Ethics Manual at 34. [↑](#footnote-ref-4)