



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



FORM 140 - PARTY STATUS REQUEST

Before completing this form, please go to www.dcoz.dc.gov > IZIS > Participating in an Existing Case > Party Status Request for instructions. Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name:	Friends of the Field		
Address:	6004 28th Street, NW		
Phone No(s):	202 246-5682	E Mail:	navoisin@me.com

I hereby request to appear and participate as a party in Case No.: **20643**

Signature:	<i>E. L. Donohue</i>	Date:	12.15.21
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Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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If yes, please enter the name and address of such legal counsel.

Name:	Edward L. Donohue		
Address:	117 Oronoco Street		
Phone No(s):	703 549-1123	E Mail:	EDonohue@DTM.law

ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:

I hereby request advance Party Status consideration at the public meetings scheduled for: **1/12/22**

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness;
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts; and
4. The total amount of time being requested to present your case.

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

Request for Party Status
Friends of the Field
The Maret School – (Part) 5901 Utah Avenue, N.W.
BZA Case No. 20643

Introduction

Friends of the Field (also “Friends”) submits this Request for Party Status in accordance with 11-Y DCMR §404 and asks that it be considered at the January 12, 2022 Board of Zoning Adjustment public meeting. Friends of the Field has authorized Edward L. Donohue, Tracy L. Themak and the law firm of Donohue, Themak & Miller, PLC to act as their authorized agents for the purposes of this request and as counsel to represent them before the Board of Zoning Adjustment should the request be granted. A letter of authorization is attached to this request.

Friends of the Field can be contacted through its counsel at:

Edward L. Donohue
117 Oronoco Street
Alexandria, Virginia 22314

(703) 549-1123

EDonohue@DTM.law

TThemak@DTM.law

Friends of the Field will appear as an opponent to the application.

Witnesses/ Summary of Testimony

1. Traffic and transportation expert will address traffic issues [Joe Mehra]
2. Noise expert will address impacts from sound/ typical control measures

Friends of the Field reserves the right to add to the list of witnesses and expert witnesses as they develop their case and review additional submissions by the Applicant.

Statement in Support of Request

Property Affected & Legal Interest

Friends of the Field represents nearly 200 adjacent and nearby neighbors of the Episcopal Center for Children (ECC). Many of these neighbors are long-time residents, and have lived in the neighborhood during the decades that ECC operated as a school. ECC most recently operated an integrated day treatment program for children facing severe emotional challenges who could not attend public schools and needed focused one-on-one help to succeed. These neighbors have long supported the mission of the ECC. In 2001, the neighbors supported ECC's application for special exception zoning relief to construct the Alan Korz Media Center on the subject property.

Proximity of Affected Property

Friends of the Field represents:

- (i) Owners of all residences abutting the subject property and fronting Nebraska Avenue and 28th Street, as well as owners of the residence at 5864 Nebraska, at the intersection with 28th Street;
- (ii) Owners of nearly all residences fronting Utah Avenue and separated from the subject property by an alley;
- (iii) Owners of most residences fronting Rittenhouse Street and separated from the subject property by an alley; and
- (iv) Owners of most residences located within 200 feet of the subject property.

Impacts

The subject property is in an R-1-B zoning district. Maret School ("Maret" or the "Applicant") is a private school located in Cleveland Park, more than three miles from the subject property. The Applicant has asked for special exception zoning relief to develop two regulation-size, artificial turf sports fields totaling approximately 3.7 acres. One would be used for baseball; the other (multi-purpose field) would be used for football, soccer, and lacrosse. Both fields would be located on the 4.9-acre subject parcel leased from ECC and would be used by Maret's upper school. The Applicant does not operate a school on the subject property and owns no property in the residential neighborhood where it seeks to develop the proposed fields. The 4.9-acre parcel on which the proposed sports fields, parking, and other infrastructure would be developed is bounded on all sides by single-family residences, some of which are separated from the subject property by residential alleys.

In addition to use by its own students, the Applicant further intends to lease the proposed fields and infrastructure to unspecified youth sports organizations, for up to 350 days per year.

These organizations would be unrelated to the Applicant's school or to the ECC. All benefits of the development and leasing arrangements would flow to the Applicant, while costs and burdens would be externalized to neighbors, the City, and the Federal government.

These burdens would include: broad negative environmental effects, substantial noise above allowed limits, significantly increased traffic volumes with increased safety concerns, especially for the many young children living nearby, greatly increased parking pressure, and visually intrusive surface parking, and tall retaining walls, fencing, and netting.

The subject property has a 35-foot elevation difference from west to east. Extensive cut and fill excavation would be necessary to level it. Leveling the 35-foot elevation difference would create newly raised areas that would substantially block views and sunlight on the 28th Street (east) side of the property. Significant and visually intrusive retaining walls would be necessary to secure the site structurally. The Applicant has not shown the exact location and height of the proposed retaining walls and associated elements in relationship to abutting and nearby residences. The proposal for both the baseball and multi-purpose fields calls for significant retaining walls, fencing, and netting. The placement of storage sheds and batting cages at field level would add further intrusions.

The proposed development is unprecedented. Approximately forty-six single-family homes surround all sides of the subject parcel along Nebraska and Utah Avenues, and Rittenhouse and 28th Streets. A review of numerous public and private sports fields in the District has found none that are so close to so many neighboring homes with such minimal buffers. Existing sports fields generally have generous and substantial buffers of vegetation, commercial activity, or streets to mitigate sound and visual impact. No other sports fields in Northwest DC have been forced so tightly into an established residential neighborhood as those proposed here.

Importantly, the Applicant's conceptual rendering of the proposed development that was presented at neighborhood "listening sessions" conducted by the Applicant in November 2021 and that is currently displayed on both the Applicant's and the ECC's websites actually *erases* the contiguous homes on the east side of the parcel. These homes are depicted as trees, creating a false and misleading impression to the public that there is a substantial natural barrier of huge trees separating the proposed development from the contiguous residences. In reality, there are five houses located on the east border of the subject parcel, and the proposed development will extend right up to the property lines of the contiguous neighbors.

Applicant seeks a special exception to construct a 50-space parking lot. The proposed development would also include permanent and movable bleachers, goal posts, a 20-foot-tall scoreboard, equipment sheds, two batting cages and high netting surrounding the site. Applicant

further proposes to convert the ECC's existing media center to the Applicant's field house. This intensity of scale and the proposed intensity of use are inappropriate for the subject property.

When the proposed sports fields and development would not be in use by the Applicant, the Applicant plans to lease them to youth sports organizations for up to 350 days per year, including most Saturdays and Sundays, creating an economic incentive for the Applicant for the most intensive use possible. This would be an unprecedented intervention in terms of intensity of scale and intensity of use.

Noise

The subject property is in an R-1-B zoning district with approximately 46 immediately neighboring single-family residences. Without effective noise control, the proposed sports fields and infrastructure could not meet the required 60 dB maximum sound level.

Stormwater/Environmental

The Applicant proposes to cover approximately 3.7 acres of the subject property with artificial turf playing fields, plus additional areas for sidewalks and parking. Applicant proposes that stormwater run-off from the transformed site will be handled by a rain garden and stormwater management system at the eastern (lowermost) end of the subject property. Applicant has not presented details for how this system would work, nor how it would be maintained and managed once put in place. In recent correspondence, Maret has said they would design for a 25-year storm intensity, but 50-year, 100-year, and 200-year storms have all occurred in the District in recent years. There remain serious concerns about flooding, possible property damage, and downstream stormwater volumes given the proposed transformation of the site.

Applicant's conversion of natural soil and habitat to artificial turf and engineered stormwater systems would cause environmental harm. The proposed development would strip topsoil and remove nearly all trees and all other natural wooded and grassy habitat from the subject parcel. The Applicant proposes to remove 40 of 44 existing trees from the subject parcel, substantially diminishing the urban tree canopy. The subject parcel would be covered by artificial turf, retaining walls, bleachers, dugouts and a parking lot. The project would intensify the urban heat island effect, increase stormwater runoff volumes, exacerbate downstream erosion, and carry potentially contaminated runoff and micro-plastics into Rock Creek, the Potomac River, and the Chesapeake Bay. The proposed development runs counter to "sustainability" defined in the Zoning Code as the creation and maintenance of "conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations of District residents."

Traffic

The greatest safety concern attending this proposal follows from increased traffic. The proposed level of activity would frequently fill parking on both sides of Nebraska Avenue. Traffic issues will be compounded by the buses laying-over on each side of the proposed new curb cut on Nebraska Avenue and by the proposed 50-car parking lot. Drivers on Nebraska, and those entering and exiting the proposed parking lot would have inadequate sight lines to see oncoming traffic, made worse by the crest of a hill on Nebraska. The traffic problem would be exacerbated by the many residential driveways on the south side of Nebraska Avenue. The resulting congestion of activity would be problematic for drivers (especially inexperienced teenage drivers) accessing the proposed parking lot, neighbors who use and park on Nebraska Avenue, and others who use Nebraska as a commuting route. Nebraska Avenue is also an important corridor for pedestrians and bicyclists, especially those using Nebraska Avenue for access to Rock Creek Park.

Service

A copy of this request has been provided to Advisory Neighborhood Commission 3E and the Applicant in accordance with 11-Y DCMR §404.1(h).

Friends of the Field
The Maret School – (Part) 5901 Utah Avenue, N.W.
BZA Case No. 20643

December 15, 2021

D.C. Board of Zoning Adjustment
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001

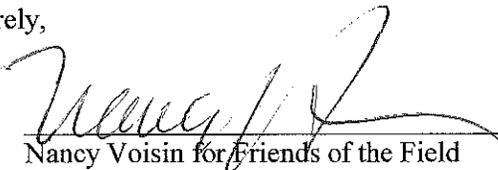
Re: BZA Case No. 20643- The Maret School – (Part) 5901 Utah Avenue, N.W.

Dear Board Members:

I hereby authorize Edward L. Donohue, Tracy L. Themak and the law firm of Donohue, Themak & Miller, PLC to represent me before the Board of Zoning Adjustment.

Sincerely,

By:


Nancy Voisin for Friends of the Field