



March 8, 2022

Chairman Hill
D.C. Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

Re: Renewed Motion to Postpone

Chairman Hill,

On behalf of Friends of the Field, I am renewing the Motion to Postpone (Ex. 188), and offer the following in support:

1. BEGA has initiated its investigation, and has scheduled an interview with Friends for this week. The complaint outlined several improper actions by the ANC, which, given BEGA's initiation of an investigation, clearly warrant additional review. Should the BEGA investigation result in a determination the role of the ANC was in violation of the applicable Rules of Ethics, the report and recommendation of the ANC should be disqualified. Moreover, the ANC's advocacy for the applicant has been pervasive, resulting in a poisoned record. The very integrity of the process is at risk.
2. The AG has submitted an opinion (Ex. 268, copy attached) that is a strong indictment of the application and in line with the Friends' Supplemental Statement in Opposition filed yesterday (Ex. 261). The AG asserts the Special Exception cannot be granted under the law, and under the Zoning Regulations, that the applicant has so obfuscated the record as to suggest the "game is rigged" toward approval, and "strips the public of the procedural protections they would be entitled to if the Zoning regulations were properly followed". Surely, the Board wishes to conduct an inquiry into the application, so as to avoid such an outcome.
3. In ruling on the Motion to Postpone on 2/23, the Chairman reflected on the Board's hearing schedule, and suggested that a postpone in the hearing would likely result in significant delay to the applicant. The applicant has never suggested the case need to be heard with urgency, and clearly the ethical investigation and legal hurdles outweigh a slight change in the Board's calendar. At a minimum, the applicant should answer the question whether a postponement has a significant impact on its athletics, and its leases with outside teams and organizations.

Sincerely,

/s/ Edward L. Donohue for Friends of the Field

Enclosure



March 8, 2022

Board of Zoning Adjustment of the District of Columbia
441 4th Street, NW - Suite 210
Washington, DC 20001

VIA IZIS

Re: BZA Application No. 20643 of the Maret School

Dear Members of the Board of Zoning Adjustment (the “**Board**”):

The Office of the Attorney General (“**OAG**”) respectfully submits the following comments in opposition to the application of the Maret School for the following relief:

A special exception pursuant to Subtitles U § 203.1(m) and X § 104¹ of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise indicated) for a “private school” as a “principal use” to allow the Maret School to construct an off-campus athletic facility (the “**Off-Campus Athletic Facility**”) at 5901 Utah Avenue, N.W. (the “**Off-Campus Site**”) in the R-1B zone.

As detailed below, OAG asserts that approving the Maret School’s application would not be in the public interest because the proposed Off-Campus Athletic Facility is a commercial-scale high-intense use that is prohibited in the Off-Campus Site’s R-1B zone. If the Board approves the Off-Campus Athletic Facility as a private school principal use, the Board would effectively amend the Zoning Regulations governing the uses permitted in the R-1B zone in order to allow the proposed Off-Campus Athletic Facility - an overly intense use for the low-intensity R-1B zone. The Zoning Regulations were adopted by a public rulemaking process and can only be amended by the Zoning Commission, not the Board. In particular, use restrictions are intended to protect the public from the adverse impacts of uses deemed unsuitable for a specific zone due to their intensity. Enabling an end-run around the plain text of the Zoning Regulations based on legal obfuscation that conflates a subsidiary use with its dominant use not only diminishes the public’s faith in the zoning process by confirming that the “game is rigged” but strips the public of the procedural protections they would be entitled to if the Zoning Regulations were properly followed.

Specifically, OAG asserts that:

- The Off-Campus Athletic Facility does not qualify as a “private school” principal use eligible for a special exception in the R-1B zone because the Off-Campus Athletic Facility is not located on the same premises as the Maret School’s campus as required by Subtitle B § 203.3 but is instead more than three miles away the Maret School’s campus;

¹ OAG notes that the Application fails to include the special exception requirements under Subtitle X § 105 (*e.g.*, “105.3 Approval of a **private school** shall be based on the determination by the Board of Zoning Adjustment that ...” (emphasis added)).

- A private school use may include accessory athletic facilities (Subtitle B § 200.2(k)(2)) along with accessory dormitories and cafeterias, but use of the premises exclusively as an athletic facility is not a “private school;”
- An athletic facility accessory to a private school must comply with the requirements of Subtitle B § 203.3 that “accessory uses shall ... be customarily incidental and subordinate to the principal use, and located on the same lot with the principal use.”
- As a stand-alone athletic facility, the Off-Campus Athletic Facility is analogous in its intensity to a private recreation center or commercial gymnasium (particularly since the Maret School is leasing the Off-Campus Site from the Episcopal Center for Children (“ECC”) in a purely financial transaction and plans to sublease the Off-Campus Athletic Facility to unidentified third parties), which falls under the “Entertainment, Assembly, and Performing Arts” (“EAPA”) use category (Subtitle B § 200.2(m)), as identified by the “Parks and Recreation” use category (the Off-Campus Athletic Facility would not fall under the Parks and Recreation use category as that is limited to facilities “under the jurisdiction of a public agency that is used for community recreation facilities” (Subtitle B § 200.2(y)); and
- A commercial gym and other EAPA uses, which include facilities where athletic activities and sports can be actively played by residents as well as watched by residents, are not allowed in the Off-Campus Site’s R-1B zone or any RF or RA zone because these uses are too intense for the low-intensity residential uses for which the R-1B zone is intended. Indeed, EAPA uses are not allowed until the higher-intensity Mixed-Use Zones, where EAPA uses are permitted first as a special exception for Use Group B by Subtitle U § 506.1(h).

Instead, OAG asserts that the Off-Campus Athletic Facility is a use that is **not** permitted in the Off-Campus Site’s R-1B low-intensity residential zone and therefore requires a use variance pursuant to Subtitle X, Chapter 10, as either:

- A use variance from Subtitle U §§ 201-203 to allow an EAPA use in the R-1B zone; or
- A use variance from Subtitle B § 203.3’s requirement that an accessory use be located on the same lot as the principal use.

For either use variance, the Maret School would have to demonstrate to the Board’s satisfaction that the Off-Campus Site is unique and exceptional such that:

“[a] reasonable use cannot be made of the property in a manner consistent with the Zoning Regulations. An inability to put property to a more profitable use or loss of economic advantage is not sufficient to constitute hardship. It must be shown that the regulations preclude the use of the property in question for any purpose for which it is reasonably adapted, i.e., can the premises be put to any conforming use with a fair and reasonable return arising out of the ownership thereof?” Palmer v. DC BZA, 287 A.2d 535, 542 (DC 1972).

Alternatively, the Maret School could propose an amendment to the Zoning Map or to the Zoning Regulations to authorize the proposed private recreation center use on the Off-Campus Site.

The Off-Campus Athletic Facility is not a “private school” principal use

The Zoning Regulations define:

- A “principal use” as “[t]he **primary purpose or activity for which a lot, structure, or building is occupied**” (Subtitle B § 100.1); and
- A “private education” 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 ...”

(Subtitle B § 200.2(k)) – emphasis added)

OAG asserts that the Off-Site Athletic Facility does not qualify as a “private school” principal use because the Off-Site Athletic Facility would use the Off-Campus Site exclusively for athletic activities – there will be no on-site academic instructional element to which the proposed athletic uses will be accessory. Per Subtitle B § 200.2(k)(1), a sports training center would not be eligible for to be a “private education” use because that type of facility would not provide the academic instruction required to be a “private education” or “private school” use in the meaning of the Zoning Regulations.

The only way for the Off-Site Athletic Facility to fall within the “private education” use category is if it is accessory to the Maret School’s primary academic purpose under Subtitle B § 200.2(k)(2).² OAG notes that “accessory” in Subtitle B § 200.2(k)(2) applies to all of the subsequent terms (athletic areas, dormitories, etc), each of which must be “accessory” to the private school use, which must be present to “include” these accessory uses. The Maret School acknowledges that the proposed Off-Campus Athletic Facility is accessory to the Maret School’s primary purpose:

“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”
(Ex. 17 at 3).

However, the Maret School’s campus is located in Woodley Park, more than three miles away from the Off-Campus Site and so fails the requirement of Subtitle B § 203.3 that an accessory use be located on the same lot as the principal use and that it be “incidental and subordinate” to the principal use. Devoid of any meaningful physical connection with the Maret School’s campus or academic use, the Off-Campus Site is merely property rented by the Maret School which has no other physical or academic presence in the immediate neighborhood of the Off-Campus Site.

The Maret School’s submission of the final order in BZA Application No. 16433 (“**BZA 16433**”; Ex. 203 at 3) in support of its assertion that the proposed Off-Campus Athletic Facility qualifies as a “private school” principal use is inapposite because:

- The athletic facility proposed in BZA 16433 was located on the same lot as the main administrative offices of the private school that it served with the remaining school buildings across a street; and
- Based on this physical proximity, the Board in BZA 16433 concluded that the proposed athletic facility was either:
 - An “extension of the principal use” of the private school on the same lot; or

² The proposed Off-Campus Athletic Facility cannot be accessory to ECC that owns the Off-Campus Site since ECC has not operated since 2019 with no clear timeline to reopen and since the Maret School’s proposed use far exceeds ECC’s scale.

- Alternatively, an accessory use to the private school principal use on the lot because the proposed athletic facility met the twin standards of being on the same lot and “subordinate and incidental” to the principal use as a private school (BZA 1644, at 8-9).

OAG asserts that BZA 16433 supports OAG’s contention that the proposed Off-Campus Athletic Facility fails the requirements for a private school use as either a principal or accessory use due to the physical separation between the Off-Campus Site and the Maret School campus.

Recognizing the inability to obtain a special exception as an accessory use to a private school use from which the proposed Off-Campus Athletic Facility is physically and academically removed, the Application acknowledges that the proposed use is a principal use of the Off-Campus Site. However, being a subsidiary part of a private school that is literally miles away does not make the proposed Off-Campus Athletic Facility itself a private school.

The Off-Campus Athletic Facility is a private recreation center or commercial gym that is not allowed in the Off-Campus Site’s R-1B zone because of the intensity of its use

As a stand-alone facility completely separated from the Maret School’s academic and physical campus, the proposed Off-Campus Athletic Facility is a private recreation center for the Maret School and the unidentified third parties to whom the Maret School will sublease the Off-Campus Athletic Facility. As a private facility, the Off-Campus Athletic Facility does not qualify as a “Parks and Recreation” use that only applies to facilities “under the jurisdiction of a **public** agency” and that specifically excludes “**private recreation centers such as a commercial gymnasium**, or uses which more typically would fall within the entertainment, assembly, and performing arts ... use category” (Subtitle B § 200.2(y) – emphasis added).

Commercial gyms or private institutional athletic facilities fall under the EAPA use category as:

“A use involving facilities designed primarily for public assembly that enables patrons to ... attend sporting events or ... to participate in active leisure activities ...

These uses may be characterized by activities and structures that draw large numbers of people to specific events ...”

(Subtitle B § 200.2(m) – emphasis added)

The proposed Off-Campus Athletic Facility will host athletic events for students from the Maret School and its opposing teams as well as for a number of unidentified third parties that will sublease the Off-Campus Athletic Facility. The Application states that the Maret School anticipates that its sporting events will draw potentially hundreds of spectators. The Application does not provide estimates of the numbers of players and observers of the third-party sublessees of the Off-Campus Athletic Facility, even though the Maret School estimates that these third parties will use the Off-Campus Athletic Facility at least as much, if not more than the Maret School itself (Full Year Anticipated Uses: Maret uses 15%; 3rd party uses 16%; Maret and 3rd party uses 5%³).

EAPA uses are not allowed in any of the low-intensity residential zones, including the R-1B zone in which the Off-Campus Site is located, nor in any of the higher intensity residential flat and apartment (RF and RA) zones. Instead EAPA uses are allowed only in the higher-intensity Mixed-

³ [Field Usage Charts - Maret School](https://www.maret.org/athletics/proposed-new-fields-at-ecc/field-usage-charts) (February 1, 2022), accessed on March 8, 2022 at <https://www.maret.org/athletics/proposed-new-fields-at-ecc/field-usage-charts>.

Use zones that include commercial uses which generate more intense traffic and activity than predominately residential zones. The R-1B zone is not designed to accommodate high intensity activities – instead the Zoning Regulations define the purposes of the R-1B zone as to:

*“(a) **Protect quiet residential areas** now developed with detached dwellings and adjoining vacant areas likely to be developed for those purposes; and*

(b) Stabilize the residential areas and promote a suitable environment for family life”

(Subtitle D § 300.1 – emphasis added).

To allow a private recreation center or commercial gym like the Off-Campus Athletic Facility in the R-1B zone is completely antithetical to the “quiet residential” neighborhood surrounding the Off-Campus Site.

Although a private school is allowed as a special exception in the R-1B zone, the intensity of a private school use, most of which will take place indoors with limited noise impacts, is substantially less than a concentrated outdoor athletic facility, particularly one that is to be subleased to unidentified third parties. With a private school, the academic facilities will take up the majority of the property with athletic facilities constituting only an ancillary part of the private school use. Yet even so, the Zoning Regulations require that a private school obtain a special exception to ensure that potential impacts, primarily of noise and traffic, are prevented or mitigated principally by controlling the number of students and staff using the facility and not by relying solely on other regulatory requirements. For example, though the Noise Control Act does not regulate the unamplified human voice, that does not mean that 10 excitedly screaming parents, let alone 100 such parents, make no more noise than what is expected in a “quiet residential area” that the R-1B zone is intended to protect. The special exception process allows the Board to consider how to evaluate and control the intensity of the proposed use by limiting the number of users and imposing other conditions in order to protect adjacent residential uses – in this case by limiting the number of users to prevent unreasonably intrusive impacts due to the increased intensity of use.

With approximately 650 students, use by the Maret School alone would represent a dramatic intensification of the use of the Off-Campus Site that would be inconsistent with the surrounding residential uses. The Maret School recognizes this in proposing specific limits on the number of students, staff, and parents. However, Maret plans to sublease the Off-Campus Athletic Facility to a number of unidentified third parties who will have use of the space without limits, vastly increasing the number of players and observers using the Off-Campus Athletic Facility and converting it into a year round facility with a commercial-level intensity of use that would shatter the surrounding “quiet residential” neighborhood and directly contravenes the intent of the Off-Campus Site’s R-1B zone.

OAG therefore respectfully recommends that the Board reject the Maret School’s application and request it to either seek a use variance or pursue an amendment of the Zoning Regulations or Zoning Map to authorize the commercially-intense use of the proposed Off-Campus Athletic Facility in the low-intensity R-1B zone.

Recommended Conditions

If the Board decides to grant the Application, OAG respectfully recommends that the Board impose the following conditions, in addition to those proposed by the ANC, with which OAG concurs except as amended by the following:

- 1) *The Application shall be approved for a period of three (3) years from the effective date of the Order. If the Maret School chooses to extend this approval beyond this three (3) year period, it shall file a new application for zoning relief, and not a time extension or modification of terms to extend the time period, prior to the conclusion of the three-year period to allow the Board of Zoning Adjustment to review the use and its impacts on the surrounding community in a public hearing.*

OAG believes that this condition will ensure that:

- The impacts of the proposed use can be evaluated based on actual events instead of the hypothetical forecasts to which the Board is currently limited; and
- All neighbors, including new residents who move in within this three-year period, are allowed to participate fully in the evaluation of the new application, instead of limiting the parties to those who participated in the current proceedings.

- 2) *Third Party Usage – The Maret School shall not charge non-Maret School persons and entities for the use of the property.*

OAG believes that barring charging for the use of the Off-Campus Athletic Facility is consistent with the non-commercial purpose of the low-intensity R-1B zone and its predominantly residential uses. Charging for the use, especially if non-Maret School use is approximately the same as the Maret School use, would convert the Off-Campus Athletic Facility into a commercial enterprise that is not allowed or contemplated in the R-1B zone.

- 3) *The rules and regulations concerning the use of the field, including hours and noise restrictions shall be prominently posted on the property with a telephone number to contact the Maret School administrator in charge of the facility.*

- 4) *The Maret School shall provide owners of neighboring properties the telephone number of the Maret School administrator in charge of the facility, and of appropriate representatives of any non-Maret School users, to address concerns regarding noise, or other nuisances on the fields.*

- 5) *The Maret School shall not expand the permitted uses of the field beyond those specified in this order.*

OAG respectfully requests that the Board consider these issues and recommendations in its deliberations on the case.

Respectfully submitted,

KARL A. RACINE

OAG Comments in Opposition – March 8, 2022
B.Z.A. Application No. 20643 – Maret School

Attorney General for the District of Columbia

/s/ Maximilian L.S. Tondro

Chief, Land Use Section

D.C. Bar No. 1031033

/s/ Alexandra L. Cain

Assistant Attorney General

D.C. Bar No. 1674308

cc:

The Maret School c/o Paul Tummonds (via email)

Friends of the Field c/o Ed Donohue (via email)

ANC 3/4G (via email)

The Office of Planning (via email)



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



FORM 150 – MOTION FORM

**THIS FORM IS FOR PARTIES ONLY. IF YOU ARE NOT A PARTY PLEASE FILE A
FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD.**

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.:

Motion of:

- Applicant
 Petitioner
 Appellant
 Party
 Intervenor
 Other _____

PLEASE TAKE NOTICE, that the undersigned will bring a motion to:

Points and Authorities:

On a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, the document(s) that you are requesting the record to be reopened for must be submitted separately from this form. No substantive information should be included on this form (see instructions).

Consent:

Did movant obtain consent for the motion from all affected parties?

- Yes, consent was obtained by all parties
 Consent was obtained by some, but not all parties
 No attempt was made
 Despite diligent efforts consent could not be obtained

Further Explanation: _____

CERTIFICATE OF SERVICE

I hereby certify that on this

D	D
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 day of Month,

Y	Y	Y	Y
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I served a copy of the foregoing Motion to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of Planning

in the above-referenced ZC or BZA case via:
 Mailed letter
 Hand delivery
 E-Mail
 Other _____

Signature:



Print Name:

Address:

Phone No.:

E-Mail:

D.C. Board of Zoning Adjustment
441 4th Street N.W., Suite 200 South
Washington, D.C. 20001
bzasubmissions@dc.gov

Friends of the Field)	
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Party in Opposition,)	
)	
v.)	BZA Case No. 20643
)	
The Maret School)	
)	
Applicant.)	

MOTION TO POSTPONE THE MARCH 9, 2022 BOARD OF ZONING ADJUSTMENT
HEARING

Friends of the Field (“Friends”), a Party in Opposition in Board of Zoning Adjustment (“BZA”) Case Number 20643 (the “Project”), by undersigned counsel and pursuant to 11 Y DCMR § 407, files this Motion to Postpone the Board of Zoning Appeals Hearing for this matter for the reasons set forth below.

All parties have been served pursuant to 11 Y DCMR § 407.3.

Justification for Postponement

From the outset, Friends has been an active and engaged participant in Advisory Neighborhood Commission 3/4G’s (the “ANC”) review of the Project. Friends has participated in every ANC meeting when permitted to do so, as well as in small group discussions. Several members of Friends were selected to join an advisory group (“ECC Field Group”) that has met weekly and has been dedicated to addressing various issues associated with the Project and

developing a construction agreement and a settlement agreement. Friends intends to continue to participate to the greatest degree possible in all of these proceedings as well as the hearing before the BZA, but more time is needed to insure a fair and unbiased hearing.

I. Matters Still Pending That Require Resolution Prior To BZA Consideration

A. Potential Agreement with the Applicant

Several members of Friends are active participants in the ECC Field Group that has met weekly since the Project’s initial consideration by the ANC with the goal of resolving a number of issues associated with the Project. The ECC Field Group was convened and is led by the Chairman of the ANC, Randy Speck, and the Single District Member, John Higgins. Among the issues identified by the group are the following: field use by the Applicant and proposed tenants; lighting; noise; traffic impacts; parking; stormwater management; and environmental impacts.

B. Clarification of Zoning Relief Required

The Applicant is requesting special exception relief pursuant to 11 U DCMR § 203.1(m) and 11 C DCMR §710.3 for a private school use in this R-1-B District and parking spaces located in the front yard. The proposed sports facilities and athletic fields stretch to reach this private school use classification. First, the ECC is no longer operational and will only be retaining a portion of the property – separate from the fields. Second, the Maret School, located over three (3) miles away from the subject property, will not conduct any of the principle private school use on site. Subtitle B, Section 200.2(k)(2) lists “accessory play and athletic areas, dormitories, cafeterias, recreational, or sports facilities” as private education uses. The word ‘accessory’ indicates that these uses would be ancillary to the principle use of academic instruction. No such academic instruction will take place on site. As the Board knows, an

“accessory use” is limited to uses ancillary to the primary use, and located on the same lot. (See 11 DCMR § 100.2 and *Citizens Coalition v. Bd. of Zoning Adj.*, 619 A.2d 940 (D.C. 1993).)

The Applicant has candidly admitted that the Project contemplates athletic facilities¹. The Applicant intends to actively promote the use of the athletic facilities to users other than itself and has issued a number of schedules for leased use of the athletic complex. President of the Applicant’s Board of Trustees specifically noted the need for such “recreational facilities” in the District in an email dated February 3, 2022.² This ‘recreational facilities’ use, as defined by the Zoning Regulations, is not permitted by special exception, but rather would require a use variance.

C. Items Requested From Applicant

On December 31, 2021, Friends submitted a list of 11 items for the ANC to request from the Applicant. The ANC pared that list down to five (5) items and still the response from the Applicant fell short. Among the most critical of the items requested for any meaningful review of the Project are:

1. Redacted copy of the lease agreement between the ECC and the Applicant;
2. Draft of the sublease intended to be executed with area youth sports organizations; and
3. Stormwater management measures.

D. Pending Complaint Before the D.C. Board of Ethics & Government Accountability

On Wednesday, February 16, 2022, Friends, by and through undersigned counsel, submitted a formal complaint (the “Complaint”) with the D.C. Board of Ethics and Government Accountability (“BEGA”) based on the improper actions of the ANC.

¹ See Statement of the Applicant – Exhibit 5

² See email dated 2/3/22 – Exhibit 133

The Complaint is a result of repeated attempts by Friends to have the ANC correct the course of proceedings. The following actions by the ANC form the basis for the Complaint:

- I. Chair Speck's engagement with the Applicant prior to formal submission and his redline and guidance on the Applicant's Pre-hearing Statement prior to its submission;
- II. Chair Speck's failure to disclose that he is a former Maret parent;
- III. The Commission's failure to intervene when the Applicant used intimidation tactics to discourage neighbors from opposing the Applicant's proposal (see letter dated 1/19/22);
- IV. The Commission's exclusion of Friends from an on-site meeting at the fields; and
- V. The Commission's failure to apprise the neighborhood of the application for a curb cut and commercial entrance that would serve the Project (see letter dated 1/21/22).

Conclusion

Given the cloud on the procedure leading up to the ANC's recommendation to the BZA and the resulting and now pending BEGA Complaint, the outstanding materials still needed for review and the fact that the Applicant may not be seeking the correct form of relief, Friends is requesting a postponement to insure that the interests of most impacted members of the community are protected. With less than one (1) month until the scheduled BZA hearing, there is simply not enough time for (1) resolution on the BEGA Complaint; (2) the materials to be obtained and thoroughly reviewed by all parties; (3) a determination to be made on the correct form of relief.

Moreover, there is no urgency to the case being heard in March. The Applicant has a long-standing agreement for use of the Jelleff Fields for its varsity and junior varsity athletics

through 2029. The Applicant has not voiced any urgency in its many presentations to Friends, the ANC or the neighbors. The urgency, to the extent there is any, appears to lie with the ANC. Friends has asked numerous times for the ANC to defer decision on agenda items such as the proposed Commercial Driveway Application submitted by the Applicant (Public Space Committee Permit Application No. 383995) which the ANC rushed to consider on February 14, 2022 over the written objection of more than 50 opponents.

For the above-stated reasons, Friends respectfully requests that the Board grant its Motion to Postpone the March 9, 2022 Hearing.

Submitted on February 17, 2022 by:



Edward L. Donohue (D.C. Bar No. 412301)
For Friends of the Field, Party in Opposition

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Friends of the Field)	
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Party in Opposition,)	
)	
v.)	BZA Case No. 20643
)	
The Maret School)	
)	
Applicant.)	

CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2022, I sent a copy of the **MOTION TO POSTPONE THE MARCH 9, 2022 BOARD OF ZONING ADJUSTMENT HEARING** to counsel for the Applicant, Paul Tummonds, via electronic mail to ptummonds@goulstonstorrs.com, to ANC 3/ 4G Chair Randy Speck, via electronic mail to 3G03@anc.dc.gov, and to the Office of Planning, via electronic mail to jennifer.steingasser@dc.gov.



Edward L. Donohue (D.C. Bar No. 412301)
For Friends of the Field, Party in Opposition

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