



**Government of the District of Columbia  
ADVISORY NEIGHBORHOOD COMMISSION 3/4G**

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**ANC 3/4G Resolution Regarding  
Proposed Maret School Sports Field  
BZA Case No. 20643  
February 28, 2022**

**BACKGROUND FACTS**

1. The Maret School applied to the Board of Zoning Adjustment (BZA) for a special exception to build a sports field on vacant property owned by the Episcopal Center for Children (ECC). ECC is a non-profit school for emotionally challenged children that began in 1894 and since 1930 has been located in a residential neighborhood on 7.1 acres at the intersection of Nebraska Avenue, NW and Utah Avenue, NW. Maret is a non-profit K-12 school that opened in 1911 and has been at its campus in the Woodley Park residential neighborhood since 1950.
2. In 2019, ECC suspended operations because its reliance on payments from the District and other jurisdictions to support its 40 to 50 students was no longer financially viable. After announcing this suspension, ECC received a number of offers for development projects on its approximately 5.0 acres of vacant land, including proposals for single-family and multi-family residential housing. ECC needed to monetize the value of this property in order to resume its operation and continue to pursue its mission to provide educational opportunities for emotionally challenged children.

3. For many years, Maret has been searching for a sports field that would accommodate its athletic programs, which are an integral part of its curriculum. In addition to the limited field space on its Woodley Park campus, Maret has arranged to use other fields in the District, including the field at the Jelleff Recreation Center.<sup>1</sup> To meet its long term needs, Maret approached ECC about the possibility that it could use ECC’s vacant field. On December 14, 2020, Maret and ECC [announced](#) that they were in “conversations” about ECC’s field and that if they finalized an agreement, they would “promptly initiate discussions with the ANC and surrounding community to share plans, exchange ideas, and collaborate to ensure a beneficial outcome.”
4. On February 10, 2021, the Commission first [learned](#) from ECC that it had signed a lease with Maret for use of the vacant field for its athletic program, and on February 20, 2021, Councilmember Lewis George’s chief of staff gave the Commission some [additional information](#). On February 26, 2021, Maret and ECC publicly [announced](#) that on February 3, 2021, they had “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. As part of the agreement, Maret will develop the space to create a multisport field for athletic play. It is Maret’s intention to make the field space available to District children, athletes, and residents at large.”
5. On June 21, 2021, Maret and ECC [reported](#) that “during the summer months there will be preliminary site and engineering studies to help craft a plan for the fields,” and those “plans will be shared with the Advisory Neighborhood Commission (ANC) 3/4G in late summer/early fall.” They pledged “to collaborate with the neighborhood, the ANC, and District throughout this process.”
6. At its June 28, 2021 [public meeting](#), the Commission announced Maret’s intention to cooperate with the ANC and the community, and at its September 13, 2021 [meeting](#), the Commission reported that “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 Adjustment sometime in October 2021. At the Commission’s request, Maret is distributing flyers to all the nearby

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<sup>1</sup> An [agreement](#) between Maret and the District Department of Parks and Recreation (DPR) gives Maret priority scheduling on the Jelleff field for two hours after school and some Saturdays, from September through early November and from March through mid-May. DPR has sole responsibility for permitting use of the facility. This agreement expires in 2029.

residents advising them of this meeting and the opportunity to ask questions or make comments.”

7. At its public meeting on [September 27, 2021](#), 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.
8. On October 15, 2021, Maret gave the Commission a draft of its Statement of the Applicant for its BZA application, and on October 24, 2021, the Commission highlighted a [number of concerns](#) raised by residents and commissioners that would need to be addressed — e.g., stormwater management, the size and location of the parking lot, the transportation management plan, noise mitigation, the number of spectators, players, and coaches, the extent and hours of field use, leasing the field to youth sports organizations, the extent and terms of neighborhood use of the field, and the height of the netting and scoreboard. The Commission described its comments on Maret’s draft Statement to nearby neighbors on [November 1, 2021](#), and provided them with a copy on [November 2, 2021](#). Maret filed its application with the BZA on November 1, 2021 ([Exhibit 1](#) in BZA Case No. 20643). The Commission created a dedicated page on its [website](#) so that residents could stay abreast of developments related to this application and provided updates on Maret’s application at its regular public meetings on [December 13, 2021](#), January 24, 2022, and February 14, 2022.
9. At the ANC’s request, on November 1-4, 2021, Maret held in-person meetings to discuss its plans with nearby neighbors living on each of the four sides of the ECC field — Nebraska Avenue, NW, Utah Avenue, NW, Rittenhouse Street, NW, and 28th Street, NW. Maret also held a virtual meeting on November 15, 2021, to explain its plans and answer questions. A commissioner attended each of those meetings.<sup>2</sup> Maret also met individually with each of the residents who requested a meeting.
10. On December 15, 2021, Maret held a [virtual meeting](#) to present [revisions](#) to its plans for the sports field that it made to address nearby residents’ concerns. Maret conducted “office hours” with its design and consulting team on January 4, 2022, and January 5, 2022, for residents to ask questions. On January 6, 2022, Ward 4 Councilmember Lewis George held a virtual meeting to hear from residents their

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<sup>2</sup> Notes of the meetings for [November 1, 2021](#), and [November 2, 2021](#), are on the Commission’s website.

concerns with Maret's plans.<sup>3</sup> Maret held further office hours on January 26, 2022 (to present and answer questions about its [3D model](#) of the planned sports field) and January 28, 2022 (to answer questions about its Comprehensive Transportation Review (CTR)). At the Commission's request, Maret added two more office hours sessions on February 3, 2022, and February 8, 2022, to allow residents to see other views of the 3D model. Commissioners attended all of those meetings.

11. On December 16, 2021, the Commission convened an advisory group of six residents with homes near the ECC, four of whom were members of the Friends of the Field, a party to the BZA proceeding.<sup>4</sup> The group was intended to assist the Commission in developing conditions for Maret's proposed sports field that could be acceptable to the Commission, ECC, Maret, and the nearby neighbors. This group met almost weekly through February 9, 2022. Based on discussions with all parties, the Commission concluded that on several significant issues, the Friends of the Field and Maret were at an impasse. On February 6, 2022, however, the Commission circulated a set of proposed conditions that it believed could be the basis for discussions leading to a partial settlement. Maret responded to these proposed conditions on February 9, 2022. The four members of the advisory group who are part of Friends of the Field responded with their [proposed conditions](#) on February 16, 2022, but the Friends members acknowledged that they had not consulted the two non-Friends members of the advisory group, and those two members stated that they did not support the Friends' proposed conditions. Further discussions narrowed the remaining issues in dispute, though the major disagreements between Friends of the Field and Maret remained unresolved.
12. On January 10, 2022, the Commission devoted three hours of its regular public meeting to hearing from residents about their opposition to or support for Maret's application.<sup>5</sup> On January 13, 2022, on their own initiative, all of the commissioners walked the vacant field with the chair of ECC's Board, Maret's Assistant Head of School, and a Friends of the Field representative who lives on the Rittenhouse Street alley and is also a member of the Commission's advisory

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<sup>3</sup> See the [Video Recording](#) (passcode: maret.ecc\*W4) on the District Council's website.

<sup>4</sup> On December 15, 2021, Friends of the Field filed a Request for Party Status ([Ex. 23](#)) in opposition to the application (updated on December 21, 2021 ([Ex. 25](#))). The BZA granted party status on January 12, 2022 ([Ex. 31](#)).

<sup>5</sup> Detailed [minutes](#) and the [video](#) of the meeting are available on the Commission's website and YouTube channel.

group. This walk-through was requested to better understand Maret's recent modifications to its plans.

13. On February 14, 2022, at its regularly scheduled and noticed public meeting, the Commission discussed the ECC/Maret public space permit application for a curb cut and driveway on Nebraska Avenue, NW, as the entrance to the planned parking lot. The application included closure of one existing curb cut so that there will continue to be only three curb cuts on Nebraska Avenue, NW to the ECC property. After presentations by Maret and Friends of the Field, the Commission voted 7 to 0 (a quorum being 4) to approve the application contingent on the BZA's approval of the application in Case No. 20643. On February 24, 2022, the Public Space Committee unanimously approved the curb cut application conditional on approval of the BZA application. The Committee indicated that if the BZA requires changes that affect public space, the applicant would have to seek further approvals from the Public Space Committee.
14. On February 1, 2022, the Commission held the first of three special public meetings devoted entirely to Maret's BZA application. That first public meeting included presentations by ECC, Maret, and Friends of the Field followed by questions from commissioners.<sup>6</sup> The second meeting was held on February 16, 2022,<sup>7</sup> and included discussions with the District Department of Transportation (DDOT) about Maret's CTR and with the Urban Forestry Division about Maret's Tree Transplant Plan and its Tree Preservation Plan. The Commission also received written [responses](#) to its questions to the Department of Energy and Environment (DOEE) (who declined the Commission's invitation to attend the meeting) about Maret's stormwater management plan. The Commission's final special public meeting on February 24, 2022, included the commissioners' discussion of the [draft resolution](#) and comments and questions from the community about that draft.<sup>8</sup>
15. The Friends of the Field held two "town hall" meetings that Commissioners attended — on February 21, 2022, on "Problems with Artificial Turf" and on February 23, 2022, on "Making Sense of Maret's Traffic Study." On February 23, 2022, Maret provided [comments](#) on the Commission's draft resolution, and ECC provided an [email](#) with its comments. On February 24, 2022, the Friends of the

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<sup>6</sup> The minutes, [video](#), and [Q&A/chat](#) are available on the Commission's website.

<sup>7</sup> The minutes, [video](#), and [Q&A /chat](#) are available on the Commission's website.

<sup>8</sup> The minutes, [video](#), and [Q&A/chat](#) are available on the Commission's website. About 60 people attended this meeting.

Field provided a [memorandum](#) with its comments on the draft resolution.<sup>9</sup> On February 22, 2022, the Friends of the Field posted a “Prehearing Statement” at the BZA ([Ex. 193](#)).

16. On February 25, 2022, DDOT submitted to the BZA its review and analysis of the CTR ([Ex. 222](#)), concurring with Maret’s Transportation Demand Management and Operations Management Plans. DDOT “has no objection to the approval of the application” with a number of conditions. Also on February 25, 2022, the Office of Planning submitted its recommendation for approval of the special exception subject to two conditions ([Ex. 224](#)).
17. After considering the various comments from the parties and the community, the Commission posted a revised draft resolution and proposed conditions on February 27, 2022. The Commission held its final meeting on the revised draft resolution and proposed conditions on February 28, 2022.<sup>10</sup>
18. During the course of the Commission’s review of the Maret’s BZA application, commissioners received at least 40 letters of emails [supporting the plans](#) for the sports field and about an equal number of communications [objecting to or raising concerns about](#) the proposal, all of which were posted on the Commission’s website and available for all commissioners to consider. Many of the opposition letters were in form letter format. Also, many of these communications of both support and opposition, were duplicates of letters to the BZA. As of February 27, 2022, the BZA had received more than 80 letters of support, and there were about an equal number of opposition letters, including form letters.

## **ANALYSIS AND CONCLUSIONS**

19. The community has been actively involved with the Commission in evaluating this application, and the Commission has devoted an extraordinary amount of its time and resources to this case. The Friends of the Field conveyed some of its [concerns](#) about this process to the Commission and in its February 16, 2022 [motion for postponement](#), and while some will disagree with the Commission’s conclusions, there can be no reasonable doubt about the Commission’s [transparency](#).

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<sup>9</sup> The links to the exhibits to the Friends’ memorandum are also on the Commission’s [website](#).

<sup>10</sup> The video and the Q&A/chat for this meeting are available on the Commission’s website.

[evenhandedness, and thoroughness](#) in considering all points of view in reaching those conclusions.<sup>11</sup>

20. The Commission evaluated the application based on whether, taken as a whole, the proposed project is likely to create objectionable impacts on neighboring properties. While the immediate neighbors have a significant interest in the projects' impacts on them, theirs is not the only interest the Commission must consider. The Commission has an obligation to weigh all of the impacts on the community, including the effect the project will have on ECC and its students, Maret's students and parents, youth sports organizations in the District, Lafayette Elementary School children, neighbors who wish to use a nearby athletic field, and even those District of Columbia Public School (DCPS) students who will have greater access to the Jelleff Recreation Center field if Maret has an alternative field and relinquishes its priority scheduling rights at Jelleff. Indeed, each commissioner took an [oath](#) to "exercise my best judgment and . . . consider each matter before me from the viewpoint of the best interest of the District of Columbia as a whole."
21. The Commission has reviewed all aspects of the proposed sports field and has paid particular attention to eight key considerations to determine whether these plans would create objectionable impacts on the neighborhood: (1) the long-term financial stability that this project provides for ECC, permitting it to resume its educational mission; (2) the plan for both a multipurpose field and a baseball field rather than a single multipurpose field; (3) the extent to which the fields will be used by Maret, its lessees, and the community; (4) the management of stormwater; (5) the management of traffic and its impact on pedestrians and bicyclists; (6) the plans to preserve or transplant heritage trees; (7) the noise expected as a result of the project; (8) the use of turf rather than grass fields; and (9) the disruption created by construction of the fields. The Commission proposes extensive conditions (see the Attachment to this Resolution) that it believes will adequately mitigate any objectionable impacts.

### ECC's Educational Mission

22. When ECC suspended operations in 2019, the District lost a significant asset that provided essential educational opportunities for mostly low-income, emotionally disturbed children who cannot be "mainstreamed." As a result, there are few resources for these children in the District, and they must travel to Maryland or Virginia for the special schooling that they need. We heard from parents of

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<sup>11</sup> See also the Commission's February 22, 2022 Response to the Friends of the Field's Motion for Postponement ([Ex. 207](#))

children who went to ECC about their extraordinary experiences and from ECC board members and staff about their determination to resume their mission.

23. The long-term lease of the field to Maret enables ECC to restart its program with the assurance that it will be adequately funded for the foreseeable future. ECC will be able to again provide a benefit for the entire District.
24. If the application is denied and the Maret lease does not proceed, ECC has indicated that it will seek other ways to finance its mission. The field will not remain vacant, as it is now, no matter what happens before the BZA. Other kinds of development might well be more objectionable to some neighbors and will not provide the benefits of a needed athletic facility that can be used by the community and continued open space. It is the Commission's considered view that the Maret proposal, with the Commission's proposed conditions, provides the best balance of benefits to ECC and the community.

#### One Field or Two

25. Maret has indicated that it needs both a multipurpose field and a baseball field to satisfy its athletic program requirements. There is a dearth of both types of fields in the District, particularly baseball fields. Because the fields will overlap each other and because the season for these sports are different, only one field will be in use at any time. Thus, the number of fields is unlikely to affect the number of users at any given time.
26. The proposed plans for two fields meet all zoning setback requirements. The plans must accommodate a grade on the property from the northwest corner to the southeast corner, requiring regrading to make a level field and retaining walls, all of which meet zoning requirements.
27. One multi-purpose field, without a baseball field, could create a somewhat greater buffer distance between the field and some of the nearby neighbors, but other neighbors would be as close as — or even closer than — the two-field configuration. The Commission is not persuaded that the benefits of one field outweigh the value to the community of having two fields.

## The Extent of Field Use

28. When Maret first [announced](#) its lease of the field, it expressed its “intention to make the field space available to District children, athletes, and residents at large.” It is District policy to encourage such public availability of privately-owned sports fields.<sup>12</sup> A number of community members — both supporters and opponents of this project — agreed that there is a shortage of available sports fields for youth athletics in the District.
29. Maret originally proposed more extensive leasing of the field to youth sports organizations, both in terms of hours per day and days per year. Maret heard from nearby neighbors, however, that this level of use would be too intensive and disruptive. In response, on December 15, 2021, Maret scaled back the level of use by youth sports organizations and increased the available time for general community use.<sup>13</sup> Maret refined this proposed usage further in its Pre-hearing Statement ([Ex. 184E](#)). The Office of Planning “is supportive of the field’s use by other District groups, including youth sports by DCPS students. District elementary schools in all Wards could benefit from use of this field” ([Ex. 224](#), page 7).
30. The Commission recognizes the competing interests of the immediate neighbors who wish to minimize the potential disruption caused by children playing on the field and the interests of the larger community to have sports fields available for youth organizations and to use a neighborhood resource productively. Maret’s accommodations of the closest neighbors necessarily reduces the field’s availability to the broader community. The Commission’s proposed conditions in the Attachment strike a reasonable balance.

## Management of Stormwater

31. There is currently no stormwater management for the vacant ECC field. When walking the field with commissioners on January 13, 2022, the chair of ECC's board said that ECC was not required to take any affirmative steps to manage stormwater on the sloping field, and it did not have sufficient funds to take make

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<sup>12</sup> For example, [DCMR § 21-517.7](#) exempts school athletic playing fields like those Maret proposes from some stormwater regulations so long as they are “made available for use by the general public,” thus providing incentives for privately owned school athletic fields to be made available to the broader community.

<sup>13</sup> See Maret’s December 15, 2021 [presentation](#) at pages 8-15.

any improvements on its own. Thus, historically, stormwater has run off the field to the southeast corner, flooding adjacent properties.

32. The applicable stormwater regulations require Maret to design the field to accommodate a 15-year storm.<sup>14</sup> Maret has proposed to design the field to a higher standard so that it can withstand a 25-year storm. Furthermore, Maret’s stormwater design includes Low Impact Development (LID) components that are consistent with the current “RiverSmart” stormwater control project jointly sponsored by the U.S. Environmental Protection Agency and DOEE. Friends of the Field, relying on DOEE’s [Climate Ready DC Report](#), contends that because of climate change and the greater frequency of larger storms, the field should be designed for a 50-year storm.
33. In response to questions that the Commission posed to DOEE about applicable regulatory requirements and possible changes in the requirements when Maret applies for a stormwater permit, the agency wrote on February 15, 2022, that it “will base regulatory requirements on the time in which a project is submitted for building permit. We have not yet updated our storm sizes to account for regional climate change projections but are currently analyzing the impact of doing so” ([Ex. 223](#), page 2). Thus, if regulatory requirements become more stringent by the time Maret seeks its stormwater permit, those more stringent requirements will apply. The Office of Planning concluded that the proposed “stormwater infrastructure including its bioretention facility would mitigate any objectionable impacts due to flooding of nearby/abutting homes” ([Ex. 224](#), page 9).
34. Though the Commission defers to the expertise of DOEE’s and the Office of Planning’s experienced staff, we propose a condition that accepts Maret’s offer to design its stormwater management program to withstand a 25-year storm, exceeding current requirements. Maret will be subject to whatever more rigorous regulatory standards may apply at the time it seeks a permit. In order to ensure maintenance of the stormwater facilities, the Commission recommends conditions that require Maret to maintain those facilities to DOEE requirements and that the

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<sup>14</sup> See [DCMR § 21-520.2\(b\)](#) (“A site that undergoes a major land-disturbing activity . . . shall maintain the following: . . . Post-development peak discharge rate for a twenty-four (24) hour, fifteen (15)-year frequency storm event at a level that is equal to or less than the storm event’s pre-project peak discharge rate.”)

conditions will continue to apply so long as the field continues to be used as a school athletic field.<sup>15</sup>

### Transportation Management

35. There is concern that the volume of vehicles driven by players, coaches, and spectators traveling to and from the proposed fields will be detrimental to the availability of on-street parking, and safety for bicyclists and pedestrians. Maret was required to prepare and obtain DDOT approval of a transportation scoping document as a prerequisite for a comprehensive study of the project's impacts.<sup>16</sup> It has completed and filed that CTR (Ex. [97A1](#) and Ex. [97A2](#)). DDOT supports the CTR ([Ex. 222](#)).
36. Any projection of future traffic conditions requires that a number of assumptions be made, many of which are necessarily uncertain. After consultation with DDOT during the scoping phase, Maret used pre-pandemic traffic data, escalated to reflect normal growth rates, so that its analysis would not be affected by the lower traffic volumes experienced over the past two years. Maret did not make adjustments, however, to reflect the imminent reopening of Oregon Avenue after having been closed for several years or the National Park Service's possible continuation of pandemic-related closures of Beach Drive. DDOT found that neither the reopening of Oregon Avenue nor the potential permanent closure of Beach Drive would have a significant effect on traffic in the study area ([Ex. 222](#), page 11).
37. The CTR includes the steps that Maret proposes to take to minimize the increased traffic caused by the proposed project and its impact. For instance, it will require players at its games and practices to arrive and depart primarily in school buses. It has also limited the numbers of players and coaches that will use the field and has

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<sup>15</sup> Questions were raised about ECC's lack of maintenance of a stormwater infiltration pit installed in 2002. ECC [wrote](#) the Commission that its current president and CEO was unaware of a [covenant](#) with the District Department of Health (DOH) requiring annual maintenance. However, DOH has conducted multiple inspections, and ECC is now undertaking the maintenance in cooperation with DOH. On February 27, 2022, Maret has [advised](#) the Commission that when the new field is built, this infiltration pit will be removed, and the water that is currently being filtered by the pit will be brought to the new rain garden and treated there.

<sup>16</sup> Maret's Scoping Document is Appendix A to its [Comprehensive Transportation Review](#).

agreed to a 30-minute buffer between games so that there will be no overlap. It has agreed to work with nearby St. John's College High School to avoid scheduling games at the same times. It will provide parking lot flag persons and, when warranted, traffic control officers to direct traffic at peak periods. Its parking lot will accommodate approximately 48 cars, and its survey indicates that ample on-street parking will continue to be available. The Office of Planning concludes that the location of the parking lot "is reasonable due to the lot's irregular shape, its topography, and the program of use for the site," and "the proposed screening of the parking lot would mitigate potential visual impacts" ([Ex. 224](#), page 11). Maret will provide bike racks on the site and encourage coming to and leaving the fields by bicycle, bus, or on foot.

38. The CTR also identified some traffic infrastructure improvements that could also be beneficial, including improving the timing for the signal lights at the Utah Avenue/Nebraska Avenue intersection, making lane and parking changes at the Military Road/27th Street intersection, and adding traffic calming measures on Nebraska Avenue. The Commission supports these improvements and DDOT has agreed to consider them.
39. The Commission defers to the expertise and experience of DDOT's Development Review Program staff who met with the Commission on February 16, 2022 at its special public meeting, and who prepared a report for the BZA. DDOT indicated that they are satisfied with Maret's CTR. The Commission has no basis for reaching a different conclusion. The Commission does, however, propose a number of conditions in the Attachment that will make clear the steps that Maret will take to assure transportation safety and to minimize objectionable impacts.

#### Preserving or Transplanting Heritage Trees

40. Maret has worked with DDOT's Assistant Director for the Urban Forestry Division over the past year to develop a plan to preserve the most significant viable trees on ECC's property. Because of the Assistant Director's recognized expertise and experience, the Commission asked him to attend its February 16, 2022 special public meeting to describe Maret plans and to answer the Commission's questions. The Commission also reviewed Maret's [Tree Preservation Plan](#) and its [Tree Transplant Plan](#).

41. Many of the trees currently on the ECC field are in poor condition,<sup>17</sup> and the Assistant Director told the Commission<sup>18</sup> that 13 heritage trees — those greater than 100 inches in circumference — were in such poor condition they present a safety hazard. These trees could not be preserved or transplanted and will need to be removed. Of the remaining six heritage trees, Maret plans to relocate four trees and proposes steps to preserve the other two in place. The Assistant Director said that Maret has a significant incentive to ensure that transplants are successful because it will be subject to a minimum fine of \$30,000, if the trees do not survive for at least three years following transplant. He said that Maret is working with an experienced tree transplant company that has successfully moved similar large trees (e.g., at the former Fannie Mae headquarters on Wisconsin Avenue, NW), and they have prepared a plan. Moreover, the Urban Forestry Division will monitor the transplant procedure and the follow up care of the trees. Finally, the Assistant Director said that the preservation plan reasonably protects the other two heritage trees that will remain in place.
42. The Commission values the District’s tree canopy as a unique and not easily replaced resource. It recognizes, however, that ECC has not been able to maintain the trees on the field, and most of them cannot be preserved. The Commission defers to the District agency charged with reviewing Maret’s tree protection measures.

### Noise

43. The Commission raised concerns about noise from the playing field in its earliest communications with Maret about its proposal, and Maret has taken steps to minimize the impact of noise on nearby neighbors. First, Maret will not permit any amplified sound equipment and will prohibit noisemaking devices on the field. The only sounds will be two shot clock horns that are required for lacrosse games (but not practices) and the voices of players, coaches, referees, and spectators.
44. The District’s noise regulations, [20 DCMR § 2704.8](#), state unambiguously that “the unamplified voice shall be exempt at all times.” Nevertheless, Maret has taken steps to mitigate the sound of voices coming from the field, including plans

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<sup>17</sup> The exceptions are the “apostle” trees in a circle behind the ECC buildings. Unlike many of the trees on the field, they have been well maintained and are healthy. Maret modified its original plans for a driveway near those trees to ensure that they would not be affected by the development of the planned field.

<sup>18</sup> See the February 16, 2022 meeting [video](#) beginning at 1:04:05.

to plant extensive, mature vegetation as a buffer around the field. Any noise from unamplified voices will also dissipate with distance so that many residences will be far enough from the source of noise on the field that it will not have an objectionable impact.<sup>19</sup> The Office of Planning indicated that it is satisfied that the unamplified noise from sports activities and spectators will not create an objectionable impact ([Ex. 224](#), page 7). The Commission proposes conditions in the Attachment that will help to reduce any objectionable impact.

### Use of Turf Rather than Grass

45. Community concerns about the use of synthetic turf versus natural grass on the field were largely resolved in an email to the Commission from the Friends of the Field on February 16, 2022<sup>20</sup> (though they later stated that they were prepared to litigate this issue). The memo stated that replacing recycled rubber tire elements (crumb rubber) with natural-based substances such as wood-based “infill” materials would be acceptable. Separately the ANC obtained manufacturers’ information noting that other types of natural-based infill materials were also available (such as walnut shells, cork, and coconut husks). According to manufacturer information, these materials reduced field temperatures significantly, allaying concerns about the “heat island” effect of crumb rubber fields, while also reducing concerns about toxicity.<sup>21</sup>
46. Regarding the inherent differences between synthetic turf and natural grass, the Commission obtained information from an experienced, qualified resident who commented on the issue during one of Maret’s Office Hours about the field. In subsequent contacts with the Commission, Cynthia Collier (a resident on Oliver Street NW) who has experience in environmental analysis, including Anacostia Watershed issues, noted that natural grass could be workable for a period of time, but that compaction of natural grass as the field is used for sports would eventually

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<sup>19</sup> See the Phoenix Noise and Vibration report, Ex. [184D](#), Table 2, indicating that at 160 feet from the noise source, noise that is 90 dBA at five feet will be only 60 dBA at 160 feet, even with no buffering grade changes or vegetation and no ambient noise generated by other sources.

<sup>20</sup> See the Friends of the Field proposed [Draft Agreement](#), February 15, 2022, Section II.C.

<sup>21</sup> Regarding concerns expressed about such crumb rubber fields, the Commission notes that the District Department of General Services (DGS) no longer supports the use of recycled tires (crumb rubber) for artificial turf. See the 2018 report of [Interagency Working Group on Artificial Turf and Playgrounds](#).

take its toll. “Compaction starts in the upper layers of the soil, where maintenance can provide some relief. But once compaction advances below the first inch or two of soil, the only way to fix it is to dig up the field and rebuild the soil substrate. It's an expensive, messy, and invasive process that requires shutting down the field for months.”

47. The viability of synthetic turf as an alternative to natural grass was addressed in further comments related to compaction in grass fields. As Ms. Collier noted, the compaction process “severely diminishes environmental benefits. Grass struggles to push roots into compacted soil and those roots suffer from limited oxygen in the soil. Grass either doesn't grow or is so weak it rips out when players run across it. Sparse grass means less water drawn from the soil and transpired, less cover or food for critters, and less impediment to slow and filter water flowing across the surface. Compacted soil doesn't allow water to infiltrate as well. Instead, water runs off across the surface, straight to a drain and into the stormwater system with little delay,” Ms. Collier noted, “Compare that to Maret's proposed artificial turf system, which includes a permeable underlayer that detains up to a 1.2” rain before slowly releasing it to the stormwater system,” she said. Natural grass would require intense watering over a 3.7 acre field during the summer, water “that is best left in the river,” she noted. Natural grass also requires fertilization and the use of herbicides.
48. Maret has agreed to use state-of-the-art artificial turf, which will meet the requirements for the use that it proposes. The Commission’s proposed conditions will provide assurances that the artificial turf provides the necessary environmental protections and will satisfy the community’s needs better than a natural grass field.

### Construction Disruption

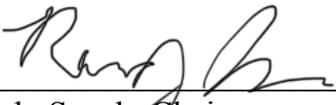
49. The Commission is also concerned about possible objectionable impacts that could be caused during construction of the proposed fields. The Commission has had experience with the construction of other, much larger projects that came before the BZA for a special exception, most notably the expansion of the Ingleside Presbyterian Retirement Community, Case No. 18898. In that case, the Commission proposed a number of [conditions](#), many of which related to mitigation of objectionable impacts from the construction period. Those conditions proved to be extremely effective, and after its completion, the Commission concluded in a [report](#) that “nearby neighbors were not unduly disrupted by the construction,” and “this project can serve as a model for similar projects in the future.”

50. The expected construction for Maret’s proposed sports fields will be less intensive and shorter than at Ingleside. Nevertheless, many of the same conditions will be effective in reducing the objectionable impacts that could occur during construction. The Commission has adapted the conditions that were used successfully at Ingleside and proposes those comparable conditions in this case.

## **RECOMMENDED CONDITIONS**

51. The Commission supports the Maret/ECC application so long as the BZA incorporates the conditions set forth in the Attachment to this resolution. These proposed conditions were developed after extensive consultation with the Commission’s advisory group (including members from the Friends of the Field), Maret, and ECC. Based on those discussions, the Commission believes that many — if not most — of the proposed conditions will be acceptable to all parties. We urge the parties to identify to the BZA and the other parties those conditions that they accept, thereby resolving those issues and eliminating the need to address them at the March 9, 2022 hearing. The Commission recognizes, however, that a hearing will be necessary to resolve several major issues that remain — e.g., whether there will be one multipurpose field only or a multipurpose field and a baseball field, whether the stormwater management system will be designed based on a 50-year storm or a 25-year storm, whether the field will be for the exclusive use of Maret with no permitted use by youth sports organizations, and whether the field will be natural grass or turf.
52. The Commission concludes that its proposed conditions strike a reasonable, equitable balance among the interests of nearby neighbors, ECC and its students, Maret’s students and parents, youth sports groups in the District, Lafayette Elementary School children, neighbors who wish to use a nearby athletic field, and the District of Columbia as a whole. The Commission urges the BZA to reach that same conclusion in its order granting the special exception with the Commission’s proposed conditions.

ADOPTED at ANC 3/4G’s properly noticed public meeting on February 28, 2022, by a vote of 7 yes, 0 no, 0 abstentions (a quorum being 4).

  
\_\_\_\_\_  
Randy Speck, Chair

  
\_\_\_\_\_  
Peter Gosselin, Secretary

**Attachment**  
**ANC 3/4G's Proposed Conditions for**  
**Maret's BZA Application No. 20643**  
**February 28, 2022**

As described in ANC 3/4G's resolution adopted on February 24, 2022, the Commission supports Maret School's (Maret's) application in BZA Case No. 20643 so long as the BZA incorporates the conditions set forth in this Attachment. The Commission urges the parties to identify to the BZA and the other parties which of these conditions that they accept, thereby resolving those issues and eliminating the need to address them at the hearing.

1. Compliance with Plans/Materials Approved by the BZA

- a. Maret shall construct the Athletic Facilities Project in conformance with all plans and materials approved by the BZA in BZA Application No. 20643 (as depicted in Exhibits 15A1 and 15A2, as amended and updated in Exhibits 184C1-184C10 of the record in the case), including the location, specifications, and design of the multi-purpose athletic field, baseball diamond, bullpens, batting cages, rain gardens, parking spaces, trash collection receptacles, scoreboard, goal posts, fences, sidewalks, storage sheds, protective netting, bleachers, shot clocks, retaining walls, and stormwater management facilities. Maret shall obtain all relevant D.C. agency permits and clearances in a timely manner and conform to all permit conditions.
- b. Goal posts shall be removable and shall only be in place from August until Maret's last football game of the season. Maret may store the goal posts on site but will make reasonable efforts to ensure that such storage is accomplished in a manner to minimize intrusion to adjacent properties.
- c. Maret shall construct a security fence around the perimeter of the property and shall prohibit players and spectators from accessing the adjacent alleys or properties from the playing fields. Security fencing shall also protect the property as much as reasonably possible from intruders and discourage any impermissible use of the playing fields. Maret shall consult with the residents abutting the property about the material for the security fence.
- d. The protective netting shall be no taller than 30 feet, measured from the finished grade adjacent to its immediate location, and shall be reduced to lower levels wherever possible based on field experience and observation.

- e. Maret shall plant, maintain, and replace (as necessary) the landscaping shown on pages 10 and 11 of Exhibit 15A1 and as amended and updated in Exhibits 184C1-184C10 in the record of BZA Application No. 20643. Landscaping shall use mature shrubs and trees where reasonable and appropriate and after consultation with nearby residents to provide a visual and sound buffer from adjacent residences by the time the fields begin to be used. To the extent reasonably possible, Maret shall select landscaping items in consultation with neighbors and shall seek to use landscaping items that positively contribute to environmental objectives (e.g., including native plant species such as those identified on page 11 in Exhibit 15A1).
- f. Maret shall abide by the terms of the Tree Relocation Plan approved by the BZA in BZA Application No. 20643 (as depicted in Exhibit 184C7 of the record in the case) except to the extent that, after consultation with ANC 3/4G, such plan is modified and approved by DDOT's Urban Forestry Division. Heritage trees will be retained to the extent reasonably possible. No construction shall be allowed under the drip line of heritage trees unless expressly permitted by the Urban Forestry Division.
- g. Maret has designed the Athletic Facilities Project to mitigate stormwater runoff from a 25-year storm, which exceeds the regulatory requirement for a design to mitigate stormwater runoff from a 15-year storm. Maret shall consult with ANC 3/4G and coordinate its stormwater management plan with the District Department of Energy and Environment ("DOEE"). The Athletics Facilities Project shall comply with all relevant DOEE stormwater management regulations (enumerated in Chapter 5 of Title 21 of the District of Columbia Municipal Regulations) and shall 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. Maret shall conform to requirements for stormwater reports to DOEE, if any, and shall provide ANC 3/4G with copies of such reports. Absent any DOEE reporting requirements, Maret shall report annually to ANC 3/4G on the operation of the stormwater system for ten years and will continue to maintain the stormwater system in accordance with DOEE requirements so long as the field continues to be used primarily as a private school athletic field.
- h. The turf field shall use natural-based infill such as engineered wood particles, "SafeShell," or similar products rather than rubber-based products and shall be installed in conformity with best practices regarding permeability and hydrology impacts. Non-playing field areas shall, to the extent reasonably possible, use natural grass and/or vegetation.

- i. Maret shall install the height and type of perimeter fencing reflected in the 3D model and the 21-day pre-hearing submission.
- j. Maret shall use moveable bleachers at the multipurpose field, and they shall be positioned, to the extent reasonably possible, to minimize noise for adjacent residents. No bleacher set shall exceed 6 tiers. Spectators shall be encouraged to sit in the bleachers and discouraged from standing on the sidelines.
- k. Maret shall, where appropriate, use permeable materials for sidewalks and the parking lot wherever reasonably possible.

2. Lighting, Scoreboard and Noise Abatement

- a. With the exception of down-lit security lighting necessary to provide a safe environment at the Athletic Facilities Project, Maret shall not propose, nor shall it allow, the installation or use of lights to illuminate the multi-purpose athletic field or the baseball diamond. The fields shall not be used at any time after dusk.
- b. The down-lit security lighting shall be limited to the parking lot area. The lights shall be no higher than 12 feet and shall be fully down-lit with minimal BUG (backlight, uplight, glare) ratings commensurate with the surrounding ambient conditions. Lights shall use a combination of photocell and timer so that they are on only when dark and go off no later than 9:00 p.m. The lighting levels and color should be no greater than recommended IES (Illumination Engineering Society) standards for similar facilities. Maret shall consult with ANC 3/4G before finalizing the lighting purchase. Security motion lights shall be permitted on the Media Center building and storage structures.
- c. The proposed scoreboard shall be limited to a height of no more than 20 feet, measured from the finished grade adjacent to its immediate location.
- d. No use of any amplified sound shall be permitted at any time at the Athletic Facilities Project. Two shot clock horns, to be used only during lacrosse games (and not during practices or at any other times), may be installed at the multi-purpose athletic field in the locations identified in Exhibits 184C1-184C10 of the record in the case. Maret shall not permit school bands to perform at games.
- e. No use of bullhorns, cowbells, musical instruments, or other similar devices by spectators or event participants shall be permitted. Whistles

may be used by coaches and game officials in a manner that is regular and customary for athletic practices and games.

3. Use of and Access to the Athletic Facilities Project

- a. The athletic fields are to be used primarily by Maret to support its athletic programs, and any leased use of the fields to youth sports groups or for non-Maret summer camps shall not exceed the time of Maret's use in any calendar year. Maret shall only be permitted to lease the fields to youth sports organizations based in the District of Columbia and may charge a reasonable fee for use of the fields (reasonableness to be determined by reference to fees charged for field use by DPR and other public (e.g., Coolidge and Wilson High Schools) and private schools (e.g., Sidwell Friends and Georgetown Day School) in the District). For any leased use of the fields, the total number of players and coaches shall not exceed 60 at any time, with the exception of summer camps during which the total number of participants and staff shall not exceed 75 in any session, with at least 30 minutes between sessions.
- b. Use of the Athletic Facilities Project by Maret and its lessees shall not exceed the hours as set forth below except as recommended by ANC 3/4G and Maret and modified by the BZA:
  - i. Pre-Season (mid to late August):
    - Monday: 8:00 a.m. to 6:00 p.m.
    - Tuesday: 8:00 a.m. to 6:00 p.m.
    - Wednesday: 8:00 a.m. to 6:00 p.m.
    - Thursday: 8:00 a.m. to 6:00 p.m.
    - Friday: 8:00 a.m. to 6:00 p.m.
    - Saturday: No Use Scheduled by Maret or its Lessees
    - Sunday: No Use Scheduled by Maret or its Lessees
    - Any District of Columbia holiday: No Use Scheduled by Maret or its Lessees
  - ii. Fall Season (September through November):

- Monday: 3:00 p.m. to 6:00 p.m. (Maret Use) and 6:00 p.m. to 7:00 p.m. (Youth Sports Organizations)
- Tuesday: 3:00 p.m. to 6:00 p.m. (Maret Use) and 6:00 p.m. to 7:00 p.m. (Youth Sports Organizations)
- Wednesday: 2:00 p.m. to 6:00 p.m. (Maret Use) and 6:00 p.m. to 7:00 p.m. (Youth Sports Organizations)
- Thursday: 3:00 p.m. to 6:00 p.m. (Maret Use) and 6:00 p.m. to 7:00 p.m. (Youth Sports Organizations)
- Friday: 3:00 p.m. to 7:00 p.m. (Maret Use)
- Saturday: 10:00 a.m. to 5:00 p.m. (Maret or Youth Sports Organizations)
- Sunday: 11:00 a.m. to 3:30 p.m. (Youth Sports Organizations)
- Any District of Columbia holiday: No Use Scheduled by Maret or its Lessees

iii. Winter Season (December to President's Day):

- Monday: 4:00 p.m. to 5:30 p.m. (Youth Sports Organizations)
- Tuesday: 4:00 p.m. to 5:30 p.m. (Youth Sports Organizations)
- Wednesday: 4:00 p.m. to 5:30 p.m. (Youth Sports Organizations)
- Thursday: 4:00 p.m. to 5:30 p.m. (Youth Sports Organizations)
- Friday: 4:00 p.m. to 5:30 p.m. (Youth Sports Organizations)
- Saturday: No Use Scheduled by Maret or its Lessees
- Sunday: No Use Scheduled by Maret or its Lessees
- December 24 through January 2 and any District of Columbia holiday: No Use Scheduled by Maret or its Lessees

iv. Spring Season (after President's Day to mid-June)

- Monday: 3:00 p.m. to 6:00 p.m. (Maret Use) and 6:00 p.m. to 7:00 p.m. (Youth Sports Organizations)

- Tuesday: 3:00 p.m. to 6:00 p.m. (Maret Use) and 6:00 p.m. to 7:00 p.m. (Youth Sports Organizations)
  - Wednesday: 2:00 p.m. to 6:00 p.m. (Maret Use) and 6:00 p.m. to 7:00 p.m. (Youth Sports Organizations)
  - Thursday: 3:00 p.m. to 6:00 p.m. (Maret Use) and 6:00 p.m. to 7:00 p.m. (Youth Sports Organizations)
  - Friday: 3:00 p.m. to 7:00 p.m. (Maret Use)
  - Saturday: 10:00 a.m. to 5:00 p.m. (Maret or Youth Sports Organizations)
  - Sunday: 11:00 a.m. to 3:30 p.m. (Youth Sports Organizations)
  - Any District of Columbia holiday: No Use Scheduled by Maret or its Lessees
- v. Summer Season (Mid-June through Mid-August):
- Monday: 9:00 a.m. to 3:00 p.m. (Youth Sports Camps)
  - Tuesday: 9:00 a.m. to 3:00 p.m. (Youth Sports Camps)
  - Wednesday: 9:00 a.m. to 3:00 p.m. (Youth Sports Camps)
  - Thursday: 9:00 a.m. to 3:00 p.m. (Youth Sports Camps)
  - Friday: 9:00 a.m. to 3:00 p.m. (Youth Sports Camps)
  - Saturday: 10:00 a.m. to 5:00 p.m. (Youth Sports Organizations)
  - Sunday: No Use Scheduled by Maret or its Lessees
  - July 4: No Use Scheduled by Maret or its Lessees
- b. Maret shall permit access to the Athletic Facilities Project for community use, which shall include use by residents of the surrounding neighborhood for general recreational activities, but not structured team sports (e.g., team practices or games not otherwise scheduled through Maret) during the following hours:
- i. Pre-Season (mid to late August):

- Monday: 6:00 p.m. to dusk
  - Tuesday: 6:00 p.m. to dusk
  - Wednesday: 6:00 p.m. to dusk
  - Thursday: 6:00 p.m. to dusk
  - Friday: 6:00 p.m. to dusk
  - Saturday: 8:00 a.m. to dusk
  - Sunday: 8:00 a.m. to dusk
- ii. Fall Season (September through November):
- Saturday: 8:00 a.m. to 10:00 a.m. and 5:00 p.m. to dusk
  - Sunday: 8:00 a.m. to 10:00 a.m. and 3:00 p.m. to dusk
- iii. Winter Season (December through February):
- Saturday: 8:00 a.m. to dusk
  - Sunday: 8:00 a.m. to dusk
- iv. Spring Season (March through June):
- Saturday: 8:00 a.m. -10:00 a.m. and 5:00 p.m. to dusk
  - Sunday: 8:00 a.m. - 10:00 a.m. and 3:00 p.m. to dusk
- v. Summer Season (July through Mid-August):
- Monday: 6:00 p.m. to dusk
  - Tuesday: 6:00 p.m. to dusk
  - Wednesday: 6:00 p.m. to dusk
  - Thursday: 6:00 p.m. to dusk
  - Friday: 6:00 p.m. to dusk
  - Saturday: 8:00 a.m. to dusk
  - Sunday: 8:00 a.m. to dusk

Maret shall regularly monitor the community use during the permitted hours to ensure that the fields are not being used by organized adult teams from outside the community and shall advise ANC 3/4G and the BZA of any additional steps that may be necessary to ensure that the fields are used for the intended community purpose.

- c. Maret shall make the Athletic Facilities Project available for scheduled use by children attending ECC and District of Columbia Public School (DCPS) traditional and charter schools on weekdays during the academic school year between the hours of 9:00 a.m. and 3:00 p.m. on Monday, Tuesday, Thursday and Friday and between the hours of 9:00 a.m. and 2:00 p.m. on Wednesday. Maret shall limit any fees charged for such use by DCPS traditional and charter school students to the rates charged for athletic field use by DPR.
- d. Maret shall post on its website for the Athletic Facilities Project the hours of seasonal uses of the athletic field by Maret or others as set forth in these conditions and will provide a link to Maret's athletic schedule. Neighbors should be able to go to this source to see what activities are authorized at any time.
- e. Maret may submit a proposal to ANC 3/4G and the BZA to modify the approved hours of use set forth in this Condition #3, not earlier than three (3) years from the date of the issuance of the written Order in BZA Application No. 20643. Similarly, ANC 3/4G may submit a proposal to Maret and the BZA to modify the approved hours of use set forth in this Condition #3, not earlier than three (3) years from the date of the issuance of the written order in BZA Application No. 20643.
- f. On weekdays during the academic year, the parking lot and field gates identified in Exhibits 184C1-184C10 of the record in the case shall be open and/or unlocked during daylight hours to allow access to authorized users. During periods when the Athletic Facilities Project is not scheduled for use, Maret may secure the parking lot and/or field gates. Community members shall be provided with a means to access the field (e.g., by a gate code) in the event the field gate is locked during a period of time when community use is permitted (i.e., for "pickup" games or community events). During all times of the year, the parking lot and field gates shall be locked from dusk until dawn.

- g. Maret shall retain and exercise the right to request that anyone using the field, the field house, or the parking lot leave the property based on their disorderly conduct.
- h. Maret shall negotiate with DPR to end its agreement for use of the Jelleff field at 3265 S Street, NW — including both Maret’s obligations for maintenance of the field and Maret’s preferential use of the field — effective when the Athletic Facilities Project is complete and operational. Maret shall report to ANC 3/4G and ANC 2E on its efforts to negotiate an expeditious end to the Jelleff field agreement with DPR.

4. Transportation and Parking

- a. Maret shall construct approximately 48 parking spaces as part of the Athletic Facilities Project in conformance with the plans and materials approved in BZA Application No. 20643 and as depicted in Exhibits 184C1-184-C10 of the record in the case.
- b. Maret shall abide by the terms of the Transportation Demand Management Plan approved in BZA Application No. 20643 as detailed in Exhibits 97A1 and 97A2 of the record in the case, including:
  - i. Provide a minimum of six short-term bicycle racks (12 spaces) on the site.
  - ii. Subject to DDOT approval, designate a bus drop-off/pick-up zone on Nebraska Avenue, as identified on the site plan included in Pre-hearing Statement (Ex. [184C2](#)). Parked buses and cars must have their engines turned off (i.e., no idling).
  - iii. Implement the following policies to reduce single-occupancy vehicle trips to Athletic Facilities Project:
    - During the school year, Maret shall require all Maret team members and most coaches to travel to and from the Athletic Facilities Project by bus for practices, except team members who live in the neighborhood who may bike or walk to practice, team members who use Metrobus, and up to five coaches who may drive to/from the Athletic Facilities Project.
    - During the school year, Maret shall require all Maret and visiting team members and most coaches to travel to and from the Athletic Facilities Project by bus for games, except team

members who live in the neighborhood who may bike or walk to practice, team members who use Metrobus, and up to five coaches who may drive to/from the Athletic Facilities Project. Team members whose parents or guardians attended the game may leave the Athletic Facilities Project with their parents or guardians.

- During the pre-season, Maret shall require team members and coaches to travel to the Athletic Facilities Project by bus, except team members who live in the neighborhood who may bike or walk to practice, team members who use Metrobus, and up to 12 team members and five coaches for the morning session and up to 12 team members and five coaches for the afternoon session who may drive to/from the Athletic Facilities Project for both the morning and afternoon practice sessions.
- Maret shall encourage visitors to the Athletic Facilities Project to use the nearby Metrobus M4, E4, or E6 lines (and any additional bus lines), providing connectivity to the Tenleytown and Friendship Heights Metrorail Stations.
- Maret shall monitor lessees' use of single-occupancy vehicle trips to the Athletic Facilities Project and report to ANC 3/4G and DDOT in the Fall and Spring seasons in the first year of operation and bi-annually thereafter. The monitoring study shall consist of weekday PM and Saturday peak hour vehicle counts to determine the number of vehicle trips generated by the facility when lessees use the fields. If the trip generation for the facility is higher than the peak hour trip generation identified in Table 6 on p. 20 of the January 2022 CTR, Maret shall propose steps that can be taken to reduce the number of such trips. Bi-annual monitoring shall be conducted until such time as the monitoring study reveals that the weekday PM and Saturday peak hour trip generation is at or below the trip generation identified in the CTR for two years. At such time, the monitoring may cease if peak volumes are consistent with the CTR projections.
- In order to minimize the number of vehicles picking up or dropping off at any one time, Maret shall not schedule nor shall it permit its lessees to schedule games with less than 30 minutes between the end of one game and the scheduled beginning of the second game.

- In order to reduce the amount of total traffic on Maret game days, Maret shall work with St. John's College High School to avoid scheduling home games at the same times.
- vi. Maret shall provide flaggers in the parking lot to direct traffic to available parking lot spaces during games and practices in which the parking lot is expected to be at or near capacity. Maret shall also request and pay for traffic control officers to direct traffic into and out of the parking lot during events for which more than 75 spectators are anticipated to arrive at the athletic fields by car.
- vii. Once each fall and spring for the first three years of the athletic fields' use, when the parking lot is at or near capacity, Maret shall survey street parking availability on nearby streets (comparable to the On Street Parking Assessment in the Comprehensive Transportation Review (CTR), Ex. 97A1 at pages 17-18) and report the results of the survey to ANC 3/4G. If the survey shows that parking occupancy exceeds 70% of the available street spaces, Maret will propose steps that can be taken to reduce the number of vehicles parked on nearby streets when the parking lot is at or near capacity.
- viii. Through signage or another appropriate means, Maret shall notify those who attend events at the Athletic Facilities Project that they may not park illegally as indicated by DDOT signage on any nearby street. When notified of illegally parked vehicles on nearby streets, Maret shall take prompt and reasonable action to find the vehicle owner and request that the vehicle be moved.
- ix. Maret shall not permit trash and recycling pickup during the following hours:
- Between 9:00 p.m. and 7:00 a.m. in accordance with DCMR 20-2806;
  - During the school year, from 3:00 p.m. to 5:00 p.m. on weekdays;
  - During the summer, before 9:00 a.m. or after 3:00 p.m. on weekdays; and
  - Anytime on Saturdays or Sundays.

- x. Maret shall work with ANC 3/4G to advocate with DDOT for traffic control and traffic mitigation measures on Nebraska Avenue, Utah Avenue, and at the intersection of Military Road and 27th Street.
- xi. Pedestrians and vehicles shall not have access to the field from the Rittenhouse Street or Utah Avenue alleys, and the spectators may not use the alleys during games or practices.
- xii. Maret shall create a community area at the intersection of the Rittenhouse Street and Utah Avenue alleys that will be open to the public. Maret shall enhance the landscape buffering between this area and the field to prevent spectators from watching games on the athletic fields from the community area.
- xiii. Maret shall advise spectators that alcohol is not permitted on the field.
- xiv. The parking lot and field house will be locked except during the period starting 30 minutes before scheduled use of the field and 30 minutes after scheduled use of the Field. The parking lot may be unlocked when in use by Maret or ECC staff. Maret is responsible for ensuring that the field and field house are vacant before the parking lot gate is locked.
- xv. Activities at the field shall be conducted so that they do not impede access by emergency vehicles to and from the Knollwood Life Plan Community on Oregon Avenue, NW. At least one traffic lane shall be made accessible when such emergency vehicles approach the site by use of a flag person or other means.
- xvi. Maret shall comply with all of the conditions that DDOT recommends in its February 25, 2022 memorandum to the BZA ([Ex. 222](#), pages 2-4).

5. Communications During Construction Activity and Management of Construction-Related Impacts.

- a. Pre-construction period
  - i. Site management and contact: Prior to construction, Maret and the General Contractor shall designate a Maret Project Manager (or, in the Project Manager's absence, an alternate) as the single point of

contact who will be responsible for receiving, addressing, and resolving any questions, concerns, complaints, or suggestions from the ANC, or from the community. The Maret Project Manager will keep a log of outstanding questions or issues that have been raised by the ANC or the community to identify their status, estimated dates for resolution, and resolution. This log will be available for review by the ANC. The General Contractor will have an employee who is familiar with these Conditions on the site whenever any construction activities are ongoing. Current contact information for the Maret Project Manager will be published on the Maret Athletics Facilities Project Webpage and on gates providing access to the construction site.

- ii. Communications: Maret shall establish a page on its website devoted to communications related to the Athletics Facilities Project, and it will keep this webpage (“Athletics Facilities Project Webpage”) current with information that includes: (i) a calendar that identifies all scheduled meetings or events and key construction or pre-construction activities related to the Athletics Facilities Project; (ii) a milestone schedule for the Athletics Facilities Project showing key start and completion dates; and (iii) the date(s) that DDOT or DCRA has approved for any after-hours work (if applicable).
- iii. Home Damage Impact: At least 90 days before the planned start of construction, Maret and the General Contractor will distribute flyers or otherwise communicate with all homes located within 200 feet on the approximate start date.
  - (A) At least 90 days prior to construction, Maret and the General Contractor will offer to conduct a survey of homes at the locations identified below as Designated Survey Homes, in order to provide a pre-construction baseline for any potential damage, including a crack assessment, within this area that might be caused by construction-related activities of the project. Activities include but are not limited to digging and leveling, movement of equipment, tree removal and replacement, and vibration from jackhammers. (There will be no blasting during construction without notice to ANC 3/4G and the neighbors within 200 feet of the site.) The cost for conducting these surveys for any homeowner within the designated group who agrees to a survey shall be borne

entirely by Maret. A copy of any survey conducted will be provided to the relevant homeowner at the homeowner's request.

- (B) The Designated Survey Homes shall include: (1) all the houses on 28th Street, NW, west side, contiguous to the ECC property; (2) all the houses on Nebraska Avenue, NW on the field side, on the same block as the field, and (3) all the houses on Utah Avenue, NW and Rittenhouse Street, NW that are adjacent to the alleys that abut the ECC property.
- (C) At the completion of construction, residents in the Designated Survey Homes may submit to Maret any evidence of damage (including damage from stormwater) that they reasonably believe was caused by the construction. After comparing the pre-construction survey to any evidence of damage, Maret shall contract and pay for repairs of construction damage (including damage from stormwater). If needed, Maret shall pay for cleaning windows of construction dust for the Designated Survey Homes.

iv. Construction Traffic Control: Prior to the start of construction, Maret and the General Contractor will prepare a proposed plan for managing the construction traffic into and out of the site — the Construction Traffic Plan or CTP. The goal of the CTP shall be to minimize the impact on streets in the surrounding neighborhood and minimize any objectionable effects to the extent reasonably possible. Components of the CTP are:

- (A) Routes: Construction-related vehicles shall include heavy trucks (including concrete and flatbed trucks), passenger vehicles, pick-up trucks, self-propelled construction equipment, skips, and dumpsters.
  - (i) All construction related vehicles — with the limited exception, where necessary, for vehicles that require access from the alley to work on the perimeter landscape buffer, retaining walls, and heritage trees — shall only enter and exit the property from Nebraska Avenue NW. Construction access to the site shall be up

Oregon Avenue, NW to Nebraska Avenue, NW (or Oregon Avenue, NW to Rittenhouse Street, NW to Nebraska Avenue, NW depending on the Oregon Avenue, NW construction). Exiting vehicles turn right to Nebraska Avenue, NW and make a left onto Utah Avenue, NW to Military Road, NW. Construction vehicles shall not queue on the street and shall be turned off if not being actively used on site. At no time during the construction period shall heavy equipment be allowed on or through the alleys, including for the purposes of construction operations and storage. If reasonably necessary, Maret shall provide flag persons to ensure that no construction vehicles use the alleys. Construction vehicles shall park on the field, not on neighborhood streets or alleys.

- (ii) Except as provided in paragraph (ii) above, at no time during the construction period shall heavy equipment be allowed on or through the alleys, including for the purposes of construction operations and storage. If reasonably necessary, Maret shall provide flag persons to ensure that no construction vehicles use the alleys.
  - (iii) Construction activities at the field shall be conducted so that they do not impede access by emergency vehicles to and from the Knollwood Life Plan Community on Oregon Avenue, NW. At least one traffic lane shall be made accessible when such emergency vehicles approach the site by use of a flag person or other means.
- (B) Staging: Maret shall identify authorized off-site truck staging areas and those areas that are expressly prohibited for truck staging, and Maret shall notify DDOT and ANC 3/4G regarding truck or equipment staging areas and prohibitions against construction

traffic in the neighborhood streets surrounding the site as shall be identified in the Construction Management Plan. No staging shall be permitted on residential streets.

(C) Hours: Maret shall specify actions that the General Contractor will take to prohibit construction traffic (including hauling or replacing dumpsters) into or out of the site Monday through Friday before 7:00 am or after 5:00 pm, Saturdays before 9:00 am and after 5:00 pm, or at any time on Sundays for the duration of construction. Nevertheless, the General Contractor shall be permitted to seek permission from DDOT or DCRA for certain highly limited activities outside of these hours.

(D) Clean ups: Maret shall ensure that the General Contractor utilize controls including but not limited to tarps and other covers and tie-downs to control dust generation or slippage of materials from truck movement on roadways to and from the site. Maret shall ensure that contractor follow procedures to promptly clean up any spills or slippages on roadways from vehicles associated with the project.

v. Construction Parking: Prior to the start of construction, Maret and the General Contractor will prepare a plan to accommodate parking and transportation during construction for the construction workers – i.e., the Construction Parking Plan (CPP). At a minimum, the plan will include:

(A) Identification of permitted off-site parking for use during construction by workers at any time during construction when they are unable to be accommodated on the site, but no construction worker parking on residential streets shall be permitted;

(B) Provision of common vehicle (bus, van) to transport workers from any off-site parking location to and from the site;

- (C) A plan for communicating the off-site parking requirements to construction workers, and
  - (D) A penalty plan for violations of this policy, including the amounts of penalty, the responsible party, and the recipient of penalty payments. The CPP will be published on the Athletic Facilities Project Website and up-dated as necessary by the General Contractor and Maret.
- vi. Communication: The Construction Traffic Plan will be published on the Athletics Facilities Project Webpage and updated as necessary by the General Contractor and Maret.
- vii. Site Preparation Elements: Prior to the start of construction, Maret and the General Contractor shall prepare a plan to minimize construction noise, vibrations, odors, dust, dirt, liquid spills or leaks, fumes, effluents, floodlights, rats and other pests, and other potential disruption or effects from the Athletic Facilities Project (the “Construction Management Plan”). This plan will include, at a minimum, actions that will be taken to:
  - (A) minimize airborne dust or dirt during construction;
  - (B) limit smoking or break areas to designated areas on site that are located no closer than 25 feet from the property line shared with the 28<sup>th</sup> Street, NW neighbors;
  - (C) require construction workers to refrain from consuming food on nearby residential streets and to consume food inside the construction fence, and construction workers shall also remove all food trash daily. Any food trucks serving the workers shall be parked off street on the site and not on the surrounding streets.
  - (D) prohibit construction workers from using alcohol or drugs on the site; and
  - (E) control and mitigate stormwater runoff during the construction period.
- viii. Management and Community Relations

- (A) ANC 3/4G shall create a Maret Project Task Force. Beginning two months before any construction begins and continuing through two months after construction is completed, Maret and/or the General Contractor will meet monthly (or as often as the Task Force determines is necessary, but not more than two times per month) with a Task Force composed of three to five ANC commissioners or Commission appointed designees. The Task Force members will be selected by ANC 3/4G, and their names and contact information will be posted on ANC 3/4G's website ([anc3g.org](http://anc3g.org)). Maret, the General Contractor, and the Episcopal Children's Center may be represented at all Task Force meetings as ex-officio members and will report on the status of construction, the upcoming construction schedule, and any problems or concerns that residents have raised.
- (B) The Task Force shall provide a written framework to Maret and the General Contractor in a timely fashion before construction begins outlining the Task Force objectives and monitoring functions. Adoption of the framework by the Task Force will be by a simple majority. The minority may request that alternative views be distributed to Maret and the General Contractor. After presentation of the framework to Maret and the General Contractor, all parties shall agree to mutually acceptable terms that shall constitute the final construction framework.
- (C) All construction activities on the ECC/Maret property shall be undertaken in a manner that is consistent with all conditions of the BZA Order (including the language in this Condition #5) approving the Application and all related permits, amendments, or agreements with applicable regulatory agencies. ANC agreements and/or resolutions may be incorporated by reference in BZA orders or included separately among the relevant parties.
- (D) Maret and the General Contractor may at any time make reasonable modifications to their construction activities, after consulting with the Task Force so long as the modifications are consistent with the BZA's Order. The Task Force, Maret,

and the General Contractor will make reasonable efforts to address and resolve any questions or issues that are raised with regard to a particular element of construction activity on the ECC/Maret property.

- (E) Notification: Maret shall publish the requirements of this Condition #5 on the Athletic Facilities Project Website and update it as necessary. Maret will require that its General Contractor include provisions in all subcontracts that will require that the subcontractor adhere to the provisions of this Condition #5. Nevertheless, Maret and the General Contractor will remain responsible for ensuring that work on the Athletic Facilities Project is undertaken in accordance with all requirements of these Conditions.

b. Construction Period

- i. Hours: Normal construction hours shall be between 7:00 a.m. and 5:00 p.m. Monday through Friday, and between 9:00 a.m. and 5:00 p.m. on Saturday. In the event that an emergency threatens the life and safety of workers, or others in the community, construction may occur during other hours or on other days so long as the ANC is given reasonable notice. Reasonable notice shall be considered an email to the Single Member District Commissioner and ANC Chair and is not required to be given before the start of the emergency work if there is inadequate time to do so.
- ii. Perimeter Elements
  - (A) Alleys: The actual alleys behind the houses on Utah Avenue, NW and Rittenhouse Street, NW themselves, shall be repaired by the contractor should they be damaged during construction. Restoration of the alleys should be to a pre-construction level at the direction and satisfaction of DDOT.
  - (B) Other structures: All the garages and driveways on the Utah Avenue, NW and Rittenhouse Street, NW alleys shall be restored to pre-construction status should they be damaged from “sinking” or cracking due to subsidence or other causes related to digging and earth removal nearby the alleys. All the fences separating the above stated homes (or alleys) from the

ECC site shall be replaced in-kind if damaged due to construction. Where necessary, Maret and the General Contractor shall erect and maintain a high-quality construction fence along the perimeter of the site. All the contiguous properties landscaping shall be maintained and protected. All vegetation and trees on neighboring properties near the property line are to have proper tree and root ball protection to the extent they are impacted by the construction of the project.

iii. On-site elements

- (A) Construction facilities: Construction offices shall be located on the construction site. Construction trailers and latrines will not be positioned within 25' of the property line. Construction offices, latrines, material dumps, or project-related vehicles of any kind will be screened to minimize any visual impacts.
- (B) Trash and debris: Maret and the General Contractor shall remove rubbish and construction debris as necessary during the normal construction work day and shall inspect the site daily for compliance. Maret shall publish to the Athletic Facilities Project Website complete contact information for a point of contact (which may be the designated Project Manager), whom neighbors can contact to report rubbish or construction debris outside of the construction site.
- (C) Notification: Maret and the General Contractor shall erect reasonable signage throughout the Athletic Facilities Project site to advise subcontractors and construction workers of the requirements of these Conditions.

6. Dispute Resolution

- A. Any person claiming that Maret or Maret's contractors has violated any of these conditions may submit a complaint to the Task Force. The Task Force will attempt to resolve the dispute informally. The Task Force may impose reasonable fines and/or require performance of the obligations imposed by these conditions. The total amount of fines will be capped at \$25,000.

- B. If the dispute cannot be resolved by the Task Force, the claimant or Maret may seek arbitration by an independent arbitrator selected by the Task Force and accepted by Maret. The arbitrator may issue a final and binding decision on all issues submitted. The arbitrator may require performance of obligations imposed by the Agreement, impose reasonable fines for its violation, and to determine the allocation of arbitration costs and fees.
- C. If the Task Force or arbitrator imposes a fine, the Task Force shall decide which charitable organization based in the District of Columbia shall receive the amount of the fine.

7. Duration

- A. This Agreement shall remain in effect at all times during which Maret or any of Maret's successors or assignees uses the Athletic Facilities Project. It may not be altered or amended except by a BZA order.
- B. If Maret terminates its lease with ECC or does not renew its lease for the full 50 years, ECC shall assume Maret's obligations under these conditions so long as the field continues to be used primarily as a private school athletic field. If the ECC sells the property or transfers the lease to any other entity, the new property owner or lessee shall assume the obligations under these conditions so long as the field continues to be used primarily as a private school athletic field. These obligations may not be altered or amended except by a BZA order.