

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** February 25, 2022  
**SUBJECT:** BZA 20643 - Maret Field (5901 Utah Avenue NW)

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **recommends approval** of **special exception** relief pursuant to Subtitle U 203.1 (m), X § 104.1 and from Subtitle C § 710.2 pursuant to Subtitle X § 901.1 to permit:

- Educational use, including an athletic field in a residential zone (R-1-B); and
- To permit the location of required parking in the front yard of the property at 5901 Utah Avenue NW.

Subject to the following conditions:

- Installation and maintenance of evergreen shrubbery along the outer perimeter of the parking lot to minimize the lot’s visual impact to abutting neighbors fronting 28<sup>th</sup> Street and across Nebraska Avenue;
- Sound amplification devices, music and other sound instruments shall not be permitted at the facility, to mitigate noise impacts to the neighborhood in excess of the maximum 60dBA allowed by District regulations.

**II. LOCATION AND DESCRIPTION**

Address	Part of 5901 Utah Avenue NW
Legal Description	Square 2319, Lots 832
Ward	ANC 3 / ANC 3/4G
Zoning	The site is zoned R-1-B, which permits a private school use as a special exception under U § 203.1 (m).
Lot Characteristics	The irregularly shaped property is comprised of two large tax lots of variable topography. As stated by the applicant <i>“the Property currently includes significant topographical changes, with a grade change of approximately 35 feet from a high-point at the northwest corner of the property to a low-point at the southeast corner of the property.”</i> The property is bound by a 15-foot wide public alley system to the northwest and west; four abutting properties to the east; Nebraska Avenue to the south; Utah Avenue and one residential property, where the alley dead-ends at the subject property line to the west.

Existing Development	The 4.9 acres portion of the property which is the subject of this application is the AT&T Lot 832, which is developed with a one-story brick building now proposed as a field house and an undeveloped open field. There is a curb cut from Nebraska Avenue and vehicular access from the internal alley system in Square 2319.
Surrounding Neighborhood Character	The neighborhood is developed primarily with single-family homes in the R-1-B district. There are some institutional uses including schools and churches dispersed within the neighborhood. The abutting Lot 831 to the west fronts both Utah and Nebraska Avenue. The subject property directly abuts the rear and/or side yards of four homes, three of which front on 28 <sup>th</sup> Street NW, and one on Nebraska Avenue (5860 Nebraska Avenue NW). There is one home at the corner of Nebraska and 28 <sup>th</sup> Street, which does not directly abut the field. To the north and west are other single-family homes fronting Rittenhouse Street and Utah Avenue NW, separated from the subject lot by alleys. 5931 Utah Avenue abuts the property line at the side yard of the field house.
Proposal	Maret proposes to re-purpose one of the existing buildings on the property as a fieldhouse and to construct an athletic facility to include a baseball diamond, a multi-purpose field and 48 parking spaces. Special exception relief pursuant to Subtitle U § 203.1(m) and Subtitle X § 104 is required to permit a private school use in a residential zone district; and pursuant to Subtitle C § 710.3 to allow parking spaces within a front yard. (See additional information under <a href="#">IV. Proposal</a> )



### III. BACKGROUND

Maret signed a long-term lease (up to 50 years) in 2020 with the Episcopal Center for Children (ECC) for the Subject Property. The lease agreement with Maret is intended to allow the ECC to continue its presence in the community where it has been for over 80 years, and also allow Maret to satisfy its programmatic need for additional field space. Currently, Maret utilizes up to five athletic fields in the District for its athletic practices and competition games. Its Woodley Park Campus athletic facilities are also used by several DC youth leagues and the community for a farmers' market and community activities. Based on its programmatic requirements, Maret still needs additional field space for its athletic programs.

### IV. PROPOSAL

The design for the athletic facility includes a baseball diamond and a multipurpose field to be used for baseball, soccer, lacrosse, and football. The development of the field would involve grading of the site's variable topography, including the construction of 4 feet high retaining walls on the property line at the dead-end portion of the alley to the northwest and at the southeast edge behind the proposed goal post. Athletic netting would be placed along portions of the perimeter of the field including above the retaining walls. The netting and support poles would be painted a light to neutral color to minimize potential visual impact on the neighbor's views. There are notable Heritage trees on the site which would be relocated to an 9,800 sq.ft. area at the northwest corner, which will be available to the neighborhood as a small park. Seating would be provided for visitors during games along the first and third base areas in the northwest corner of the property. An existing structure owned by the ECC would be converted to a field house for storage of equipment and lockers for participants' and coaches' use. Maret intends to lease the use of the fields to other sports groups when not in its use similar to operations of other fields, and to make the fields available for neighborhood use at scheduled times.

In conjunction with extensive outreach<sup>1</sup> with the community beginning in 2019 through February 2022, including through the ANC and the Friends of the Field community group, the Applicant has amended its original submission. The revised submission reflects changes in response to community's concerns and are highlighted in the [revised Site Utility Plan of Exhibit 184 C1](#). The amendments are summarized. Visuals from the applicant are provided at [Exhibit 184C 8,9,10](#).

#### Landscaping ([Landscaping Plan Exhibit 184C7](#))

- Provided community open space at the site of located Heritage Trees (9,800 sf) (Exhibit 193A)
- Upgraded perimeter fence from chain link to aluminum ornamental picket fence 6 ft in height – to limit players and visitors access to the field from the periphery of the site where there are residential properties.
- Provided additional vegetative screening along Utah Avenue and generally provided enhanced perimeter landscape screening throughout site as additional visual and noise buffers;
- Shifted rain garden toward the interior for the site and enhanced the surrounding landscaping buffer;

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<sup>1</sup> See [Exhibit 184A – Community Outreach Engagement Summary and Exhibit 184 B Community Input Portal Responses](#)

- Agreed to no amplified sound system or noisemakers; ([Acoustic Review: Exhibit 184D](#))

### **Traffic management**

- Eliminated existing curb cut at Nebraska Avenue;
- Shifted location of bus pick up/drop-off zone to the west to improve sight lines;
- Located bike racks to the interior of the site to promote biking to the fields;
- Reduced width of curb cut to 24 feet as requested;
- Adjusted the location of the parking lot to be fully outside of the Building Restriction Line;

### **Stormwater management** (*See DOEE's report to be filed separately to the record*)

- Designed an integrated stormwater management system to improve existing stormwater conditions for neighboring properties; ([Stormwater Plan -Exhibit 184C6](#))

### **General site layout improvements**

- Relocated storage structures and batting cages to minimize potential impact on surrounding neighbors;
- Relocated trash collection away from Utah Ave alley;
- Redesigned Football goal posts so they can be removed after the fall season;
- Eliminated lighting of athletic fields to ensure that all activity take place during daylight hours;
- Reconfigured heights of retaining walls in response to neighbors' input;
- Reduced height of netting along Rittenhouse Street alley from 30 feet to 20 feet above field level and changed the color of the netting and support poles to reduce visibility;
- Reduced height of scoreboard by 8 feet and shifted it to the corner of the site where field elevation is lower than the alley and the buffering of the relocated Heritage Trees would minimize its visibility.

### **Project Timeline:**

If approved by the Board, the applicant anticipates the project completion within a year, according to the following timeline:

- **Spring 2022:** Prepare Heritage trees for relocation
- **Spring/Summer 2022:** Begin grading begins
- **Summer/Fall 2022:** Relocate Heritage trees
- **Fall/Winter 2022:** Complete grading and soil movement
- **Winter 2023:** Construct field surfaces and renovate existing building as a fieldhouse
- **Spring/Summer 2023:** Complete construction

## V. ZONING REQUIREMENTS and RELIEF REQUESTED

Items	Requirement	Proposal	Relief
Lot Area D § 302.1	5,000 sq. ft. min.	213,444 sq.ft.	Non required
Lot Occupancy D § 304	40% max.	Not provided	None Required
Height D § 303	40 ft. max.(res.) 90 ft. (institutional)	Existing one story; No new building.	None Required
No. of Students U § 203 (Student Cap)	Not prescribed	50-60 students projected at any one time	None Required
No. of Staff: U § 203	Not prescribed	10 faculty/staff	None required
Parking Spaces C§ 701.5 (the plan proposes 80 permanent bleacher seats plus 80 portable bleacher seats)	23 spaces min. required <i>2 spaces for each 3 teachers and other employees, plus...1 space for each 10 seats in the largest...area usable for public assembly.</i> spectator and participant parking (160 people/10 spaces) =16 teacher or other employee parking (10 employees x 2 spaces/3 employees) =7	48 spaces	None Required
Bicycle parking C § 802.1	<b>LT:</b> 1/7,500 sf, in xs of 4,000 sf. including space devoted to bike storage or support (lockers and showers) facilities. <b>ST:</b> 1/2,000 sf,	Long Term- None required Short Term- 2 required 12 provided	None Required
Drop Off/Pick Up Locations	N/A	Curbside in a dedicated 100 ft. pickup/drop off zone	None Required
Educational use: U 203.1 (m), and X § 104.1	Educational use by a private school in a residential zone;	A multipurpose athletic field and baseball diamond	Special Exception
Parking location: Subtitle C § 710.2	Location of required parking space in the front yard of the property.	48 parking spaces proposed in the front yard.	Special Exception

## VI. OFFICE OF PLANNING ANALYSIS

### A. Special Exception Relief pursuant to U § 203.1 (m) and X § 104.1

*U § 203.1 and X § 104.2      The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.*

An athletic facility is part of an educational facility and is permitted through special exception relief in the R-1-B zone.

The school documented several meetings with the neighborhood, including community organizations and the ANC 3G, to address concerns related to use of the facility, transportation and parking, site design, stormwater management, tree retention and removal, security, construction, noise mitigation, traffic and intensity of uses, so that they do not become objectionable to nearby properties.

The overall proposal would also involve regrading of the field, construction of 4-foot high retaining walls to the northwest and southeast of the site, and inclusion of stormwater management facilities below the field. There would be no new construction of buildings. Tree removal and replanting will be subject to arborist recommendations as well as the District Department of Transportation DDOT's Urban Forestry review. A Comprehensive Transportation Review Statement – Exhibit 97A1 97A2, is under review by the District Department of Transportation (DDOT).

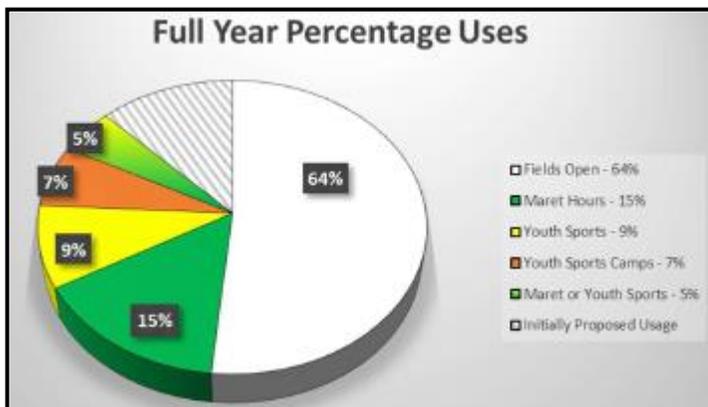
### **Number of Students and Faculty/Staff**

Maret has provided that the maximum number of Maret students using the fields at any one time is not expected to exceed 50-60 players. In response to the issue of intensity of use, particularly as the field would be leased to other sports groups, the applicant provided a detailed breakdown of usage of the field by its students and other groups at Exhibit 184E of the record.

### **Intensity of Use**

The record details the times for use of the field during the Fall, Winter, Spring and Summer seasons; the field would not be lit so that all activities would take place only during daylight hours. Maret anticipates opportunities for neighborhood access to the property on weekends and in the early evenings throughout the year. When the fields are available during the school week, it is proposed that Maret would permit children attending ECC and DCPS traditional and charter schools to use the field. In summary, seasonal use based on the information provided is as follows:

- **Fall and Spring:** Generally, the field would be open Monday to Friday between the hours of 8 am to 3pm. Maret Games or practice and/or Youth Sports are proposed on Saturdays between 10 am through 4 pm and on Sundays between 10 am through 3:30 pm. The field would also be available to Youth Sports during the week between 6 pm to 7 pm.
- **Winter: (December to President's Day)** During this period, the fields would be open during the week, and available Monday through Friday for use by youth sports only between 4 pm to 5:30 pm.
- **Summer (Mid-June to mid-August)** This season would be primarily used by Youth Sports camps when kids are dropped off at 9 am and picked up in the afternoon at 3 pm. Youth Sports in general would be limited to Saturdays between 10 am up to 5 pm, during this period. On Sundays the fields will be open for community use? all day.
- **Preseason (Mid-August to Labor Day)** Maret will be the sole user of the field from 8 am to 5 pm for its practices, with the fields open on Saturdays and Sundays.



The usage breakdown for the year shows that the multipurpose athletic field would be open for **64% of the full year** during the daylight hours.

Referenced from Exhibit 184E (Page 14)

OP 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 the use of this field.

### **Noise**

The subject property directly abuts four residential properties at the east property line and is separated from the surrounding single-family residences by a 15-foot wide alley system abutting the property lines to the north and west. Approximately 80 seats would be provided for spectators and the applicant stated that there could be as many as 100 or more spectators during competition games. The proposed plans state that amplified sounds would not be permitted through loudspeakers, bullhorns or other noise amplifying devices.

According to the acoustic study provided by an independent company<sup>2</sup> (Exhibit 184D) the field would be closest to the residences at 25 feet and would be furthest at 60-85 feet. The noise study indicated that, based upon experience with similar properties, unamplified noise generated by athletic field use does not tend to reach maximum noise levels of the Regulations. Therefore, the acoustic review (Exhibit 184D, Page 2) does not anticipate that the unamplified noise generated from sports activity and spectators.

In addition, site plan amendments were made, including the provision of more vegetation through landscaping than originally proposed to help reduce noise from the field and to screen views of the field by neighboring residences. The 4 feet high retaining wall will be above the field's height at the northwest corner and should also offer some noise protection to the neighbor at the end of the alley, west of the site.

OP is satisfied that the applicant will not permit amplified sound from spectators and the field's scoreboard and this is recommended as a condition of the field's operation.

### **Traffic**

The applicant submitted a Comprehensive Transportation Review at Exhibit 97A1 and 97A2. The project proposes a new 24-foot wide curb cut off Nebraska Avenue to provide ingress and egress to the 48-space parking area, to be located adjacent to Nebraska Avenue. Twelve short-term bike parking spaces would be provided on site. A 100-ft pick-up and drop off location would be provided curbside primarily for buses, which would bring athletes to and from Maret for practice sessions. Parents would pick-up students from Maret after practice. The applicant's site circulation plan is provided at Exhibit 97A, Figure 10.

Further, the study provided that there is unrestricted parking immediately in front of the property on Nebraska Avenue as shown on the Curbside Management Plan of Exhibit 97A Figure 11.

Analysis of the on-street parking determined that "*Sufficient on-street parking is available to accommodate overflow parking demand for certain games/practices where the number of parked vehicles is expected to exceed the on-site parking supply*"

### **Parking**

*U § 203.1 (m) (2) Ample parking space, but not less than that required in Chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.*

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<sup>2</sup> Phoenix Noise & Vibration, LLC – Acoustical Review

48 on-site parking spaces would be provided. Per Subtitle C § 701 23 spaces would be required to accommodate the faculty/staff and spectators that may come to the field (athletic field capacity with 80 seats). Therefore, the parking requirements would be satisfied. The applicant intends to address management of parking spaces at peak times, which coincide with drop-off/ pick-up times, according to their TDM Plan. As previously stated, there is available on-street parking for overflow needs on game days. The study determined that no adverse queuing is anticipated.

Short-term bike parking (12 spaces) would be proposed where none exists, and long-term bike parking spaces would not be needed.

In summary, the **TDM Plan** is intended to mitigate objectionable impacts on the neighborhood due to traffic includes:

- Provision of 100 ft. curbside drop-off/pick up zone, subject to DDOT's approval;
- Reduction of single-occupancy vehicle trips;
- Provision of flaggers to direct traffic to on-site parking spaces during games or when on-site parking would be anticipated to exceed capacity; and
- Restriction of trash pick-up:
  - No pick-up on Sundays
  - Between 9:00 pm to 7:00am
  - Academic Year – Between 3:00 pm to 5:00 pm weekdays; 10:00 am to 5:00 pm Saturdays
  - Summer months – No trash pick-ups before 9:00 am or after 3:00 pm on weekdays or 10:00 am to 5:00 pm on Saturdays.

OP would defer to DDOT's recommendation regarding the applicant's traffic and circulation related submissions. DDOT will provide their separate analysis to the record.

## **Other Issues**

### **Visibility**

A green buffer would be provided (approximately 3,000 sq.ft.) along the property line shared with the residence at 5860 Nebraska Avenue, including a bio-retention rain garden which would provide an additional buffer between the parking lot and the rear of the residence. Enhanced perimeter landscaping and fencing has been proposed as additional screening to enhance the visual buffer and possibly to dampen potential noise.

In addition, the netting and support poles would be a lighter color and lowered from 30 feet to 20 feet to reduce visibility from public space and from the residences.

The field would not be lit as activities are programmed only to daylight hours. Lights would be provided in the parking area as a safety concern.

### **Stormwater Management**

Proposed stormwater management is anticipated to meet or exceed District standards and exceed the 50% pervious surface requirement. The District Department of the Environment (DOEE) informed OP that the athletic field will be subject to the District's Stormwater Management Guidebook. The applicant has proposed to design the system to meet a 25-year storm event which exceeds DOEE's requirement, such that when the field becomes saturated, the grade of the field

and adjacent area will direct water into a holding area. Presently, there are no storm pipes or other infrastructure to divert stormwater from the highest area, northwest of the site draining to the properties in the east. The stormwater infrastructure including its bioretention facility would mitigate any objectionable impacts due to flooding of nearby/abutting homes.

### **Heritage Tree Removal/Retention**

DDOT's Urban Forestry Division (UFD) informed OP that they have been coordinating with Maret's arborist on a tree preservation and relocation plan. Upon approval, a DDOT arborist will continue to work with the project arborist to ensure that the plan is implemented as approved, as well as providing aftercare for 3 years post construction. The tree preservation plan for two heritage trees closest to the parking lot has been approved. Plans are under review for the relocation of 4 heritage trees, as well as a preservation plan for remaining on-site special and heritage trees.

### **Subtitle X § 104.3**

*The development standards for a private school shall be those of the zone in which the private school is located*

The proposed athletic field satisfies all bulk and yard requirements including for the height of the retaining walls, pervious surface and parking requirements. However, relief from Subtitle C § 710.2 -parking space location - is required since the parking area is proposed to be located in the front yard of the property, as discussed hereafter.

### **B. Subtitle C § 710.2 - Parking Location**

**C§ 710.3** *The Board of Zoning Adjustment may grant full or partial relief from the requirements of this section to locate surface parking spaces anywhere on the lot upon which the building or structure is located if approved as a **special exception** pursuant to **Subtitle X, Chapter 9, and** subject to the applicant's demonstration to the Board's satisfaction that it is not practical to locate the spaces in accordance with Subtitle C § 710.2 (revised under (ZC 21-10) for the following reasons:*

*Unusual topography, grades, shape, size, or dimensions of the lot;*

The irregularly shaped property with variable topography does not feasibly permit the location of parking anywhere else on the lot. Although there is alley access around portions of the property, access to the lot from those alleys is not desired by the residential owners who would share the alley with the athletic facility due to safety concerns.

*The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties;*

Provision of parking at the rear of the lot, even with access off Nebraska Avenue, would be difficult as the lot is 35 feet higher in elevation at the rear (northwest corner of the site) than at the front. It would also reduce the area of the field, which would not be feasible for the provision of the athletic programs. This could also hinder the preservation of Heritage trees on the lot and the provision of the 9,800 square feet passive recreation area of the relocated Heritage trees for the

immediate neighborhood. Thus, locating the parking lot in the front yard in this case would be appropriate. The parking area would be screened by extensive and appropriate shrubbery to reduce visibility.

*The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve; and*

The location of the proposed parking in the front yard would be convenient and would reduce pedestrian and vehicle conflicts in the narrow 15-foot wide alley, particularly for two-way traffic during game days.

*The Board of Zoning Adjustment may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces.*

The applicant has addressed concerns about screening the lot from Nebraska Avenue, with the additional shrubbery and evergreen landscaping by placing the parking area outside of the Building Restriction Line.

## **B. Special Exception X § 901**

### **i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

#### **Athletic Field**

The proposal is consistent with the intent of the Zoning Regulations regarding education uses in low density residential zones. The property has accommodated a school use since 1930, including a K-8 school for children with special needs. The school had ceased operations due to financial difficulty in 2019. Maret entered a lease agreement for a portion of ECC's campus to operate its multipurpose athletic field, which is considered an Education use.

Under Subtitles U § 203.1 (m) and X § 104.1, the applicant has demonstrated that the new athletic facility would include mitigation measures designed to prevent the use from becoming objectionable to adjoining or nearby properties because of noise, traffic or otherwise objectionable conditions. The Applicant has stated to OP that conditions of operations would be included by the ANC based on their review of community comments and would be presented at the public hearing.

#### **Parking Location**

The proposal has satisfied the criteria as discussed and would satisfy the intent of the regulations, including to reduce the parking area's visibility from public space.

**ii. Would the proposal appear to tend to affect adversely the use of neighboring property?  
Athletic facility**

The proposal should not tend to adversely affect the use of neighboring property. The existing ECC campus buildings would not be demolished and are not a part of this application. New construction of retaining walls, grading and other ancillary interior renovations to the field house should not be unduly disruptive for the neighborhood.

The proposed netting and related poles around the site's perimeter would be designed to reduce their visibility than originally proposed through lowering the height and lightening the color. Since no new buildings are proposed, there should be no undue effect on the light and air to adjacent properties, or residential properties across the street.

The applicant has made efforts to control the facility's usage, while allowing for passive hours and a 9,800-square feet park space accessible to only neighborhood residents.

On-site parking and traffic management through the proposed TDM plan, should mitigate potential parking concerns. The applicant met extensively with the neighborhood to discuss and address concerns, and minimize impacts as demonstrated in the record including Exhibit 184A – Community Outreach and Engagement Summary. The applicant is committed to addressing any concerns that may arise during the hearing or thereafter.

**Parking Location**

In this instance, the parking location within the front yard, while not typically desired, is reasonable due to the lot's irregular shape, its topography, and the program of use for the site. The proposed screening of the parking lot would mitigate potential visual impacts.

**VII. AGENCY COMMENTS**

A DDOT report indicating no objection to the proposal subject to conditions is filed at Exhibit 222. A DOEE memo in response to specific stormwater management questions from the ANC is filed at Exhibit 223. As of the writing of this report, reports from other District agencies had not been filed to the record.

**VII. ANC COMMENTS**

As of the date of this report, a report from ANC 3/4G's had not been filed to the record.

**VIII. COMMUNITY COMMENTS**

The applicant held several meetings with the community as outlined in its prehearing statement and noted in the record including Exhibit 184A – Community Outreach and Engagement Summary.

Numerous letters in opposition to the application have been filed to the record, including from numerous individual neighbors. Friends of the Field has been granted party status in opposition.

Numerous letters in support have also been filed to the record.