

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**



Application No. 19689-B of MIC9 Owner, LLC, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions from the private school regulations under Subtitle X § 104.1 and from the bulk extension regulations under Subtitle A § 207.2 to construct new office space and a 111-unit apartment house on the campus of an existing adult private school in the RA-2 and RA-4 Zones at premises 2300 16th Street, N.W. (Square 2568, Lot 806, 808, and 809).

INITIAL ORDER DATE: March 7, 2019

INITIAL REMAND ORDER DATE: January 18, 2023

DECISION DATE ON REQUEST FOR SECOND REMAND: January 17, 2024

DECISION DATE ON SECOND REMAND PROCEDURE: July 31, 2024

PROCEDURAL ORDER ON REMAND

By order issued March 7, 2019, the Board granted, subject to conditions, a self-certified application submitted by MIC9 Owner, LLC on behalf of Meridian International Center (the “Center” or “Meridian”), the owner of the property that is the subject of the application (collectively, the “Applicant”). The application requested special exceptions under Subtitle X § 104.1 of the Zoning Regulations to modify the Center’s existing private school plan and under Subtitle A § 207.2 to extend the bulk regulations of the RA-4 zone 35 feet west into a portion of the subject property zoned RA-2 to allow a mixed-use building with apartments, space for the Center, and vehicle parking in a below-grade garage.

Parties in this proceeding are the Applicant and two affected Advisory Neighborhood Commissions, ANC 1C and ANC 1B, located across 16th Street N.W. from the subject property.¹

A group of residents living near the subject property (the “Petitioners”) appealed the Board’s order to the District of Columbia Court of Appeals, arguing *inter alia* that the findings of fact stated in the order were insufficient to support the Board’s conclusion that the Meridian Center is a private

¹ ANC 1B did not submit a report or otherwise participate in the proceeding. The Beekman Place Condominium Association requested party status in opposition to the application on behalf of the owners of a residential building across Belmont Street, N.W. to the south of the subject property but withdrew the request before the public hearing.

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school.² The Petitioners contended that the Meridian Center use was a private event center because its core function was hosting and collecting fees from private events.

The Court held that the Board's findings were "inadequate to support the conclusion that Meridian is a private school" eligible to file an application for a special exception under Subtitle X § 104 and therefore vacated the order and remanded the matter for further proceedings. *Youngblood v. District of Columbia Bd. of Zoning Adjustment*, 262 A.3d 228 (D.C. 2021). The Court directed that, on remand, the Board "should make more complete findings about what goes on at Meridian on a daily basis, regarding both its purportedly educational purposes, and the extent to which it operates as a private event facility" but left to the Board's discretion "whether, on remand, to reopen the record for further factual development given that ANC 1C 'failed to raise this issue at the [Board's] hearing.'" *Id.* at 239.

By prior order on remand, the Board reaffirmed its decision as set forth in the original order to approve the application subject to conditions and clarified the rationale for the Board's consideration of the relief requested in the self-certified application, specifically with respect to the private school use of the subject property. The initial order on remand supplemented the original order and incorporated the findings of fact and conclusions of law set forth in the original order in approving the application subject to the previously stated conditions.

The initial order on remand was also appealed to the Court of Appeals. At a public meeting on January 17, 2024 the Board voted to request a second remand so as to address more fully the directive to "make more complete findings about what goes on at Meridian on a daily basis...and the extent to which it operates as a private event facility." The Court remanded the proceeding again on February 23, 2024. *See Gross et. al. v. District of Columbia Bd. of Zoning Adjustment*, No. 23-AA-120.

Accordingly, at a public meeting on July 31, 2024, the Board voted to issue this procedural order to request specific submissions and to schedule a continued public hearing on October 23, 2024 for further proceedings on remand. Given that the Board is authorized under Subtitle X § 104.1 to approve a special exception permitting "education use by a private school," the Board asks the parties to address the daily operations at Meridian, its educational purpose, and whether the Applicant operates as a private event facility. The parties should also address whether the Board should reopen the record for further factual development given that ANC 1C failed to raise this issue at the Board's initial hearing. Submissions are due by October 11, 2024 and must be served on all parties at the time of filing. No responses will be accepted.

This procedural order on remand is not a final order of the Board and is therefore not the proper subject of a motion for reconsideration. Accordingly, it is **ORDERED** that the Board **APPROVES** the issuance of this procedural order on second remand.

² The Board's decision to approve the special exception under Subtitle A § 207.2 was not challenged in the appeal. This order on remand reaffirms the Board's decision to grant that request for relief for the reasons stated in the original order.


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VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carl H. Blake, and Anthony J. Hood voting to issue this procedural order on second remand; Chrishaun S. Smith not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: August 1, 2024

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.