

January 31, 2019

VIA IZIS

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

Re: **BZA Application No. 19689 (2300 16th Street NW)**
Applicant's Draft Order

Dear Members of the Board:

Enclosed as please find the Applicant's draft order pursuant to Subtitle Y § 604.4, which states:

The prevailing party in any application or appeal may file a proposed order or a revision to a previously filed proposed order after a vote to approve or deny the application or affirm or reverse a decision is taken. No response to the proposed order may be submitted by any other party.

Please feel free to contact the undersigned at (202) 721-1135 if you have any questions, and thank you for your consideration of this matter.

Sincerely,

DAVID AVITABILE (WLF)

David Avitabile



Lawrence Ferris

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cc: Jon Cummings, MIC9 Owner, LLC
Joseph Gaon, Counsel for Meridian International Center
Con Hitchcock, Counsel for Beekman Place Condominium Association

Enclosures

Certificate of Service


The undersigned hereby certifies that copies of the foregoing document and enclosures were delivered by electronic mail or U.S. Mail to the following addressees on January 31, 2019.

Matthew Jesick
Office of Planning
1100 4th Street, SW, Suite 650E
Washington, DC 20024

Patrick Reed
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

ANC 1C
PO Box 21009, NW
Washington, DC 20009

Amanda Fox Perry, ANC 1C08
1664-D Beekman Place NW
Washington, DC 20009



Lawrence Ferris

APPLICANT'S DRAFT ORDER

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment**

Application No. 19689 of MIC9 Owner, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle X § 104.1 to modify an existing private school plan, and under Subtitle A § 207.2 to extend the bulk regulations of the RA-4 zone to a portion of the subject property zoned RA-2,¹ to construct a mixed-use building with approximately 111 residential units and approximately 9,266 square feet of office and meeting space for the Meridian International Center in the RA-2 and RA-4 zones on the center's existing campus at the 2300 block of 16th Street, N.W. (Square 2568, Lots 806, 808, and 809).

HEARING DATE: June 13, 2018

DECISION DATE: July 25, 2018

DECISION AND ORDER

This application ("Application") was submitted on December 13, 2017, by MIC9 Owner, LLC ("Applicant"), on behalf of Meridian International Center (the "Center" or "Meridian"), the owner of the property that is the subject of the application ("Property"). The application requests special exception approval pursuant to Subtitle X § 104.1 of Title 11 DCMR (Zoning Regulations of 2016) ("Zoning Regulations") to modify the Center's existing private school plan, and pursuant to Subtitle A § 207.2 of the Zoning Regulations to extend the bulk regulations of the RA-4 zone 35 feet west into a portion of the Property zoned RA-2, in order to construct a mixed-use building with approximately 111 residential units and approximately 9,266 square feet of office and meeting space for the Center ("Project"). Following a public hearing, the Board of Zoning Adjustment ("Board") voted to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Public Hearing. By memoranda dated February 5, 2018, the Office of Zoning sent notice of the application to the Office of Planning ("OP"); the District Department of Transportation ("DDOT"); the Councilmember for Ward 1; Advisory

¹ The initial application also requested special exception relief for the height of the proposed retaining walls pursuant to Subtitle C § 1402.1. However, that request was subsequently withdrawn because the retaining wall regulations do not apply in the RA zones. (Exhibit 59.)

Neighborhood Commission (“ANC”) 1C, the ANC for the area in which the Property is located; ANC 1B, the ANC located directly across 16th Street N.W. from the Property; and the single-member district representative for ANC 1C08. Pursuant to 11 DCMR Subtitle Y § 402.1, on February 5, 2018, the Office of Zoning mailed notice of the hearing to the Applicant, ANC 1C, ANC 1B, and the owners of all property within 200 feet of the Property. Notice was published in the *D.C. Register* on February 9, 2018 (65 DCR 1434).²

Party Status. The Applicant, ANC 1C, and ANC 1B were automatically parties in this proceeding. A party status request was filed by the Beekman Place Condominium Association (“BPCA”), which represents the owners of the residential condominium development located to the south of the Property across Belmont Street, N.W. at 1600 Beekman Place, N.W. BPCA was represented by counsel. However, the BPCA withdrew its request for party status prior to the hearing on the application. (Exhibit 70.)

Applicant’s Case. The Applicant provided evidence and testimony describing the Project and the satisfaction of the standards for the requested relief to modify the existing private school plan and extend the bulk regulations of the RA-4 zone 35 feet into a portion of the Property zoned RA-2. The Applicant asserted that the proposal satisfied the applicable requirements of the Zoning Regulations under Subtitle X § 104.1 and Subtitle A § 207.2. (Exhibits 9, 52, 69, and 87.) The Applicant also submitted a Comprehensive Transportation Report (“CTR”) into the record. (Exhibit 22.) The Applicant subsequently submitted a supplemental transportation memorandum regarding potential signal timing adjustments at the intersection of 16th Street N.W. and Crescent Street N.W. and potential removal of on-street parking along Belmont Street N.W. (Exhibit 42A.)

In response to concerns from BPCA and the ANC, on June 12, 2018, the Applicant submitted revised plans incorporating a redesign of the garage to incorporate a one-way exit from the garage onto Crescent Place, N.W., as well as a supplemental transportation memorandum addressing this redesign. (Exhibits 69, 69A, and 69B.) Under the revised design, except for limited events utilizing valet operations, all vehicles will enter the Project via the entry court on Belmont Street, N.W. and must exit via Crescent Place, which addressed traffic circulation concerns raised by the BPCA and other surrounding property owners. The Applicant also included in this submission three draft Memoranda of Understanding (“MOUs”) developed in coordinate with the BPCA, Meridian Crescent Condominium Association (“Meridian Crescent”), 1661 Crescent Place, N.W., Inc. (“1661 Crescent”), and owners of certain property located on 17th Street, N.W., near the Property (collectively, the “Surrounding Property Owners”). (Exhibits 69C, 69D, and 69E.)

² The public hearing was originally scheduled for March 28, 2018, but was postponed three times and rescheduled for June 13, 2018, at the Applicant’s request to allow more time to engage in dialogue with the representatives of the surrounding properties and negotiate agreements to mitigate the impacts of the Project.

At the Board's hearing on the Application, the Applicant proffered Matthew Bell of Perkins Eastman DC as an expert in architecture and Jami Milanovich of Wells and Associates as an expert in transportation engineering, both of whom the Board qualified as experts.

Following the public hearing and in response to requests from the Board, the Applicant filed an extensive post-hearing submission on July 2, 2018. (Exhibit 87.) The post-hearing submission included additional commitments to mitigate the impact of the Project, including a commitment to limit the term of the new meeting/conference space in order to facilitate further Board review of whether the mitigation efforts were effective, as well as a proposed list of conditions, the final versions of the MOUs, and a final, consolidated set of plans for the Project reflecting the revised garage access plan.

OP Report. In its memorandum dated June 1, 2018, (Exhibit 56) OP recommended approval of the requested relief, finding that the application met the criteria for approval under Subtitle X § 104.1 and Subtitle A § 207.2. Specifically, with respect to modification of the existing private school plan, OP found that the existing Center constitutes a private school and that the proposed new office and meeting space for the Center is not likely to be objectionable to nearby properties, given that the Project will not result in an increase in the number of staff or an increase in the number of events. OP further stated that the overall amount of traffic to and from the Center is not likely to change significantly following development of the Project, and that the MOUs between the Applicant and the Surrounding Property Owners will address any noise issues at the site.

With respect to the relief under Subtitle A § 207.2, OP concluded that extension of the bulk regulations of the RA-4 zone into a portion of the site zoned RA-2 would not have an adverse effect on the character or future development of the neighborhood. OP noted that the relief would not result in more overall density at the site, but rather would allow the concentration of building mass and vertical expression along 16th Street, N.W., where historically higher density development has been focused in the neighborhood. OP did not recommend any additional development requirements under Subtitle A § 207.2(d), but supported the conditions in the Applicant's proposed MOUs and removal of the four conditions imposed under the Board's most recent approval of the private school plan under BZA Order No. 17070.

DDOT Report. In its memorandum dated June 1, 2018, (Exhibit 57) DDOT stated that the Project's proposed density is not anticipated to have significant impacts on the District's vehicular transportation network. DDOT's report further stated that the Applicant has worked with the Surrounding Property Owners and DDOT to address transportation concerns. The report stated that DDOT does not support the installation of a new traffic signal at the intersection of Belmont Street, N.W. and 16th Street, N.W., but that DDOT is open to reviewing post-occupancy signal warrant studies to address any change in circumstances after the Project is developed. Lastly, DDOT's report stated that the Applicant's CTR is acceptable given the Project's level of impact. Based on these conclusions, DDOT indicated no objection to the requested relief, conditioned on the Applicant funding and constructing improvements to bring the intersections of 16th Street,

N.W. with Belmont Street, N.W. and Crescent Place, N.W. up to DDOT standards. The Applicant agreed to these conditions.

ANC Report. Both ANC 1C and ANC 1B were automatically parties to the Application. ANC 1B did not submit any report regarding the Application, testify at the Board's hearing, or otherwise participate in the consideration of the Application. ANC 1C submitted a report dated May 24, 2018, ("ANC Report") stating that the ANC voted at a duly-noticed public forum on May 23, 2018, with a quorum present, to adopt a resolution which alleged that the existing operations at Meridian impose adverse impacts and that the requested relief would impose further adverse impact on the community, and it therefore concluded that the Application does not meet the standards for approval. (Exhibit 55.)

Following the close of the public hearing, the Board granted ANC 1C an opportunity to consider the changes made by the Applicant with respect to the garage entrance as well as the final terms and conditions of the MOUs. ANC 1C submitted a report dated July 18, 2018, ("ANC Posthearing Report") stating that the ANC voted at a duly-noticed public forum on July 11, 2018, with a quorum present, to adopt a resolution reiterating its concerns and outlining why the negative impacts of the Project were not adequately addressed by either the modified garage design submitted by the Applicant prior to the Board's hearing or the three proposed MOUs reached between the Applicant and the Surrounding Property Owners. (Exhibit 55.) The ANC Posthearing Report also raised, for the first time, allegations that the Meridian use did not constitute a "private school" use and that the existing zoning of the Property was inconsistent with the Comprehensive Plan.

On July 25, 2018, the day of the Board's scheduled decision on the Application, ANC 1C filed a motion requesting to postpone the Board's decision ("Motion to Postpone"; together with the ANC Report and ANC Posthearing Report, the "ANC Comments"). (Exhibits 89 and 89A.) In its Motion to Postpone, the ANC argued that the Zoning Commission and OP should review the Application in light of the Property's designation on the Comprehensive Plan Future Land Use Map ("FLUM") and that OP's report on the Application should not be given "great weight" by the Board because it does not sufficiently assess the Project's impacts or address alleged violations of the Comprehensive Plan.

Persons in Opposition. Twenty letters were filed in opposition to the Application by nearby residents.³ (Exhibits 61–69, 72–83.) Jake Perry, a resident of the Beekman Place Condominiums,

³ An additional letter in opposition was filed after the Board closed the record and voted on the Application. (Exhibit 92.)

testified in opposition at the Board's hearing. On July 25, 2018, the date of the Board's scheduled decision on the Application, Gary Youngblood, a resident of the Beekman Place Condominiums, filed a motion requesting that the Board reopen the record to accept additional comments from the community.⁴

Persons in Support. Katherine Boettrich, a resident of 17th Street near the Project, submitted a letter in support of the Applicant. Ms. Boettrich explained that she was part of the community working group that reviewed the Project for over two years and based on that experience, she supported the Project because the Project was in harmony with the general purpose and intent of the Zoning Regulations and the proposed MOUs, which were negotiated in good faith, included not only provisions to address peace, order and quiet but also mechanisms to ensure compliance.

Other participants. Steve McPeek, appearing on behalf of Meridian Crescent, testified at the Board's hearing and submitted written testimony. (Exhibit 84; Hearing Tr. at 101:6–103:19.) Meridian Crescent neither supported nor opposed the application. Mr. McPeek testified regarding the Applicant's outreach with the Surrounding Property Owners and development of the MOUs. Like Ms. Boettrich, he explained that the negotiations were collaborative and responsive discussions that resulted in MOUs that would mitigate the impacts of the Project, with a framework for accountability and enforcement. Mr. McPeek testified further that, although Meridian Crescent is in close proximity to the Center — directly across 17th Street, N.W. to the west — the Meridian Crescent Condominium Association had not heard significant objections to the Center's current operations from residents and that he trusts that the Center will continue to act as a good neighbor.

1661 Crescent, one of the other Surrounding Property Owners that was party to the MOUs representing the residential building immediately across the street from the Project to the north, did not appear in either support or opposition to the Application.

FINDINGS OF FACT

Subject Property and Surrounding Area

1. The Property is located at 2300 block of 16th Street, N.W. (Square 2568, Lots 806, 808, and 809).
2. The Property fronts on four streets and is bounded by Belmont Street, N.W., 17th Street, N.W., Crescent Place, N.W., and 16th Street, N.W.
3. The Property sits across 16th Street, N.W., from Meridian Hill Park.

⁴ The motion states that it is filed on behalf of other residents in the surrounding neighborhood. However, the motion does not include any authorizations from such other residents or identify residents purportedly represented by the motion.

4. The Property is improved with two historic mansions: the White-Meyer House in the central portion of the site, and the Meridian House on the western portion of the site (together, the "Historic Mansions").
5. The Historic Mansions are both designated historic landmarks designed by John Russell Pope and occupied and used by the Center.
6. The eastern portion of the Property, facing on 16th Street, N.W., is undeveloped but used as unpaved parking for the Center with a capacity of approximately 30 unstriped spaces, or 50 parking spaces through the use of attendant-assisted parking.
7. The Property is located within the Meridian Hill Historic District, which is characterized by a mix of large mansions and apartment buildings.
8. Apartment buildings are located to the north and west of the Property, with the greatest density and height concentrated along 16th Street, N.W. fronting on Meridian Hill Park.
9. The Property's immediate neighbors to the north are the Envoy and 1661 Crescent Place buildings. The Beekman Place Condominiums complex is across Belmont Street, N.W. to the south. To the west of the Property, across Belmont Street, is 2200 Belmont, a condominium development that includes 39 underground parking spaces used by the Center's employees.
10. The Property is split-zoned, with the eastern portion facing 16th Street, N.W. zoned RA-4 and the remainder of the site zoned RA-2. This zoning dates back to at least 1958.
11. The Property is well-served by multiple Metrobus lines along 16th Street, N.W. and is approximately six blocks from the U Street Metrorail station.

The Center and Prior Zoning Approvals

12. Meridian is a premier nonprofit global leadership organization that offers educational and cultural exchange programs focused on fostering international diplomacy by preparing public and private sector leaders to strengthen global engagement.
13. Meridian's programs include experiential learning via tours and activities in other cities, as well as various training programs, expert panels, and related events hosted at the Center.
14. In addition to international leaders in both private and public sectors, the Center's cultural and educational programs have also included work with District of Columbia public schools, local not-for-profit organizations, and the Mayor's Office of International Affairs.

15. The Center, then known as the Washington International Center, was first established at the Meridian House in 1960 pursuant to Order No. 5802, which approved the Center as a private school for adults.
16. In 1987, the Board approved a modification to the private school plan pursuant to Order No. 14571, in order to expand the private school use into the White-Meyer House.
17. In 2003, the Board approved another modification to the private school plan in Order No. 17070, which authorized the redevelopment of the Center's surface parking lot at 2200 17th Street, N.W. with what is now the Meridian-Crescent condominium building. The Board also permitted relocation of the Center's parking into an underground garage underneath the condominium. As part of the Board's approval, the Center also agreed to utilize the undeveloped area on the portion of the Property east of the White-Meyer House for parking during events.

Proposed Project

18. The Applicant proposes to construct an apartment building on the existing unpaved parking area on the eastern portion of the lot.
19. The Project will include approximately 111 residential units and up to 9,266 square feet of gross floor area of office and meeting space for the Center.
20. The building design includes two components. The primary mass facing 16th Street, N.W. is located entirely within the RA-4 zoned-portion of the Property; it is eight stories and 80 feet in height, which is less than the maximum 90 feet permitted in the RA-4 zone. The top story of the primary mass is set back to reduce its apparent height and scale and includes balconies at the building corners to narrow the building profile. The secondary mass along Crescent Place is located within the RA-2 and RA-4 zones; it is five stories and 50 feet in height, as permitted in both zones. The primary and secondary mass each have a habitable penthouse, which is permitted in the RA-2 and RA-4 zones.
21. The RA-4 portion of the Project will have an individual FAR of 4.2, within the maximum 4.2 FAR permitted for Inclusionary Zoning ("IZ") projects. The RA-2 portion of the Project will have an FAR of 0.91, much less than the maximum 2.16 FAR permitted for IZ projects.
22. Aside from the requested relief, the Project otherwise complies with all zoning requirements, including height, lot occupancy, yard and court requirements, green area ratio, parking, and loading.
23. The Center's operations will remain largely the same following development of the Project, with space in the proposed building providing open office area for a more collaborative workspace and on-site workstations for employees that telecommute, as well as meeting space

to accommodate up to 175 people. The proposed new meeting space will serve as an alternative to, not in addition to, the existing event space in the Historic Mansions.

Parking

24. As with the prior development approved by the Board in 2003 in Order No. 17070, the Applicant will relocate the existing surface parking into an underground garage, which will contain approximately 33 parking spaces for use by the Center (44 with attendant-assisted parking) and 66 parking spaces for the new residents.
25. The Center agreed to make its parking spaces within the Project available for evening and weekend parking by area residents.
26. In addition to commitments regarding the parking in the Project, the Center agreed to parking-related commitments relative to its overall operation, including continued commitments to valet operations and satellite lots to meet parking demand for larger events, free guest parking in the Center's lots during non-valet periods, subsidized parking rates to encourage employees to parking and employee subsidies for public transportation
27. The Center will continue to maintain an additional 39 parking spaces (45 with attendant-assisted parking) in the Meridian-Crescent garage.

Vehicle and Truck Circulation

28. In addition to relocating the Center's existing surface parking underground, the Project will relocate the parking entrance from its current location on Crescent Place, N.W. on the north side of the Property, to Belmont Street, N.W. on the south side. The primary parking exit will remain on Crescent Place. Accordingly, most vehicular traffic will enter the garage at the proposed entry court on Belmont Street and will exit via Crescent Place.
29. Because Belmont Street, N.W. and Crescent Place, N.W. circulate around the Property in a one-way, clockwise direction, the proposed parking circulation plan will substantially reduce the amount of traffic traveling on these streets from the current condition, under which all vehicles must turn off of 16th Street, N.W. onto Belmont Street and circulate all the way around Belmont Street and Crescent Place to reach the parking entrance on the north side of the Property.
30. The Project's valet traffic from the Center's garage will be permitted to exit back onto Belmont Street in order to facilitate efficient circulation to the pedestrian entrances to each building. Similarly, vehicles dropping off or picking up passengers from the Project will do so within the entry court, and will be permitted to exit back onto Belmont Street.

31. The Project's truck traffic will follow the truck routing plan agreed to by the Applicant and the Surrounding Property Owners, whereby certain trash, delivery, residential moving, and other activities will be directed to turn left onto Belmont Street and right onto 16th Street. The truck routing plan will minimize the number of trucks circulating around the neighborhood streets and minimize truck impacts on queuing at the Belmont / 16th Street intersection. As a part of the MOUs, the Applicant and the Center each agreed to limitations on truck activity, including the size of trucks and the location and hours for truck activities.
32. As a part of the MOUs, the Center agreed to additional commitments regarding vehicle operations, including rules and limits on valet and shuttle bus operations.
33. The Applicant's traffic study concluded that the existing intersection of 16th Street and Belmont Street did not meet the required warrants to justify the signalization of the intersection, and the Project's anticipated traffic volume would not alter that outcome. Nevertheless, as a part of the MOUs, the Applicant agreed to fund pre- and post-construction traffic studies to evaluate whether the traffic from the Project required signalization of the intersection. The Applicant also agreed to other transportation-related improvements, including signage and markings improvements on nearby streets and intersections to improve pedestrian safety and traffic operations as well as a signal detector at the Belmont Street intersection that would be linked to the upstream signal at Crescent Place and create gaps in traffic on 16th Street to facilitate egress from Belmont Street.
34. As a part of the MOUs, the Applicant and the Surrounding Property Owners agreed to the removal of three parking spaces on the two-way segment of Belmont Street in order to increase the width of the travel lanes and better facilitate two-way traffic on that portion of the street.

Architectural Design

35. The Project's architectural design will reflect the elevated style of the Historic Mansions and the surrounding Historic District. Among other features consistent with the other grand apartment buildings in the area, the Project features a symmetrical design organized around a strong central entrance on 16th Street and a rhythm of bay windows that create vertical expression and help to break down the mass of the building. (Tr. June 13 at 26-28.) The Project also maintains and embraces an existing wide grassy berm and two mature trees along 16th Street, which together help frame and place the Project within a similar "front yard" context as other buildings within the Historic District. (*Id.* at 37-40.) The Project also integrates a number of design features, such as corner balconies, upper-story setbacks, and the lower five-story wing along Crescent Place, which further break down the building scale and height relative to surrounding structures. (*Id.* at 26.) With respect to the Historic Mansions, the lower portion of the Project appears to be a three-story building when viewed from the west. Accordingly, it matches the scale and height of the two existing mansions and helps frame the White-Meyer forecourt as a counterpoint to the Meridian House. (*Id.* at 31-32.) The

Project's primary masonry and stone material is consistent with the materiality of the historic district. (*Id.* at 28, 33-34.)

36. The Project has undergone extensive review by the District of Columbia Historic Preservation Office ("HPO") and Historic Preservation Review Board ("HPRB"). Following multiple reviews and design revisions, the Project received concept approval from HPRB on June 29, 2017. HPRB and HPO staff found that the Project is compatible with the historic character of the adjacent White-Meyer House and the Meridian Hill Historic District. HPRB found that the proposed massing and configuration, with the taller primary mass facing 16th Street, N.W. and the lower secondary mass on Crescent Place, N.W., are compatible and appropriate. Moreover, HPRB found that the proposed height of the primary mass along 16th Street is appropriate and specifically rejected a shorter version of the building as inconsistent with the surrounding Historic District.

Community Outreach, Project Revisions, and MOUs

37. In the three years leading up to the filing of this Application, the Applicant engaged in meetings with ANC 1C and representatives of the Surrounding Property Owners and formed a working group of interested stakeholders led by a community facilitator. The working group consisted of, among other members, current and former ANC 1C commissioners. Across the Project's development, this working group has evaluated the Project and worked to refine the Project to minimize any potential impacts associated with the Project during and after construction.
38. Following HPRB's initial review of the Project in 2015, and in response to community concerns regarding the direction of the design, the Applicant engaged the current architect, who maintained the overall site plan developed by the Project's original architect, but redesigned the Project to be more compatible with the character of the Historic District by, among other things, utilizing more consistent materials and creating a central building entrance on 16th Street, N.W.
39. The revised design also reduced the height of the Project by one story and reduced the mass by over 20 percent.
40. Following additional direction from HPRB in December 2016 to further study the Project's height and treatment of the building entrance, the Project was further revised to strengthen the building entrance on 16th Street, N.W. and reduce its apparent height through setback and design changes. HPRB ultimately approved the revised design in June 2017, after specifically reviewing and rejecting a shorter version of the building as inconsistent with the character of the Historic District.
41. As part of its outreach with the community working group, the Applicant has developed three MOUs with the Surrounding Property Owners to address concerns regarding: (a) the transportation, noise, and other impacts of the Center, both currently and following

development of the Project; (b) impacts of the proposed residential use; and (c) the construction phase of the Project.

42. The MOU related to the Center's operations ("Meridian MOU") addresses issues including: the timing and location of loading, deliveries, and trash collection; limitations on the number and size of the Center's events and restrictions related to noise associated with such events; traffic, parking, and circulation for guests of Meridian events and programs, including for shuttle bus and valet operations; litter and maintenance; regular communication between the Center and surrounding residents; and reporting and review procedures for violations of the Meridian MOU and enforcement actions to address such violations.
43. The MOU related to the new residential use ("Residential MOU") addresses issues including: the timing and location of loading, deliveries, and trash collection; timing, coordination, and operations for move-ins/move-outs; resident parking and traffic control; litter and maintenance; restrictions related to the use of rooftop amenity spaces; lighting management; and regular communication between the Center and surrounding residents, reporting and review procedures for violations of the Residential MOU, and enforcement actions to address such violations.
44. The MOU related to the construction phase of the Project ("Construction MOU") addresses issues including: construction hours and staging, traffic circulation and parking during construction; cleanliness and site maintenance; damage repair; and landscaping protections.
45. The Applicant proffered, and the Board accepted, many of the provisions of the MOU as conditions of approval of the Project.

Requested Relief

Modification of the Private School Plan

46. The Applicant requests special exception relief pursuant to Subtitle X § 104.1 to modify the Center's existing private school plan to include the proposed approximately 9,266 square feet of office and meeting space in the new building and relocate the existing surface parking spaces on the Property to an underground garage and reconfigure traffic circulation in order for vehicles to enter the new parking garage off of Belmont Street, N.W. and exit the garage from Crescent Place, N.W.
 - a. The Center's overall use and operations will otherwise remain the same after the Project is developed. The number of employees and visitors will remain at current levels, as will the number and type of events the Center hosts. The Center will also maintain the existing underground parking underneath the Meridian-Crescent building but modify vehicular access to and through the Property.

- b. The new office and meeting space will provide additional space to accommodate the Center's existing activities. The office space will provide a collaborative work area for employees, and the meeting space will provide more modern facilities for meetings and events. The new meeting space will not support an increase in the number of events and programs; instead, it will provide an alternative space to the existing space used in the Historic Mansions.
 - c. The Center will also partner with a private developer to construct a 111-unit condominium building and related underground parking on the Property. The overall height, bulk, parking, and intensity of use of the new residential use is within the matter-of-right limits for the Property.
47. Under Subtitle C § 104.2, to modify an existing private school plan, the Applicant must demonstrate that the school is located so that it is not likely to become objectionable to adjoining and nearby properties because of noise, traffic, number of students, or otherwise objectionable conditions. As discussed in detail below, the Board finds that the proposed Project, when taken as a whole, will not "significantly increase objectionable qualities over their current levels in the area" or "significantly increase objectionable qualities over the level that an alternative, as-of-right structure would likely create." *Draude v. District of Columbia Bd. Of Zoning Adjustment*, 527 A.2d 1242, 1253 (D.C. 1987).

Noise

48. The Board finds that the private school plan, as modified, will not have an objectionable or adverse effect on surrounding properties with respect to noise, and will not significantly increase noise levels over those currently existing in the area.
49. The Project will result in an increase in vehicular and pedestrian activity entering the Property along Belmont Street related to events held at the Center's new space within the Project. However, once such activity enters the forecourt, any noise impacts will be minimized and will not be objectionable because the bulk of the activities are within the Project. The Center's new office and meeting space will be indoors and will be used primarily for daytime events. Loading and service activities for the Center's new space will also occur within the building. And existing outdoor parking, with its attendant noise and light, will be relocated within the new underground garage, with departing garage traffic continuing to leave via Crescent Place. Finally, as testified by representatives of the Surrounding Property Owners, the proposed vehicular and truck circulation plan will focus such activity near 16th Street and reduce the noise associated with such activity circulating into the quieter center of the neighborhood. (Exhibit 84.)
50. The Project will not result in an increase in noise generated by the Center's other operations, since the Center will maintain current levels of operation. The Center's outdoor events will continue to be held on the western portion of the Campus where they currently occur. The

representative of the Meridian-Crescent building, which is closest to this portion of the Campus, testified that they have not heard significant objections to Meridian's current operations. (Exhibit 84.)

51. The Meridian MOU and the Residential MOU developed by the Applicant and the Surrounding Property Owners each include extensive provisions to address any existing or potential noise impacts of the Center and the Project, including noise impacts related to loading and deliveries, the number, timing, and size of the Center's events, arriving/departing guests, and amplified music at such events. As one representative of the Surrounding Property Owners stated, the agreements would ensure "peace, order, and quiet." (Exhibit 83.) Restrictions in the MOUs have also been substantially incorporated as conditions to this Order. In addition to being enforceable conditions of the Order, the MOUs provide procedures for enforcement actions to address ongoing violations if any occur.

Traffic

52. The Board finds that the private school plan, as modified, will not have an objectionable or adverse effect on surrounding properties with respect to traffic, and will not significantly increase traffic levels over those currently existing in the area.

53. Overall Traffic Volume.

- a. Existing traffic operations adjacent to the Center at the 16th / Belmont and 16th / Crescent intersections operate at an overall acceptable level of service "A", with some delay noted for eastbound movements turning onto 16th Street from both streets. (Exhibit 69B at 3.) Existing crash data from the intersections obtained by DDOT indicated 18 crashes over a three-year period at the Crescent Place intersection and 19 crashes over a three-year period at the Belmont Street intersection, yielding a crash rate that is below what is considered "high" by DDOT. (Exhibit 23A1 at 19.)
- b. The level of operations and intensity of the Center's use will not increase as a result of the Project and, accordingly, traffic levels generated by the Center will generally remain the same as current conditions. The new residential building will generate approximately 34 additional vehicular trips in the AM peak hour and approximately 39 additional vehicular trips in the PM peak hour—in other words, slightly over 1 additional car every 2 minutes.
- c. The Board credits the Comprehensive Transportation Report (Exhibits 23A1 and 23A2, as supplemented by Exhibit 42A and Exhibit 69B) ("CTR") prepared by the Applicant's transportation expert and the expert's testimony at the hearing, which provided a thorough evaluation of the impact of the Project on multiple modes of transportation using a methodology found acceptable by DDOT. The CTR

concluded that the final “two driveway” design of the Project—including not only traffic generated by the changes to the Center but also traffic generated by the new residential building—would not have a negative impact on the levels of service or queues at either the 16th / Belmont or the 16th / Crescent intersections. (Exhibit 69B at 3.)

54. Traffic Circulation. Existing traffic related to the Center’s surface parking must currently enter the neighborhood on Belmont Street and circulate throughout the neighborhood to reach the driveway on Crescent Place. With respect to traffic associated with the Center’s parking, the Board finds that the proposed traffic circulation plan will reduce the level of traffic circulating all the way around the Property because it will allow vehicles to enter the garage on Belmont Street and exit the garage on Crescent Place. Accordingly, the majority of traffic will be focused near 16th Street, N.W. minimizing the traffic generated further west on Belmont Street and Crescent Place. Valet traffic will continue to circulate around the Property, which represents no change from existing conditions. Therefore, the traffic circulation changes associated with the Project will not impose objectionable impacts.

55. The Belmont / 16th Street Intersection.

- a. The CTR as supplemented concluded that neither existing nor projected future conditions supported the signalization of the 16th / Belmont intersection based on a number of factors, including the low volume of traffic on the side street approach and crash data below the minimal levels required to justify signalization. (Exhibit 42A at 1.) Nevertheless, the Applicant committed to undertake additional evaluations of the 16th / Belmont intersection after construction is complete and, if warranted, install a traffic signal. This extensive analysis and commitment, along with other measures from the MOUs regarding traffic and truck routing memorialized as conditions of this Order, further supports the Board’s finding that the traffic conditions surrounding the Project, including at this intersection, are not objectionable and will not become objectionable due to the Project.
- b. As a part of the Project, the Applicant and the Surrounding Property Owners proposed to work with DDOT to remove three on-street parking spaces on the two-way stretch of Belmont Street near the intersection with 16th Street in order to widen the travel lanes to 11 feet and improve two-way vehicular flow. With the removed spaces, the travel lanes will now meet DDOT’s standards for minimum travel lane widths. (Exhibit 23A1 at 32-33.) The Board finds that this change will help ensure access for all vehicles, including cars, trucks, and emergency vehicles, and it will further lessen existing concerns regarding congestion at this intersection.
- c. The CTR evaluated proposed queuing at all affected intersections, including at the proposed entrance to the Project and its motor court on Belmont Street. The CTR concluded that there would not be any anticipated queuing along Belmont Street

from this entrance as a result of the Project, based on peak hour volumes. (Exhibit 23A1 at 18.)

56. Through the CTR and the MOU process, the Applicant identified and committed to implement multiple signage and pavement markings improvements to the surrounding vehicular and pedestrian network, which will further improve traffic flow and safety.
57. The Meridian MOU and the Residential MOU each include extensive provisions to address any potential traffic impacts associated with the Center's existing operations as well as the proposed Project. These include restrictions regarding loading, deliveries and trash collection, the number, timing, and size of the Center's events, and shuttle bus and valet operations for events and Center programs. (Among other issues, specific measures address the staging, double parking, and idling of trucks and shuttle buses.) These restrictions have also been substantially incorporated as conditions to this Order. In addition to being enforceable conditions of the Order, the MOUs provide procedures for enforcement actions to address ongoing violations that may occur.

Parking

58. The Board finds that the private school plan, as modified, will not have an objectionable or adverse effect on surrounding properties with respect to parking, and will not significantly increase parking constraints over those currently existing in the area.
59. The Project and Center together require a total of 125 parking spaces pursuant to the Zoning Regulations. With the Project, the Campus will provide a total of 138 parking spaces, with an additional 17 parking spaces when valet operations are utilized.
60. Meridian Parking.
- a. The existing surface parking on the Property accommodates up to approximately 30 unstriped spaces, or 50 spaces utilizing attendant-assisted parking. The Project will include underground parking for the Center with approximately 33 to 44 spaces, depending on whether valet operations are utilized. The 39 existing parking spaces (45 with valet operations) provided for Center employees located at the Meridian-Crescent condominiums will remain. Accordingly, the Project will maintain a similar level of parking compared to current conditions.
 - b. Because the number and type of events at the Center will remain constant following the Project's completion, the proposed parking will be more than adequate to accommodate the Center's activities. Furthermore, the garage will provide convenient, covered, and secured parking within the Project, resulting in a net positive impact with respect to parking.

61. Residential Parking. The Project includes 66 parking spaces for the proposed 111 condominium units, which significantly exceeds the minimum amount of parking required for such use under the Zoning Regulations.
62. On-Street Parking.
- a. As discussed above, based on the evaluation of existing conditions compared to DDOT standards, the Applicant and the Surrounding Property Owners agreed to remove three on-street parking spaces on Belmont Street to widen the travel lanes to 11 feet and improve two-way traffic flow.
 - b. As is currently the case with the existing surface parking lot on the Property, pursuant to the Meridian MOU, the Center will make its parking available to the Surrounding Property Owners during evenings and weekends that events are not being hosted at the Center. This commitment will continue to provide additional parking for neighbors beyond available street parking, and it will result in an improved parking option as compared to the unenclosed, unpaved, and unstriped parking currently provided on the Property.
63. The Meridian MOU and the Residential MOU each include extensive provisions to address any potential parking impacts associated with existing operations and the proposed modification to the private school plan, including commitments and restrictions regarding employee parking, guest parking, utilization of valet operations to maximize onsite parking capacity, and utilization of off-site parking for larger events. These provisions have also been substantially incorporated as conditions to this Order. In addition to being enforceable conditions of the Order, the Meridian MOU and Residential MOU each provide procedures for enforcement actions to address ongoing violations that may occur.

Number of Employees, Students, and Event Attendees

64. The Board finds that the private school plan, as modified, will not have an adverse effect on surrounding properties with respect to the number of employees, students, and event attendees, and will not significantly increase the effects of employees, students and event attendees currently existing in the area.
65. The Center currently has approximately 106 employees, and this number is expected to remain the same following development of the Project.
66. The Center currently conducts regular educational and leadership programs and events, as well as some private events and weddings that provide funds to support maintenance costs for the two historic mansions. The level of operations are expected to remain at current levels. To support this expectation, Meridian agreed to the following commitments:

- a. Limit the number of guests at programs and events to 275 people at any one time.
 - b. Limit the number, size, and timeframe of events including:
 - i. No more than 150 events per year, within which:
 1. No more than 55 evening events per year (with no more than 25 evening events per year ending after 9:30), and
 2. No more than 45 weekend events per year (with no more than one wedding per weekend)
 - ii. No more than 250 guests per event (except for the Meridian Ball)
 - iii. No more than 10 events per year with more than 200 guests
67. Because the Center's new meeting space in the Project will serve as an alternative, rather than an additional, location for the Center's programs and events, the space will not result in an increase in the number of event guests, program participants, and other visitors above the current levels. Moreover, weddings will not be held in the new meeting space.
68. The Meridian MOU includes extensive provisions to address any existing and potential impacts associated with the Center's events, including the above restrictions on the number of people and events as well as restrictions and requirements regarding loading, deliveries and trash collection for events, the number, timing, the size of events, and shuttle bus and valet operations for events and Center programs. These provisions have been substantially incorporated as conditions to this Order. In addition to being enforceable conditions of the Order, the Center MOU provides procedures for enforcement actions to address ongoing violations that may occur.

Other Objectionable Impacts

69. The Board finds that the condominium portion of the Project, including the height and density of the building and number of new residents will not have an objectionable or adverse impact. (Other impacts related to the condominium portion of the Project, such as noise, traffic, and parking, were each addressed above.) The underlying zoning permits multifamily condominiums as a matter of right, with no limit on the number of units other than the height and density limitations of the RA-2 and RA-4 Zones. As the Applicant demonstrated, the height and density of the Project is well within the matter-of-right height and combined density available within the underlying zoning. Accordingly, the condominium portion of the Project and the residents associated with it do not create an objectionable impact, since they do not impose objectionable impacts over what a matter-of-right structure would generate.
70. For similar reasons, the Board finds that the construction of the Project will not have an objectionable or adverse impact. The Board has repeatedly concluded that construction impacts are typically not relevant to a special exception or variance analysis, because matter-of-right construction can cause similar levels of impact. As the D.C. Court of Appeals recently affirmed, construction impacts are only relevant when "harm will result from the structure as built with the [zoning relief]." *St. Mary's Episcopal Church v. D.C. Zoning Comm'n*, 174 A.3d

260, 271 (D.C. 2017). Moreover, the District's Construction Code, environmental regulations, and public space regulations are intended to control and mitigate the safety, environmental impact, and traffic and parking impacts related to construction. In any event, here, there is nothing in the record to suggest that the proposed special exception relief results in greater impact due to construction. Furthermore, the Applicant and the Surrounding Property Owners agreed to a detailed Construction MOU that addresses many of the impacts related to the construction of the Project, including among other measures the provision of off-site parking to offset the loss of existing on-site and on-street parking during construction.

71. The Board finds that the private school plan, as modified, will not have an adverse effect on surrounding properties with respect to trash, litter, event attendee behavior, or other alleged quality-of-life impacts referenced in the record. The MOUs—and the conditions to this Order—contain specific, enforceable provisions that govern the notification, accounting, and management of events, snow removal, litter removal, lighting restrictions, pet waste, stormwater management, and tree management. To the extent that other unforeseen impacts may arise from time to time, the MOUs and the attached conditions provide mechanisms for receiving, monitoring, and responding to complaints and concerns, such as the proposed hotline, the proposed neighborhood liaison manager, and the proposed Meridian Community Partnership.

Compliance and Enforceability

72. The Board acknowledges varying evidence in the record regarding the Center's management of its existing impacts and adherence to its current MOU with the neighborhood. The Board finds that the new MOUs and this Order will together create a more comprehensive and effective set of tools to manage any impacts caused by the Center's operations. In addition to all of the measures proffered in the MOUs, the Board credits the Center's additional commitments to a neighborhood liaison manager and term limits on the new meeting / conference space in the Project.
- a. Reporting. The Center will improve its ability to receive and respond to complaints in real time, as well as provide regular reporting on issues and engagement through the Meridian Community Partnership.
 - b. Staffing. The Center will designate two staff members with primary responsibility for implementing the MOU and otherwise addressing community concerns, including a neighborhood liaison manager and an event manager.
 - c. Enforcement. The Center agreed to take measurable steps to ensure compliance with its commitments by its staff and vendors, including a system of fines.
 - d. Term Limitation. Finally, the Center agreed to limit the term of the new meeting/conference space within the Project to a period of five years as measured

from the date of issuance of a certificate of occupancy for that space. This makes the Center accountable for its impacts and will provide the Board with an opportunity to review the efficacy of the impact mitigation commitments and require adjustments, if necessary, to ensure that the Center's operations will remain un-objectionable.

Zone Boundary Extension

73. The Applicant requests special exception relief pursuant to Subtitle A § 207.2 to extend the bulk regulations of the RA-4 zone westward into a portion of the Property zoned RA-2. The Board may grant such relief subject to the following standard:
- a. The extension shall be limited to that portion of the lot in the more restrictive zone but not exceeding 35 feet;
 - b. In authorizing an extension, the Board shall require compliance with Subtitle A § 207.1(d), which assigns density limits for lots located in certain R and RF zones;
 - c. The extension shall have no adverse effect upon the present character and future development of the neighborhood; and
 - d. The Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.
74. The requested extension is limited to 35 feet west of the RA-4 zone boundary, as required.
75. The Board finds that the requested extension will not have an adverse effect on the character and future development of the neighborhood.
- a. The requested extension of the RA-4 zone will permit the Project's proposed massing to focus density along 16th Street, N.W., which is the appropriate location for a taller apartment building. As testified by the Applicant's architectural expert, the 16th Street corridor is defined by a series of larger apartment buildings. Tr. June 13 at 26-27.
 - b. The relief will not increase the Project's density above what is otherwise permitted currently. The Project is well within the maximum density permitted for the Property as a whole. All the relief does is shift density away from the Historic Mansions and toward 16th Street, N.W., where height and density is concentrated in surrounding development. Specifically, the zone boundary extension permits the Applicant to construct an additional 12,895 square feet of density — or approximately one story — in the RA-4 portion of the Property facing 16th Street,

rather than placing this density deeper within the neighborhood along Crescent Place or Belmont Street, or deeper within the Campus adjacent to the Historic Mansions. The Applicant submitted massing studies demonstrating the impact of placing this additional density closer to the Historic Mansions. (Exhibit 52D.)

- c. Extension of the RA-4 zone boundary will not result in additional height or use within the transitional 35-foot area of the RA-2 portion of the Property. Indeed, the Project's shorter secondary mass, with a height of 50 feet, will continue well into the portion of the Property zoned RA-4. Even the taller portion of the Project is below the matter-of-right height limits for the RA-4 Zone. (Exhibit 52 at 7.)
- d. The zone boundary extension results in a massing that is more consistent with the architectural character of the Historic District. Both HPO and HPRB concluded that the Project is compatible with the character of the surrounding Meridian Hill Historic District, with the taller primary mass along 16th Street, N.W. and the shorter secondary mass along Crescent Place, N.W. In so doing, HPO and HPRB also concluded that maintaining open space between the new construction and the Historic Mansions was appropriate. Finally, HPO and HPRB concluded that a shorter building design facing 16th Street would be incompatible with the surrounding neighborhood and inconsistent with the character of the Historic District. (Exhibit 13.)
- e. On the whole, the requested relief is minor compared to what can be done as a matter of right and results in a sensitive, compatible design approach that is executed "extremely well." Tr. June 13 at 121 (comments from Zoning Commission member Peter May). The Applicant submitted shadow studies demonstrating that the massing of the Project with the zone boundary line adjustment would not impose more adverse impacts than a matter-of-right massing. And based on the Applicant's plans, the overall Project will have a blended density of 2.11 FAR, which remains within a "moderate" density range.

Harmony with the Purpose and Intent of the Zoning Regulations and Map

76. The Project and requested relief to modify the private school plan and extend the RA-4 zone boundary is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map.
77. The uses within the Project are consistent with the intended character of the RA Zones, which specifically permit "urban residential development and compatible institutional and semi-public buildings." (11-F DCMR § 100.1.)
 - a. The proposed modification of the private school plan will provide new office and meeting space for the Center without increasing the intensity of the private school

use. The Board has previously approved the Center as a private school use—without objection to the categorization of the Center as a private school under the Zoning Regulations by ANC 1C or any other person or party—on three previous occasions. (BZA Appeal No. 5802 (1960); BZA Application No. 14571 (1987); BZA Application No. 17070 (2003).) As a private school, the Center is a use that is specifically permitted within the RA-2 and RA-4 zones pursuant to a special exception.

- b. The proposed condominium building is permitted as a matter-of-right in both the RA-2 and RA-4 Zones, and its height, lot occupancy, yards, courts, parking and loading all comply with the Zoning Regulations and the Zoning Map.
78. The requested zone boundary extension will allow the Project to focus density along 16th Street, N.W., consistent with other development in the surrounding area and is not being used to construct additional height or density in the RA-2-zoned portion of the Property or the Project's overall height and density. Focusing density along 16th Street is consistent with the overall framework of the RA zones by shifting density out of the moderate density RA-2 zone and into the medium-to-high density RA-4 zone.
79. The height, density, scale, and massing of the Project are all in harmony with the purpose and intent of the Zoning Regulations and Zoning Map. The RA Zones are intended to allow flexibility for all types of urban residential development (11-F DCMR § 100.3(b), (c)) ; the RA-2 Zone is described as predominantly moderate-density, and the RA-4 Zone is described as predominantly medium- to high-density. (11-F DCMR § 300.3, 300.5.)
- a. The Board acknowledges that some of the nearby apartment buildings, such as 1661 Crescent and Meridian-Crescent, are a comparatively lower height than the taller portion of the Project. However, this reduction in height and scale is reflective of the Zoning Map, which transitions from the RA-4 to the RA-2 Zone District as one moves away from 16th Street. Indeed, the secondary 5-story portion of the Project also respects this pattern of development, since it is within the permitted height for the RA-2 Zone District.
 - b. The Board also acknowledges that the apartment-style height and scale of the Project is inconsistent with the townhouse-style height and scale of the Beekman Place development to the south. However, this discrepancy is not due to inconsistency of the Project with the zone plan; rather, it is because the Beekman Place development, which is also primarily located within the RA-4 Zone District, is well below the height and density parameters allowed within that zone and reflect a rowhouse character that is more common in the lower-density RF Zones. (*See* 11-E DCMR § 100.1.)

80. Other characteristics of the Project are also consistent with the general purpose and intent of the zone plan for the District of Columbia, which are set forth in Subtitle A, Section 101 of the Zoning Regulations. As a result of, in part, the zone boundary extension, the Project has been sensitively designed and massed to provide adequate light and air. The Project is within the overall height and bulk limitations established by the zone plan and it includes commitments by the Center to limit its overall population as well as the number and size of events, which prevents the undue concentration of population and overcrowding of land. As an infill development along a major transit corridor, the Project furthers goals for the favorable distribution of land uses and efficient use of public infrastructure. And by ensuring the continued operation of the Center, the Project will create conditions favorable to civic activity, educational, and cultural opportunities. (Exhibits 9, 52, 87.)

No Adverse Effect on the Use of Neighboring Property

81. The Board finds that the requested relief will not tend to adversely affect the use of neighboring property.
82. The proposed new office and meeting space for the Center will not increase the intensity of the use as the level of operations, number of employees, and frequency and size of programs and events will remain the same as the current condition. Further, the various provisions of the Meridian MOU developed by the Applicant and the Surrounding Property Owners, many of which are also incorporated as conditions of this Order, will ensure that the continued operation of the center, as modified by this Order, will not have an adverse impact on nearby residents. Even ANC 1C acknowledged that the level of detail and improved enforcement mechanisms in the MOUs were "laudable." (Exhibit 89 at 5.)
83. The Board also finds that the revised traffic circulation and relocation of the Center's parking to an underground garage will result in a net positive impact and will improve conditions in the neighborhood by reducing the amount of traffic that circulates all the way around Belmont Street, N.W. and Crescent Place, N.W., and by internalizing any impacts associated with the Center's parking, which is currently unenclosed.
84. The proposed condominium portion of the Project will not adversely affect the use of neighboring property. The requested zone boundary extension will achieve a design that is more compatible with the development in the surrounding neighborhood by shifting density closer to 16th Street, N.W., where height and density has traditionally been focused in the area, while achieving a design that meets historic preservation requirements and respects the Historic Mansions on the Property. The Project is otherwise within the matter-of-right zoning limits for height, bulk, yards, and courts and provides nearly double the amount of required parking for the condominium portion. And much like the Center, impacts of the residential portion of the Project will be mitigated and managed by the Residential MOU.

CONCLUSIONS OF LAW AND OPINION

Procedural Issues

On July 25, 2018, the day of the Board's scheduled decision on the Application, ANC 1C filed a motion requesting to postpone the Board's decision. (Exhibits 89 and 89A.) In its Motion to Postpone, the ANC argued that the Zoning Commission and OP should review the Application in light of the Property's FLUM designation in the Comprehensive Plan and that OP's report on the Application should not be given "great weight" by the Board because OP did not sufficiently assess the Project's impacts through an independent impact study and assessment, or address each prong of the special exception test, and OP did not address alleged violations of the Comprehensive Plan.

The Board denied the Motion to Postpone, concluding that the OP had conducted a proper review of the special exception criteria and that the record was sufficiently full with respect to the standards for the relief requested such that the Board should proceed to a decision. All that is required under the Regulations is a report by OP on compliance with the elements of the special exception standards—there is no requirement that OP undertake the burdensome process of "independent impact studies and assessments." 11-Y DCMR § 405.4. The burden of proof is on the Applicant, and not the agency, to justify the requested relief. In addition, as discussed in more detail below, the Comprehensive Plan is not within the Board's purview in reviewing a request for special exception relief.

The Board acknowledges that the OP report does not specifically reference the general special exception criteria of Subtitle X, which require a finding that the relief is in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property. The Board is not convinced that this oversight invalidates the professional evaluation within the remainder of the Report. The OP report includes a detailed analysis of each of the specific prongs of both the private school and zone boundary line extension that are most germane to the zoning relief at issue in the case. Moreover, in many cases these specific criteria overlap with the general exception criteria. For example, the "objectionable impact to neighboring property" standard is quite similar to the "adversely affect neighboring property" standard. To the extent that OP did not specifically opine on the Project's "harmony with the general purpose and intent of the Zoning Regulations and Zoning Map," all that means is that the Board must weigh for itself the evidence submitted by the Applicant, the ANC, and the other persons participating in the case on this particular prong without the benefit of OP's specific guidance. In short, the Board may give great weight to the OP Report to the extent of issues it addressed.

The Board further notes that there is no procedure under the Board's Rules of Practice and Procedure to delay deliberations and a decision on an application pending review by the Zoning Commission. The decision to review an order of the Board rests solely with the Commission. Subtitle Z Chapter 8 provides procedures for *sua sponte* review of a Board decision by the Zoning Commission, but such review is purely at the Commission's discretion, after a final written order

has been issued by the Board. *See* 11 DCMR Subtitle Z §§ 800.2, 800.6, and 800.7; *see also* BZA Order No. 18787-A of 143 Rear W Street LLC (“[N]othing in the Zoning Regulations grants a party the right to request [Zoning Commission] review . . . [S]uch review is *sua sponte*, i.e., ‘[w]ithout prompting or suggestion; on [the Zoning Commission’s] own motion.’”) (quoting *Black’s Law Dictionary* 1650 (10th ed. 2014)). Accordingly, the Board denied the ANC’s Motion to Postpone a decision on the Application.⁵

In addition, on July 25, 2018, Gary Youngblood, a resident of the Beekman Place Condominiums, filed a motion requesting that the Board reopen the record to accept additional comments from the community. However, only a party has the right to file motions under the Board’s Rules of Practice and Procedure. 11 DCMR Subtitle Y § 403.7(a). Mr. Youngblood was not a party to the Application, nor did he request party status. Accordingly, the Board was not required to consider Mr. Youngblood’s motion to reopen the record. In any event, even if the Board had had occasion to consider the merits of the motion, the Board finds that there was ample time provided prior to and following the public hearing on the Application for members of the community to submit comments into the record.

Requested Relief

The Applicant requests special exception relief under 11 DCMR Subtitle X § 104.1 of the Zoning Regulations to modify the Center’s existing private school plan and relief under Subtitle A § 207.2 to extend the bulk regulations of the RA-4 zone 35 feet westward into a portion of the Property zoned RA-2. The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2008), to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property, subject to specific conditions. (*See* 11 DCMR Subtitle U § 901.2.)

The Board’s discretion in reviewing an application for special exceptions under Subtitle X § 104.1 and Subtitle A § 207.2 is limited to a determination of whether the applicant has complied with the requirements of those provisions and Subtitle X § 901.2 of the Zoning Regulations. If the applicant meets its burden, the Board ordinarily must grant the application. *See, e.g., Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973); *see also Washington Ethical Society v. District of Columbia Bd. of Zoning Adjustment*, 421 A.2d 14, 18–19 (D.C. 1980).

⁵ Even assuming *arguendo* that the Board was required to provide such referral to the Zoning Commission, the error would be harmless. Following the conclusion of this case, the opponents to the Project filed a petition with the Zoning Commission to downzone the Property based on its FLUM designation. The Commission voted against setting down the application for a public hearing and denied the petition. *See* Z.C. Case No. 18-12 (2018).

As outlined below, based on the above findings of fact, which are hereby incorporated by reference, the Board concludes that the Application satisfies the standards for approval of the private school plan modification and the requested zone boundary extension.

Modification of the Private School Plan

Pursuant to Subtitle X § 104.2, to modify a private school plan, the applicant must demonstrate that the use is “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.” The D.C. Court of Appeals (“Court”) has articulated two tests that the Board may use when evaluating whether a proposed school use is likely to become objectionable. Under one test, the Board may examine whether the proposed school use would “significantly increase objectionable qualities over their current levels in the area”. Alternatively, the Board may examine whether the proposed school use “would significantly increase objectionable qualities over the level that an alternative, as-of-right structure would likely create.” *Draude v. District of Columbia Bd. of Zoning Adjustment*, 527 A.2d 1242, 1253 (D.C. 1987). The Court left it to the Board to determine which test would be the appropriate method for evaluation. *Id.*; see also *Glenbrook Rd. v. District of Columbia Bd. of Zoning Adjustment*, 605 A.2d 22, 34 (D.C. 1992).

Moreover, in evaluating whether a proposed school use creates an “objectionable” condition, the Court has explained that the Board’s role is to “determine whether a reasonable accommodation has been made between the [school] and the neighbors.” *Id.* at 32. The analysis is focused on the “proposed site”. (*Id.* (emphasis in original).)

Based on the above findings of fact and in accordance with the established methodology for evaluation of “objectionable” impacts for a school special exception, the Board concludes that the Application meets the standards for the relief requested. The Applicant seeks to modify the private school plan to construct approximately 9,266 additional square feet of office and meeting space in the Project, to relocate the existing surface parking on the Property to an underground garage, and to reconfigure traffic circulation for the Center in order for most vehicles to enter the new parking garage off of Belmont Street, N.W. and exit the garage from Crescent Place, N.W. The Applicant also seeks to construct a new residential condominium building and associated parking at a height, density, and intensity of use that is within the otherwise matter-of-right limitations for the Property.

The Center’s new office and meeting space will be indoors and will be used primarily for daytime events, minimizing any noise impact on surrounding properties. Loading and service activities for the Center’s new space will also occur within the building. The level of operations and intensity of the Center’s use will not increase as a result of the Project and, accordingly, traffic levels generated by the Center will generally remain the same as current conditions. Under the new traffic circulation plan, the majority of traffic will be focused near 16th Street, N.W., minimizing the level of traffic generated further west on Belmont Street, N.W. and Crescent Place, N.W. The Project will maintain a similar parking capacity for the Center as current conditions but it will internalize

currently unenclosed parking within the Project. The number of employees is expected to remain the same following development of the Project, as are the number and size of events and programs at the Center. Because the Center's new meeting space will serve as an alternative, rather than an additional, location for programs and events, the space will not result in an increase in the number of event guests, program participants, and other visitors above the current levels.

In concluding that the proposed modification to the private school plan will not result in objectionable impacts as relates to noise, traffic, number of programs and events, or other issues, the Board gives due consideration the Meridian MOU (Exhibit 87A) carefully developed by the Applicant and the Surrounding Property Owners, which includes extensive provisions and restrictions to address all of these issues in detail, as well as enforcement mechanisms to ensure compliance and resolve any ongoing violations of the MOU. The Meridian MOU's provisions go well beyond the impacts of the new space or changes in circulation. They include comprehensive provisions to address the noise, traffic, circulation, parking, and other impacts of the Center's operations as a whole. (The Board also notes that the Applicant agrees to a similar, comprehensive MOU to address the impacts of the residential component of the Project.) The Board credits testimony from representatives of the Surrounding Property Owners that the MOUs represent the outcome of a full, fair and good faith negotiation among the stakeholders. Other evidence of the Applicant's commitment to a meaningful negotiation and compromise includes the Applicant's three voluntary postponements of the hearing in order to allow for time to reach common accord and the Applicant's revisions to the vehicular circulation plan, which along with the MOUs were sufficient to cause BPCA, the sole applicant for party status in opposition, to withdraw its request.

Finally, the Meridian MOU also includes specific commitments to ensure accountability, responsiveness, and enforceability of the Center's commitments. The Center agreed to additional commitments regarding staffing and term limits to further mitigate its impacts. The Center's new space within the Project will require reapproval in five years, which will provide the Board and all parties with an opportunity to affirm that the Center's commitments are effective. Finally, the Board has incorporated many provisions of the MOUs as enforceable conditions to this Order, which will provide ANC 1C, the Surrounding Property Owners, and other stakeholders with an additional forum to resolve concerns and complaints.

The Board also concludes that the proposed modification of the private school plan is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, as required under Subtitle X § 901.2(a), as it will provide new office and meeting space for the Center without increasing the intensity of the use, which is permitted in the RA-2 and RA-4 zones by special exception, subject to conditions. (The residential component of the Project is permitted by right and is therefore fully consistent with the Regulations and Map, which allow multifamily residential development in both zones.) Lastly, for the same reasons stated above with respect to issues of noise, traffic, parking, and number and size of events and programs, the Board concludes that the modified private school plan will not tend to adversely affect the use of neighboring property, as required under Subtitle X § 901.2(b).

For all of these reasons, the Board concludes that the Application satisfies the standards for approval of the Center's private school plan, as modified.

Zone Boundary Extension

Pursuant to Subtitle A § 207.2, for approval of a zone boundary extension on a split-zoned property, an applicant must demonstrate: (a) that the extension is limited to that portion of the lot in the more restrictive zone but not more than 35 feet; (b) that the extension complies with Subtitle A § 207.1(d) for properties located in the R or RF zones; (c) that the extension will not have an adverse effect on the character and future development of the neighborhood; and (d) the Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or other requirements it deems necessary to protect adjacent or nearby property. Based on the findings of fact above, the Board concludes that the Application satisfies the criteria for approval.

Here, the Applicant requests relief to extend the bulk regulations of the RA-4 zone westward into a portion of the Property zoned RA-2. The requested extension is limited to 35 feet west of the RA-4 zone boundary, as required. Further, the Board finds that the requested extension will not have an adverse effect on the character and future development of the neighborhood. Rather, the relief will permit the Project to shift density away from the western portion of the site and focus this density instead along 16th Street, N.W. by constructing an additional 12,895 square feet in the RA-4 portion of the Property. As HPO and HPRB concluded, this proposed massing and concentration of height and density along 16th Street is compatible with the surrounding development and the character of the Meridian Hill Historic District. The Project will comply with the maximum permitted height in the RA-4 and RA-2 zones — and indeed will extend the shorter secondary mass of the building with a height of 50 feet well into the RA-4 zoned portion of the Property. Further, the Project will be well within the overall maximum permitted density. (Subtitle A § 207.1(d) is inapplicable in this case as it only applies to lots located in the R or RF zones.)

The Board also concludes that the Project and requested zone boundary extension is in harmony with the Purpose and intent of the Zoning Regulations and Map, as required. By allowing the project to focus density along 16th Street, N.W., consistent with other development in the surrounding area, and without increasing the Project's height or overall density above what would otherwise be permitted, the requested relief fulfills the overall framework of the RA zones by shifting density from the moderate density RA-2 zone into the medium- to high-density RA-4 zone. Further, the overall density of the Project will remain comfortably within the range of what constitutes moderate density. Lastly, the Board concludes that requested relief will not tend to adversely affect the use of neighboring property. Rather, the requested zone boundary extension

will achieve a design that is more compatible with the development in the surrounding neighborhood.

For all of these reasons, the Application meets the criteria for approval to extend the bulk regulations of the RA-4 zone 35 feet west into a portion of the Property zoned RA-2.

OP and DDOT Reports

The Board is required to give “great weight” to the recommendations of the Office of Planning. (See D.C. Official Code § 6-623.04 (2001).) In this case, OP recommended approval of the application and described how the Applicant met the standards for the requested special exception approval, and the Board concurs with that recommendation. OP found that the Center constitutes a private school and that the proposed new office and meeting space is not likely to be objectionable to nearby properties, given that the Project will not result in an increase in the number of staff or events. OP further stated that the overall amount of traffic to and from the Center is not likely to change significantly due to the Project, and that the MOUs between the Applicant and the Surrounding Property Owners will address any potential noise issues at the site. In light of the Board’s findings and discussion above, the Board agrees with OP’s conclusions that the Application satisfies the standards for the requested relief and will not result in objectionable impacts on neighboring properties.

DDOT, in its report, concluded that the Project’s proposed density is not anticipated to have significant impacts on the District’s vehicular transportation network. DDOT’s report noted the Applicant’s work with the Surrounding Property owners and DDOT to address transportation concerns and that the Applicant’s CTR is acceptable given the Project’s level of impact. DDOT noted no objection to the requested relief, conditioned on the Applicant funding and constructing improvements to bring the intersections of 16th Street, N.W. with Belmont Street, N.W. and Crescent Place, N.W. up to DDOT standards. The Board finds DDOT’s findings and recommendations persuasive and, in addition, that any potential transportation impacts that may be associated with the Project are well addressed by MOUs developed by the Applicant and the Surrounding Property Owners and the conditions of this Order, detailed below.

ANC 1C Reports and Contested Issues

The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC in its written report. See Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) (“ANC Act”). In this case, ANC 1B, the ANC located across 16th Street, N.E. from the Property, did not submit any written report or otherwise provide comments on the Application.

As discussed above, ANC 1C submitted the ANC Report in opposition to the Application. (Exhibit 55.) Following the hearing, the Board provided ANC 1C with an opportunity to review and

comment on the final design changes and MOUs; the ANC did so in the ANC Post-Hearing report and also raised new issues regarding the status of the Center as a “private school” and consistency of the Project with the Comprehensive Plan. (Exhibit 88.) Finally, the ANC filed the Motion to Postpone the Board’s decision on the application in order to compel the Board to require additional analysis from OP and refer the case to the Zoning Commission. (Exhibit 89.) ANC 1C’s opposition related to the requested relief for both the modification of the Center’s private school plan and the zone boundary extension. The Board addresses each of the ANC’s issues and concerns in turn below.

Modification of the Private School Plan

The ANC Report states that the frequency and times of events at the Center currently have a negative impact on the surrounding residents because the nature of the neighborhood is substantially different than when the Center was first established as a private school pursuant to the Board’s approval in 1960 under Order No. 5802. The report further states that the existing MOU between the Center and the surrounding neighbors addressing noise, traffic and parking, limits on events, and violations, has not improved problems associated with the Center’s events given continuing violations of the MOU, and that the addition of the proposed meeting and office space and the proposed multifamily residential use will compound these issues. Specifically, the report refers to violations of the existing MOU with respect to illegal parking and idling by shuttle buses; double-parked trucks and service vehicles blocking traffic on Belmont Street; illegal parking by diplomatic vehicles on Crescent Street; and amplified music and guest noise during Center events. Based on these violations of the existing MOU, the ANC Report questions whether conditions are likely to improve in the future and states that the additional office and meeting space and the proposed residential use will compound existing problems. This concern is also reiterated in the ANC Post-Hearing Report, which asserts that the MOUs will not adequately address the Project’s impacts.

The ANC Post-Hearing Report also argues that the Center is not a private school within the definition provided in Webster’s Unabridged Dictionary and, thus, should not be permitted to expand its operations. The ANC Post-Hearing Report also asserts that OP did not conduct an independent study of the Project’s impacts and instead relied on the Applicant’s statement and the MOUs between the Applicant and the Surrounding Property Owners. The ANC further argued that many of the Center’s events, such as private weddings, are not related to the Center’s institutional use. The ANC cited previous cases in which the Board imposed limitations on hours and outdoor uses for private schools seeking special exception relief to expand in a residential area.

The ANC Comments further outline the following concerns related to the requested modification of the private school plan:

- Noise. The ANC asserted that the Project will have an adverse effect with respect to noise due to: construction of the Project; traffic in and around the Project’s entry court off of Belmont Street, N.W. generated by persons accessing the Center and residents

of the Project; increased pedestrian and vehicle traffic at 16th Street and Belmont Street, N.W. resulting from the Project; and the Center's events and operations, particularly large outdoor events.

- Traffic. The ANC asserted that the Project will have an adverse effect with respect to traffic due to: challenges associated with turning left onto Belmont Street from the northbound left lane on 16th Street, N.W.; lack of traffic calming measures at the intersection of 16th Street and Belmont Street, N.W.; delays and frequent idling by shuttle buses that impedes visibility for vehicles seeking to turn onto 16th Street off of Belmont Street; and exacerbation of these problem by the location of the Project's entry court on Belmont Street near 16th Street and allowing vehicles exiting the Project from the entry court to turn left onto Belmont, rather than turning right and circulating round the block to Crescent Place. The ANC also expressed concern that no impact studies had been conducted to assess the response time by emergency agencies and first responders.
- Parking. The ANC asserted that the Project will have an adverse effect with respect to parking, will exacerbate existing parking problems in the surrounding neighborhood, that the Applicant has failed to take steps to mitigate parking impacts, and that the neighborhood will lose approximately 30 parking spaces during construction of the Project and another 40 spaces in the current Center parking lot, in addition to permanently removing three on-street parking spaces from Belmont Street, N.W.
- Number of Students and Other Objectionable Conditions. The ANC asserted that, to properly evaluate the impacts of the private school plan under the special exception standard, the Board must consider not only the Center's new office and meeting space and parking garage, but also the impact of the proposed new residential use because it will share an entry court with the Center and that it is impossible in most circumstances to differentiate between the impacts of the Center and those related to the proposed residential use.

The Board has carefully weighed the ANC's issues and concerns regarding the potential impacts of the requested relief to modify the existing private school plans and finds the ANC's objections to the Application unpersuasive.

The Center is a Private School

First, the Board concludes, as it has in its multiple prior approvals for the Property, that the Center constitutes a private school. The Center is a nonprofit organization that offers educational and cultural exchange programs, including experiential learning as well as various training programs, expert panels, and related events focused on specialized instruction in international diplomacy and global leadership. The term "private school" is not defined in the Zoning Regulations, and thus

the Board looks to the definition provided in Webster's Unabridged Dictionary ("Webster's"), *see* 11 DCMR Subtitle B § 100.1(g), which defines a "private school" as "a school that is established conducted, and primarily supported by a non-governmental entity." A "school" is defined by Webster's as "an organization that provides instruction," including among other things, "an establishment offering specialized instruction" The Center clearly meets this definition as an organization that offers specialized instruction on global leadership and international diplomatic issues. Accordingly, the ANC is wrong in its assertion that the Center does not meet the definition of a private school under the Zoning Regulations.

This conclusion is consistent with the Board's prior conclusion, as affirmed by the D.C. Court of Appeals, that the definition of "private school" is broad and encompasses non-traditional educational institutions, such as a school of music. *See Neighbors on Upton Street v. District of Columbia Bd. Of Zoning Adjustment*, 697 A.2d 3, 7-8 (D.C. 1997). Moreover, the Board has no reasonable basis for changing its interpretation now, particularly since it has approved the Center use as a private school multiple times, beginning in 1960. *Cf. Draude*, 527 A.2d at 1253 (stating that, in order to change an interpretation of a controlling statutory term, an agency "must explain and justify its change of mind or its use of a different standard from one situation to the next") (internal citations omitted). Accordingly, the Board concludes, as it has previously, that the Center is a private school.⁶

Comprehensive Plan

Second, the ANC argues that the Project must be assessed in accordance with the relevant portions of the Comprehensive Plan, and that the Project is inconsistent with policies and goals of the Framework, Historic Preservation, Land Use, Urban Design, Housing, and Transportation Elements of the Plan, the Generalized Policy Map, and the FLUM. Among other provisions, the ANC references specific provisions of the Comprehensive Plan that direct evaluations of noise, traffic, parking, historic preservation and other impacts.

The Board disagrees with the ANC's assertion that the Comprehensive Plan is applicable to the Board's review of an application for special exception relief. The Board's discretion in reviewing an application for a special exception is limited to a determination of whether the applicant has complied with the requirements of the applicable provisions of the Zoning Regulations, and, if the applicant meets its burden, the Board ordinarily must grant the application. *See, e.g., Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973). None of the applicable standards of approval require consistency with the Comprehensive Plan.

⁶ The Board also notes that the ANC failed to raise this issue at the hearing, where the Applicant would have had an opportunity to directly address the question, but instead raised the issue for the first time in its post-hearing submission. Indeed, the ANC's assertion is directly contradicted by its own Report, which referred to the Center as a private school. (Exhibit 55 at 2 (stating that the "Center was first established as a private school in 1960 . . .").) Nevertheless, the Board concludes there is sufficient evidence in the record to affirm that the Center is a private school.

Moreover, the Comprehensive Plan is not self-executing, and the D.C. Court of Appeals has held that the Board has no power to implement the Comprehensive Plan. *Tenley and Cleveland Park Emergency Committee v. District of Columbia Bd. of Zoning Adjustment*, 550 A.2d 341 n.22 (D.C. 1988); *see also BZA Order No. 18108 of ANC 3C* (2010).

Accordingly, it is not within the Board's jurisdiction to consider the Comprehensive Plan in reviewing this Application. This includes not only the overall planning guidance provided by the FLUM, the Policy Map, or the District and Area Elements, but also specific provisions requiring certain types of impact analysis for new development as referenced by the ANC. The Zoning Commission is the sole zoning authority responsible for enacting the Zoning Regulations and Map and, in so doing, ensuring that the Zoning Regulations and Map are "not inconsistent" with its guidance. D.C. Code §§ 6-641.01 – 641.02. By contrast, the Board lacks "the power to amend any regulation or map." D.C. Code §§ 6-641.07(e).

In any event the ANC's concerns regarding the consistency of the FLUM with the existing Zoning Map were specifically addressed by the Commission following the decision on this matter but prior to the issuance of this Order. *See Z.C. Case No. 18-12* (2018) (denying petition to downzone the Property based on the Comprehensive Plan. Moreover, through this application, the Board undertook a detailed evaluation of the noise, traffic, parking, design, and other impacts of the Project, while HPRB provided a thorough analysis of the historic preservation impacts of the Project through multiple rounds of review.

The Office of Planning Analysis Satisfied the Legal Requirements

Third, with respect to the ANC's assertion that OP did not conduct an independent study of the Application, the Board disagrees. OP's report and testimony at the hearing make clear that OP fulfilled its duty to "review and comment" on the requested relief and make its own assessment of whether the applicable standards for approval were met. 11-Y DCMR § 405.8(a). The ANC has pointed to no evidence to suggest otherwise. The Regulations only require that OP "report on the application's compliance" with the special exception standards; there is no requirement that OP or any other agency undertake an independent impact analysis. 11-Y DCMR § 405.4.

The Project, Taken as a Whole, Will Not Impose Objectionable Impacts

Fourth, as to the ANC's concerns regarding noise, traffic, parking, the number of students and events, and other impacts, as discussed in detail in the findings and conclusions above, the Board finds that the Application satisfies the applicable standards for relief. As discussed above, the Board concludes that the impacts associated with the Center's new office and meeting space and the relocation of parking and reconfigured traffic circulation will have a minimal impact on the surrounding area and any potential impacts will be mitigated by the Meridian MOU. Further, with respect to traffic and parking, the Board credits the conclusions by both DDOT and the Applicant's

transportation expert that the Project will not have a significant impact on transportation in the surrounding area.

In addition, contrary to the ANC's assertion, the Applicant did not limit its analysis to just the impact of the changes to the Center. Rather, the Applicant also addressed in detail impacts related to the existing Center's operations, putting forth a new Meridian MOU that addresses and mitigates existing and proposed impacts comprehensively. Although existing operations are arguably not relevant under the first *Draude* test (which requires an evaluation of whether the proposed school use will "significantly increase objectionable qualities over their current levels in the area"), the Board can conclude that the new Meridian MOU will not only maintain current levels of impact but also likely reduce those impacts through its enhanced implementation and enforcement measures.

Moreover, the Applicant also addressed in detail the impact of the proposed residential use through detailed analyses of the building's height and mass and inclusion of its use in the comprehensive transportation analysis. Furthermore, the Applicant also proffered the extensive Residential MOU to address the residential building's impacts, with similar commitments on accountability and enforceability. The multifamily residential use is permitted as a matter of right, with no limit on the number of units other than the number that can fit within the height and bulk limits of the Zoning Regulations. Therefore, although the impact of the residential building is arguably not relevant under the second *Draude* test (which requires an evaluation as to whether the use "would significantly increase objectionable qualities over the level that an alternative, as-of-right structure would likely create"), the Board is satisfied that the residential building will not impose any additional objectionable or adverse impacts compared to a similar matter-of-right development on the Property. Again, with the Residential MOU those impacts will likely be less than what would come through a matter-of-right residential building.

As noted in the findings of fact, the Board acknowledges the ANC's concerns regarding the effectiveness of the current MOU between the Center and the surrounding neighbors, as well as the new Meridian MOU developed by the Applicant and the Surrounding Property Owners. However, the Board finds that the Meridian MOU is much more extensive in scope; it covers a wide range of existing and potential future impacts from the Center's operations. Moreover, the Meridian MOU includes much more robust enforcement measures to ensure compliance as compared to the current MOU. In concluding that the Meridian MOU will be effective in mitigating any potential impacts associated with the Center, the Board gives due consideration to testimony from representatives of the Surrounding Property Owners, the withdrawal of the BPCA, and the fact that the Surrounding Property Owners — which include the representatives of the condominium boards of each of the adjacent buildings — were involved in the crafting of the MOU and do not object to the requested relief. This supports the inference that the Surrounding Property Owners believe that the new Meridian MOU is adequate to address any potential impacts. (Indeed, even the ANC acknowledged the level of detail and improved enforcement mechanisms in the MOUs as "laudable.") Finally, as an additional protective measure, this Order imposes a five-year term on approval of the Center's new office and meeting space, after which period the

Board will have the opportunity to reassess whether the MOUs have been effective in mitigating objectionable impacts.

Finally, although the ANC raised many concerns related to construction of the Project, issues pertaining to construction are outside of the Board's jurisdiction and not relevant to review of special exception relief, since those impacts would be created by matter-of-right construction as well. Nevertheless, the Board credits the Applicant's willingness to enter into the detailed Construction MOU, which contains multiple detailed provisions that address the specific concerns raised by the ANC.

Zone Boundary Extension

Fifth, with respect to the requested special exception to extend the bulk regulations of the RA-4 zone westward into a portion of the Property zoned RA-2, ANC 1C asserted that the mass, height, and scale do not fit with the surrounding neighborhood context and exceed that of the adjacent residential and historic buildings. The ANC further asserted that the Project's mass and density correlate directly with concerns about traffic, parking, noise (both during and after construction), and other quality-of-life concerns.

As outlined in detail in the findings and conclusions above, the Board finds that the proposed design, with the taller primary mass along 16th Street, N.W., and the shorter secondary mass along Crescent Place, N.W., is compatible with the character of the surrounding neighborhood. This conclusion is consistent with the determination by HPO and HPRB that the Project is compatible with the Meridian Hill Historic District and appropriate for the site. Although the ANC claims that the Project's mass and density correlate to its concerns regarding other impacts, such as traffic and noise, the Board does not find the ANC's claim persuasive. The proposed residential use is permitted as a matter of right, and the Project's overall density is less than the maximum permitted as a matter of right for the Property. The requested relief will merely enable the Applicant to shift density out of the RA-2 zoned portion of the Property and to the RA-4 zoned portion that is closer to 16th Street, N.W. This proposal is in line with the other development in the surrounding area, which has traditionally focused height and density along 16th Street, and is more respectful of the Historic Mansions on the Property. In addition, as stated above, the Board credits the conclusions by both DDOT and the Applicant's transportation expert that the Project will not result in significant impacts on transportation in the surrounding area. The Board concludes that the proposed design is appropriate and compatible with the surrounding context.

General Special Exception Criteria

Sixth and finally, the ANC Comments state that the Application does not meet the requirements under Subtitle X § 901.2 that the requested relief be in harmony with the Zoning Regulations and not tend to adversely affect the use of neighboring property. Specifically, the ANC asserted that the Project is not consistent with the stated goals of the RA zones to promote stable residential areas, allow limited non-residential uses that are compatible with adjoining residential uses, and

encourage compatibility between the location of new construction and the existing neighborhood. See 11 DCMR § 100.3(c), (e), and (f). The ANC also claimed that the requested relief would cause substantial detriment to the public good by degrading the environment of the adjacent homes.

For the same reasons as discussed above, the Board disagrees with the ANC's assessment and concludes that the Application satisfies the requirements of Subtitle X § 901.2. The Project will provide appropriate in fill development at a transit-oriented site that will promote stable residential growth in the area. The requested modification to the Center's private school plan will allow this use to continue with modernized space and internalized parking, while placing appropriate restrictions and limitations on the use by imposing numerous conditions to the Board's approval, including a five-year term to allow the Board to reassess the approval in the future. Lastly, the ANC has not provided any examples or evidence of environmental degradation that would result from the Project, and thus the Board finds unpersuasive the ANC's generalized, unsupported claim of such impacts.

Conclusion

Based on the case record, the testimony at the hearing, and the findings of fact and conclusions of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for a special exception under 11 DCMR Subtitle X § 104.1 to modify the Center's private school plan, and under Subtitle A § 207.2 to extend the bulk regulations of the RA-4 zone into a portion of the Property zoned RA-2. Accordingly, it is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 87E – ARCHITECTURAL PLANS AND ELEVATIONS - AND SUBJECT TO THE FOLLOWING CONDITIONS:**

Project

1. The Project shall be constructed in accordance with the plans dated July 2, 2018 and included as Exhibit 87E of the Record.
2. The Applicant shall have flexibility with the design of the Project in the following areas:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
 - b. To vary the final selection of the colors of the exterior materials, within the range presented to the Board and included with the drawings, based on availability at the time of construction;

- c. To make minor refinements to exterior details and dimensions, including without limitation to sills, bases, mullions, coping, railings and trim, or any other changes: (1) to comply with Construction Codes that are otherwise necessary to obtain a final building permit, (2) to comport with final design comments from District historic preservation officials, or (3) to address the structural, mechanical, or operational needs of the building uses or systems that do not significantly alter the exterior design as shown on the plans.
- d. To vary the final number of residential units plus or minus 10%;
- e. To vary the final number of parking spaces plus or minus 10%;
- f. To vary the final streetscape design and materials in the public right-of-way, in response to direction received from District public space permitting authorities;
- g. To vary the final landscaping materials of the Project, consistent with the range presented to the Board and included with the drawings, based on availability and suitability at the time of construction or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DCRA, or other applicable regulatory bodies;
- h. To vary the location and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements;

Term

3. The new meeting/conference space within the Project for the Meridian International Center (“Meridian”) is approved for a period of **five (5) years** from the date of issuance of the certificate of occupancy for such space.

Meridian Community Partnership and Communication

4. Meridian Community Partnership. The Applicant shall work with representatives of the Beekman Place Condominium Association, 1661 Crescent Place, NW Inc., Meridian Crescent Condominium Association, and the 17th Street neighbors (the “Community Parties”) to establish the Meridian Community Partnership (“MCP”) as a forum for collective discussion regarding ongoing community-related issues. The MCP shall have a steering committee (the “MCP Steering Committee”) comprised of a designated representative of each of the Community Parties, Meridian, and the future condominium association of the Project. The MCP Steering Committee shall meet no less than twice per year to discuss ongoing issues and concerns.
5. Event Notification.

- a. Meridian shall email the Community Parties, no later than the 25th of each month, a list of evening events, weekend events, and any additional events, programs, or activities that require valet services scheduled for the following month. The list shall include information on the date, time (start/end), use of valet parking, transportation plan (shuttle buses, vans, etc), location, and range in the number of guests for each planned event. The List shall also include an accounting of the previous month's events as well as an accounting of events over the year to date.
 - b. Meridian shall send out information regarding the Meridian Ball at least two (2) months prior to the Meridian Ball.
6. Meridian Complaint Reporting and Resolution.
- a. Hotline:
 - i. Meridian shall establish a "hotline" for neighbors to report concerns at neighbors@meridian.org or (202) 939-5535. Through use of the email or phone number, any complaint will go to the Neighborhood Liaison Manager, as well as the Meridian Event Manager and the Vice President of Human Resources & Administration.
 - ii. Meridian shall keep a log of all emails and phone calls to the "hotline" and shall provide a log of the emails and phone calls to the representatives of the Community Parties each month. For each concern, an explanation of actions taken to rectify the concern shall be provided.
 - b. Neighborhood Liaison Manager. Meridian shall designate a neighborhood liaison manager (the "Neighborhood Liaison Manager") responsible for monitoring the "hotline" and promptly responding to any concerns that are reported.

Meridian Use – Number of People and Events

7. Maximum Number of Guests. Except for the Meridian Ball, no more than 275 guests shall be permitted on the Campus at any one time for any Meridian function, whether for Meridian Leadership Programs involving international professional participants or Events, as defined in Condition No. 8 below.
8. Events
 - a. For purposes of this Order, "Event" means any Meridian activity on the Campus that involves catering or outside vendor services, except for the Meridian Ball; "Evening Event" means any Event the majority of which takes place after 5:30 PM on a weekday; and "Weekend Event" means any Event that takes place on a Saturday or Sunday, irrespective of the timing of the Event, and includes weddings.

- b. Number of Events.
 - i. Total Number of Events. No more than 150 Events shall be permitted per year.
 - ii. Evening Events. No more than 55 Evening Events shall be permitted per year, and no more than 25 of such Evening Events shall end after 9:30 PM.
 - iii. Weekend Events. No more than 45 Weekend Events shall be permitted per year, and no more than one (1) wedding shall be permitted per weekend.
 - iv. Neighborhood Meetings and Events. The above-stated restrictions on the number of Events shall not apply to any neighborhood meeting or event, including but not limited to the Beekman Annual meeting and any ANC 1C meeting.
- c. Location of Events – Weddings. No wedding shall take place in the new space for Meridian constructed as part the approved Project (“New Meridian Space”).
- d. Number of Guests at Events
 - i. No more than 250 guests shall be permitted per Event.
 - ii. No more than 10 Events per year shall have more than 200 guests.
- e. Deadline for Conclusion of Events. All Events shall end by 11:00 PM to allow for the breakdown of tables and the stowage of equipment and refuse prior to 1:00 AM.
- f. Meridian Ball
 - i. The above-stated restrictions on the number of guests shall not apply to the Meridian Ball, which may have more than 300 guests and may occur on all of the Meridian space.
 - ii. No more than one (1) Meridian Ball shall be permitted per year.

Noise

- 9. Meridian Events – Arrival and Departure of Guests
 - a. Event Manager. Meridian shall have an event manager (“Meridian Event Manager”) on duty at all Events and the Meridian Ball. The Meridian Event Manager shall be responsible for oversight from the beginning to the end of each Event and the Meridian Ball.

- b. Contract Provision. All new contracts for shuttles servicing Meridian Events and the Meridian Ball shall include the following language: "As a courtesy to neighbors, we ask that arriving and departing guests exercise the same degree of consideration they would expect in their own neighborhoods with respect to noise, litter, and otherwise disruptive behavior."
- c. Guest Management. The Meridian Event Manager shall remind all guests to observe quiet in the residential neighborhood as they depart, shall ensure that unacceptable behavior results in the immediate expulsion of the responsible persons, and shall emphasize the obligation for adult supervision when people under the age of 18 years of age are present.

10. Meridian Events – Amplified Music

- i. Indoors. Amplified music indoors for Events shall be terminated by 11:00 PM.
- ii. Outdoors. Amplified music outdoors for Events shall be terminated by 9:00 PM.

11. Residential Building Rooftop Terrace

- a. The residential portion of the Project ("Residential Building") shall include a rooftop terrace above the sixth floor of the Residential Building ("Rooftop"). The Applicant shall install and utilize landscaping and trellises to mitigate sound transmissions from the Rooftop along Crescent Place. The Applicant shall install a Plexiglas, glass, masonry, or other comparable solid screen at railing height around the perimeter of the Rooftop, subject to DCRA and any other required governmental agency approval.
- b. The Rooftop shall be limited to a maximum of 100 people at one time.
- c. Amplified music through a loudspeaker shall not be permitted on the Rooftop at any time.
- d. Rooftop hours of use shall be limited to 7:00 AM and 10:00 PM on Sunday through Thursday and 7:00 AM and 11:00 PM on Friday and Saturday.

Transportation – Parking

12. Residential Garage.

- a. The residential portion of the Project's garage ("Residential Garage") shall be reserved for the residents and guests of residents of the Residential Building, with unsold spaces being made available only to residents of the Community Parties.

- b. The Applicant shall reserve space for two (2) car-sharing spaces in the Project, subject to a signed agreement with a car sharing service.
- c. The Applicant shall install signage and mirrors at the garage exit on Crescent Place to ensure the awareness and ability of exiting traffic to see oncoming pedestrian and vehicular traffic.

13. New Meridian Garage – Community Use.

- a. The Meridian portion of the Project's garage ("Meridian Garage") shall be made available to the Community Parties and to the guests of the future residents of the Project between 7:00 PM and 8:00 AM on weekdays and at all times on weekends, subject to Meridian's Event schedule.
- b. The specific logistics for permitting access and permit allocations for the Meridian Garage shall be determined post-construction, but prior to the issuance of the first certificate of occupancy for the Project, in cooperation with the Community Parties.

14. Meridian Use – Employee Parking and Transportation Management

- a. Meridian shall subsidize employees who take public transit to work and shall offer a stipend to employees who bike to work as an effort to encourage employees to commute via non-auto modes of transportation.
- b. Meridian shall charge employees subsidized rates to park on Campus as an effort to encourage employees who drive to work to park in the Meridian parking lots (i.e., the existing parking garage under Meridian Crescent and the new Meridian Garage in the Project).

15. Meridian Use – Guest Parking and Transportation Management

- a. Meridian shall encourage all guests to use carpooling or public transportation whenever feasible.
- b. Meridian shall maximize the use of all Meridian parking lots via directed parking at all times other than when valet operations are utilized.
 - i. Guests shall be given the privilege of parking free of charge in all Meridian parking lots.
 - ii. Meridian shall station an attendant at the Meridian Crescent garage entrance to provide access to the Meridian Crescent parking garage and to ensure garage security during those times the garage will be utilized for Events in the Meridian spaces.

- iii. Prior to the issuance of building permit for the Project, Meridian shall provide for long-term contractual arrangements for satellite lots for Meridian functions for which their parking lots cannot fully accommodate guests' cars.

Transportation – General Circulation

16. All vehicles parked in the Residential Garage and all self-parked vehicles in the Meridian Garage must exit via the Crescent Place exit. All other traffic, except for trucks subject to the Truck Routing Plan described below, shall be permitted to exit onto Belmont Street and turn left or right on Belmont Street when exiting the Project.
17. All rideshares and taxis dropping off and/or picking up passengers at the Project shall be required to use the Project's entry court ("Entry Court") or 16th Street entrance.
 - a. The Applicant shall update the geolocation of both the Project's address and the New Meridian Space's address on Google and other websites to be located within the Entry Court.
 - b. Meridian shall encourage all guests being dropped off at the New Meridian Space to utilize the Entry Court for any pickup and drop off.

Transportation – Loading and Service Activity

18. Loading Coordinator. Meridian shall designate a staff member as the "Meridian Loading Coordinator." The Residential Building shall also designate a staff member as the "Residential Loading Coordinator." Each Loading Coordinator shall be on site anytime there are scheduled deliveries, trash, and move-in/move-out activity.
19. Truck Routing Plan. Vehicles subject to the truck routing plan shall exit the Project by turning left onto Belmont Street and then turning right onto 16th Street ("Truck Routing Plan").
20. Traffic Rules. Vehicles subject to the traffic rules shall comply with the following provisions ("Traffic Rules"):
 - a. Vehicles shall not double park on streets surrounding the Meridian's campus ("Campus"), shall keep one clear lane of traffic open at all times, and shall otherwise obey all posted parking, stopping, and standing restrictions on streets surrounding the Campus.
 - b. Vehicles shall abide by the D.C. "Motor Vehicle Excessive Idling Act" of 1984, as amended (1997), ("Excessive Idling Act") which allows idling of up to three (3) minutes while a motor vehicle is parked, stopped, or standing, except, *inter alia*,

“to operate for 15 minutes air conditioning equipment on buses with an occupancy of twelve or more persons” or “to operate heating equipment when the local temperature is thirty-two degrees Fahrenheit or below.”

- c. All contracts with vendors and service providers shall include a provision that requires all vehicles coming to the Campus (including any subcontractors) to comply with the Traffic Rules.

21. Trash

- a. Meridian Use – Entire Campus. No private trash pick-up activity shall take place between 10:00 PM and 7:00 AM on weekdays or between 10:00 PM and 9:00 AM on weekends, with the exception of the night of and the morning after Meridian's annual fundraising ball (the “Meridian Ball”).
- b. New Meridian Space – Truck Routing Plan. The Meridian Loading Coordinator shall direct all trash trucks associated with the New Meridian Space to use the Truck Routing Plan.
- c. Residential Building. Private trash pick-up activity associated with the Residential Building shall occur between 9:00 AM and 5:00 PM on weekdays, and between 10:00 AM and 5:00 PM on weekends.

22. Deliveries – Meridian Use

- a. For purposes of this Order, “Meridian Delivery Vehicles” means any commercial vehicles (including a trucks, pick-up trucks, and vans) delivering goods or services to Meridian and its Campus.
- b. Location. The Meridian Loading Coordinator shall direct all Meridian Delivery Vehicles to utilize the prescribed loading docks or designated on-street commercial loading zone as shown on pages 9-10 of Exhibit 87E of the Record.
- c. Hours. Delivery activity that involves a Meridian Delivery Vehicle utilizing a back-up beeper shall not take place on the Campus between 10:00 PM and 9:00 AM. Select vendors with trucks limited to a 16-foot box truck or less are permitted to load-out after 10:00 PM, provided that any Meridian Delivery Vehicle utilizing a back-up beeper is staged prior to 10:00 PM.
- d. Truck Routing Plan. For deliveries to the New Meridian Space, the Meridian Loading Coordinator shall direct all Meridian Delivery Vehicles to use Truck Routing Plan.

- e. Traffic Rules. The Meridian Loading Coordinator shall direct all Meridian Delivery Vehicles to comply with the Traffic Rules.

23. Deliveries – Residential Building

- a. Delivery Vehicles. For purposes of this Order, “Residential Delivery Vehicles” means all commercial vehicles (including trucks, pick-up trucks, and vans) delivering goods or services to customers contracted by the Residential Building or a resident of the Project.
- b. Location. The Residential Loading Coordinator shall be responsible for directing all scheduled deliveries for residents to use the Entry Court or, when necessary, the 16th Street entrance (subject to obtaining proper “No Parking” permits from the District of Columbia).
- c. Size.
 - i. Residential Delivery Vehicles accessing the Entry Court shall be no more than 30 feet in length including the driver cab.
 - ii. No more than one (1) Residential Delivery Vehicle over 24 feet in length shall be permitted in the Entry Court at one time.
- d. Hours.
 - i. All delivery activity utilizing a Residential Delivery Vehicle over 16 feet in length, other than a maintenance vehicle for residents for emergency repairs, shall occur between 9:00 AM and 5:00 PM or between 7:00 PM and 10:00 PM.
 - ii. All other delivery activity with Residential Delivery Vehicles that are 16 feet or less in length shall occur between 8:00 AM and 10:00 PM.
- e. Truck Routing Plan. The Residential Loading Coordinator shall direct all Residential Delivery Vehicles over 24 feet in length to use the Truck Routing Plan.
- f. Traffic Rules. The Residential Loading Coordinator shall direct all Residential Delivery Vehicles to comply with the Traffic Rules.

24. Residential Building – Moving Activity

- a. Location. The Residential Loading Coordinator shall direct all moving vehicles (“Moving Trucks”) to utilize the loading docks or, when necessary, the 16th Street

entrance (subject to obtaining proper "No Parking" permits from the District of Columbia).

b. Size.

- i. Moving Trucks permitted to use the Entry Court and loading dock shall be no more than 30 feet in length.
- ii. Moving Trucks that are more than 30 feet in length shall be required to utilize curbside space on 16th Street to load and unload. In the event that 16th Street is utilized for Moves, the Residential Loading Coordinator shall direct the moving resident to obtain a "No Parking" permit from the District of Columbia and post the signs a minimum of two (2) days in advance of the moving date.

c. Hours.

- i. Any Moves utilizing a Moving Truck that is more than 16 feet in length shall occur between 9:00 AM and 5:00 PM.
- ii. All other Moves with Moving Trucks that are 16 feet or less in length shall occur between 8:00 AM and 10:00 PM.
- iii. Moves using a truck that is greater than 24 feet in length within the Entry Court shall not be permitted to arrive or depart while guests for Meridian Events with over 100 guests located within the New Meridian Space are arriving or departing.

d. Truck Routing Plan. The Residential Loading Coordinator shall direct all Moving Trucks to use the Truck Routing Plan.

e. Traffic Rules. The Residential Loading Coordinator shall direct all Moving Trucks to comply with the Traffic Rules.

Transportation – Shuttle Bus and Valet Operations

25. Shuttle Bus Operations

a. Maximum Number of Passengers. Shuttle buses dropping-off or picking-up passengers within the Campus ("Shuttle Buses") shall be limited to a maximum of 36 passengers, except as permitted in Condition 25 d.iii below.

b. Traffic Rules. Meridian shall direct all Shuttle Bus operators to comply with the Traffic Rules.

- c. Contract Provisions. In addition to language requiring compliance with the Traffic Rules and the language regarding guest behavior set forth in Condition 9.b, all contracts with Shuttle Bus operators shall include the following language: “While waiting between drop-offs and pick-ups, Shuttle Buses are required to leave the [Project]’s entry court, Belmont Street, Crescent Place, and 17th Street roadways and wait in an offsite location.”

- d. Passenger Drop-off/Pick-up
 - i. Meridian House and White Meyer House. Meridian shall direct all Shuttle Buses to pull over to a curb when picking up and discharging passengers at the Meridian House or the White Meyer House.

 - ii. New Meridian Space.
 - 1. For Events in the New Meridian Space, Shuttle Buses shall be required to load and unload within the Entry Court.

 - 2. Meridian shall direct all Shuttle Buses to use the Truck Routing Plan.

 - 3. For all Events that require a Shuttle Bus, a traffic control operator (“Traffic Control Coordinator”) shall be stationed within the Entry Court.

 - iii. Shuttle Buses with More than 36 Passengers. Occasionally, Shuttle Buses transporting more than 36 passengers may be necessary. Any Shuttle Buses transporting more than 36 passengers shall be required to conduct drop-off/pick-up operations on 16th Street. In the event that any such Shuttle Bus is unable to utilize 16th Street, the Shuttle Bus Operator shall find another location for discharging passengers and shall not be permitted to utilize the Entry Court, Belmont Street, Crescent Place, or the 17th Street roadways for discharging passengers.

26. Valet Operations

- a. All Meridian Spaces
 - i. Activities with 100–150 People. For all Events, programs, or activities in excess of 100 people and less than 150 people, Meridian shall provide a Traffic Control Coordinator.

 - ii. Activities with More than 150 People. For all Events, programs, or activities in excess of 150 people, Meridian shall require valet operations

and other “assisted arrival,” such as Shuttle Buses. In the event that valet operations are provided, the valet operator shall serve as the Traffic Control Coordinator. In the event that only Shuttle Buses are utilized, Meridian shall provide a Traffic Control Coordinator.

- b. Valet Staffing. Meridian shall continue to work with its consistent and vetted valet parking operators to ensure operations are staffed sufficiently to keep traffic flowing and to minimize backups.
- c. Permitting and Signage. Meridian shall obtain a valet permit from the District of Columbia for each Event, program, or activity that requires valet parking, which states the use of a specified number of curbside parking spaces (3–8), depending on the size of the Event, program, or activity. Meridian shall post “No Parking” signs a minimum of three (3) days in advance of the Event, program, or activity date, in accordance with District standards, and shall remove such signs immediately following the Event, program, or activity.
- d. Traffic Rules. Meridian shall direct all valet parking operators to comply with the Traffic Rules.
- e. Noise. Meridian shall brief all valet parking operators with regard to noise limitations and no shouting.
- f. Entrance Access. Meridian shall direct all valet parking operators to not obstruct the entrances to Beekman Place, Meridian Crescent, or 1661 Crescent Place.
- g. New Meridian Space
 - i. For Events, programs, or activities at the New Meridian Space that require a valet, pick-up and drop-off activity shall be located within the Entry Court.
 - ii. Meridian shall direct the valet parking operator to position a Traffic Control Coordinator at the entrance of the Entry Court to safely and efficiently guide traffic entering and exiting the Entry Court in order to prevent queuing along Belmont Street.

Transportation – Proposed Improvements

- 27. Pre-Construction Study. Prior to the commencement of construction of the Project, the Applicant shall pay for and perform a traffic study to evaluate the anticipated impact of the Project on the Belmont Street and 16th Street intersection (“Pre-Construction Study”).

- a. The Pre-Construction Study shall include an evaluation of whether a traffic signal is warranted at the intersection. If warranted, the Applicant shall pay for and install the signal, subject to DDOT approval.
 - b. If the Pre-Construction Study does not call for a new signal at that location, the Applicant shall request that DDOT install a signal detector on Belmont Street to call the green signal on Crescent Place, thereby creating a gap in traffic on 16th Street to facilitate egress from Belmont Street. Installation of such improvement shall be subject to DDOT approval.
28. Signage and Markings. Prior to the issuance of a certificate of occupancy for the Project and subject to DDOT approval, the Applicant shall do the following:
- a. Install signing and pavement markings at the intersection of 16th Street and Belmont Street to improve visibility of and awareness of pedestrians crossing Belmont Street.
 - b. Install “Do Not Block the Box” signing and pavement markings at the intersection of 16th Street and Belmont Street and the intersection of 16th Street and Crescent Place.
 - c. Install a “No Trucks Over 7,000 lbs. Gross Vehicle Weight” sign at the intersection of 17th Street and Crescent to prohibit trucks travelling north on 17th Street.
 - d. Install two-way traffic pavement markings along the two-way section of Belmont Street to 16th Street.
 - e. Install pavement markings at the Crescent and 16th Street intersection identifying individual left and right turn lanes.
 - f. Install a “No Left Turn from 7:00 to 9:30 AM and 4:00 to 6:30 PM” sign on Belmont Street at its intersection with 16th Street.
29. Removal of Parking Spaces. Prior to the issuance of a certificate of occupancy and subject to approval by DDOT, the Applicant shall remove three (3) on-street parking spaces on the south side of Belmont Street (between 16th Street and the primary Beekman Place driveway entrance) to increase the width of the travel lanes to better accommodate two-way traffic on the portion of the street.
30. Vehicle Routing / Post-Occupancy Study. When the Residential Building is 85% occupied, the Applicant shall pay for and perform a traffic study that evaluates the impact of the Project on the Belmont and 16th Street intersection (“Post-Occupancy Study”).

- a. The Post-Occupancy Study shall include an evaluation of whether a traffic signal is warranted at the intersection. If warranted, the Applicant shall pay for and install the signal, subject to DDOT approval.
- b. If the Post-Occupancy Study does not call for a new signal at that location, the Applicant shall request that DDOT install a signal detector on Belmont Street to call the green signal on Crescent Place, thereby creating a gap in traffic on 16th Street to facilitate egress movements from Belmont Street. Installation of such improvement shall be subject to DDOT approval.
- c. If the Post-Occupancy Study does not call for a new signal or signal detector at that location, but the Post-Occupancy Study indicates that the total number of new trips at the intersection exceeds either 28 new trips in the AM peak hour or 36 new trips in the PM peak hour (as compared to the 2022 background peak hour traffic volumes set forth on Figure 15B of the Applicant's traffic study dated January 2018), then the Applicant shall implement operational measures and signage to direct all traffic exiting the Project except trucks greater than 24 feet in length to turn right and proceed westbound on Belmont Street between 7:30 AM and 9:30 AM on weekday mornings and between 4:30 PM and 6:30 PM on weekday evenings.

Other Impacts

31. Snow Shoveling. The Applicant and Meridian shall shovel the entire width of the sidewalks, including ramps to crosswalks, adjacent to the Campus within the first eight (8) hours of daylight after the ceasing to fall of any snow or sleet in accordance with D.C. Code § 9-601.
32. Litter Removal. The Applicant and Meridian shall continue to keep the area adjacent to the Campus free of litter.
33. Lighting. The Applicant shall install full cut off lights on the Project to mitigate light pollution to neighboring properties.
34. Dog Waste. Subject to Public Space review and approval, the Applicant shall to install two (2) dog waste stations with bag dispensers along the perimeter of the Project that will be available for the general public to use. The Project's condominium association shall be responsible for refilling the dispensers. The Applicant shall incorporate this provision into the future condominium documents and by-laws of the Project.
35. Construction Management Agreement. The Applicant shall abide by the Construction MOU included in Exhibit 87C of the Record.

36. Stormwater Management. Consistent with the requirements of D.C. law and municipal regulations (DCMR, Title 21), plans for Project shall incorporate a plan for effective stormwater management. To the greatest extent possible, the Applicant shall implement stormwater management measures (e.g., low-grade slopes, erosion-resistant ground cover, centralized stormwater conveyance, and collection facilities) that minimize both runoff to adjacent properties and standing water on the site of the Project and protect the Chesapeake Watershed.
37. Tree Protection Plan. The Applicant shall utilize the services of a licensed and insured arborist/tree removal expert to ensure the protection of the two (2) trees on 16th Street and any other street trees that are planned to remain. Such arborist shall be retained to:
- a. Examine all trees on or adjacent to the Property that are to remain post-construction.
 - b. Identify and tag those trees requiring removal as a result of erosion problems.
 - c. Identify and tag all trees that can be saved as part of the Project's overall landscape plan.
 - d. Approve the plan to protect the two 16th Street trees.
 - e. Identify appropriate species for planting on the Property.
38. 16th Street Trees. In addition to any fine imposed under the 2016 Heritage Tree provisions, the Applicant shall post a \$25,000 Tree Protection Bond for five (5) years following substantial completion of the Project for replacement trees in the case of damage to the two willow oaks on 16th Street. Any replacement tree must be approved by the City Arborist.
39. Replacement Tree on Crescent Place. Subject to DDOT and any other governmental agency approval, the Applicant shall plant a street tree in the location of the Crescent Place curb cut that will be closed post-construction.
40. Protection of Existing Street Trees. Subject to DDOT review and approval, the Applicant shall protect and retain the existing street trees adjacent to the Project located on both Belmont Street and Crescent Place.

VOTE: **5-0-0** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna John, and Peter G. May to APPROVE).

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: _____, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7. PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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.

DRAFT