

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

JULY 29, 2026

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:32 a.m. EDT, Michelle Pourciau, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

MICHELLE POURCIAU, Chairperson
PAUL GOLDSTEIN, Vice-Chairperson
MELISSA LINDSJO, NCPC Designee

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice-Chairperson

OFFICE OF ZONING STAFF PRESENT:

SARAH BARDIN, DIRECTOR
KEARA MEHLERT, Zoning Specialist
PAUL YOUNG, A/V Production Specialist

1 OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

2 SHEPARD BEAMON
3 PHILIP BRADFORD
4 PHILIP ISAIAH
JOSHUA MITCHUM
CRYSTAL MYERS

5 OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

6 SARAH BAJAJ, ESQ.
7 CARISSA DEMARE, ESQ.
JORDANE WONG, ESQ.

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9 The transcript constitutes the minutes
10 from the Regular Public Meeting held on Wednesday,
July 29, 2026.

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AGENDA

Application No. 21462 of Thomas Jefferson Real Estate LLC, and Emerald Wings, LLC	11
Application No. 20676-B of Jose Andres Reinoso and Miguelina Zapata, Trustees	49
Application No. 21081-A of Alexandra E. Chevalier	53
Adjourn	

P-R-O-C-E-E-D-I-N-G-S

(9:32 a.m.)

BZA CHAIR POURCIAU: Good morning. I think I'll go ahead and open the meeting. Thank you everyone for being here. Good morning, ladies and gentlemen.

The Board of Zoning Adjustment's July 29th, 2026 public hearing will please come to order. My name is Michelle Pourciau, Chair of the District of Columbia Board of Zoning Adjustment. Joining me today are Board Members Vice Chair Paul Goldstein, Member Melissa Lindsjo, and Zoning Commission Chairman Anthony Hood and Commissioner Rob Miller.

On July 28th, 2026, the Board entered into a closed meeting session for the purpose of obtaining legal advice from counsel. This closed meeting was voted upon previously in a public setting to be held for the purpose of obtaining legal advice from our counsel and deliberate, but not vote, on contested cases on today's agenda. While discussions were held, there were no decisions made.

Today's meeting and hearing agendas are available on the Office of Zoning's website.

1 Please be advised that this proceeding is
2 being recorded by a court reporter and is also
3 webcast live via WebEx and YouTube Live. The video
4 of the webcast will be available on the Office of
5 Zoning's website after today's hearing.
6 Accordingly, everyone who is listening on WebEx or
7 by telephone will be muted during the hearing. If
8 you experience difficulty in accessing WebEx or with
9 your telephone call in, then please call our Office
10 of Zoning hotline number at 202-727-5471 to receive
11 WebEx log in or call in instructions.

12 Today, we will begin with our virtual
13 public meeting, decision meeting session followed by
14 our virtual public hearing session. Please be
15 advised that we do not take any public testimony at
16 our meeting session. Public testimony will be taken
17 during the hearing session.

18 In today's hearing session, everyone who is
19 listening on WebEx or by telephone will be muted
20 during the hearing, and only persons that have
21 signed up to participate or testify will be unmuted
22 at the appropriate time. Please state your name and
23 home address before providing oral testimony or your
24 presentation.

25 Oral presentations should be limited to a

1 summary of your most important points. When you are
2 finished speaking, please mute your audio so that
3 your microphone is no longer picking up sound or
4 background noise.

5 All persons planning to testify either in
6 favor or in opposition should have signed up in
7 advance, they will be called by name to testify. By
8 signing up to testify, all participants completed
9 the oath or affirmation as required by Subtitle Y, §
10 408.7.

11 Requests to enter evidence at the time of
12 an online virtual hearing, such as written testimony
13 or additional supporting documents, other than live
14 video, which may not be presented as part of the
15 testimony, may be allowed pursuant to Subtitle Y §
16 103.13. The order for procedure for a special
17 exceptions or variances is pursuant to Subtitle Y, §
18 409. Time constraints for hearing testimony shall
19 be maintained pursuant to Subtitle Y, § 408.2 and
20 408.3.

21 Once again, if you experience difficulty
22 accessing WebEx or with your telephone call in or if
23 you have forgotten to sign up 24 hours prior to this
24 hearing, then please call our Office of Zoning
25 hotline number at 202-727-5471 to sign up to testify

1 and to receive WebEx log in or call in instructions.

2 At the conclusion of each case, an
3 individual who was unable to testify because of
4 technical issues may file a request for leave to
5 file a written version of the planned testimony to
6 the record within 24 hours following the conclusion
7 of the public testimony and the hearing.

8 If additional written testimony is
9 accepted, then the parties will be allowed a
10 reasonable time to respond as determined by the
11 Board. The Board will then make its decision at its
12 next meeting session, but no earlier than 48 hours
13 after the hearing.

14 At the conclusion of the Board's decision
15 meeting session or hearing session, the Office of
16 Zoning, in consultation with the Chair, will
17 determine whether a full summary order may be
18 issued. A full order is required when the decision
19 it contains is adverse to a party, including an
20 affected ANC. A full order may also be needed if
21 the Board's decision differs from the Office of
22 Planning's recommendation. Although the Board
23 favors the use of summary orders whenever possible,
24 an applicant may not request the Board to issue such
25 an order.

1 Finally, the District of Columbia
2 Administrative Procedures Act requires that a public
3 hearing on each case be held in the open before the
4 public. However, pursuant to § 405(b) and 406 of
5 that Act, the Board may, consistent with its rules
6 and procedures and the Act, enter into a closed
7 meeting on a case for purposes of seeking legal
8 counsel on a case pursuant to D.C. Official Code §
9 2-575(b)(4) and/or deliberating on a case pursuant
10 to D.C. Official Code § 2-575(b)(13), but only after
11 providing necessary public notice, and in the case
12 of an emergency closed meeting, after taking a roll
13 call vote.

14 The next item on the agenda is a vote for
15 the Board to hold a closed meeting on September 1st,
16 2026 at 2:00 p.m. This session is being held in
17 order for the Board to receive legal advice from its
18 counsel regarding the cases noted on the agenda for
19 the September 2nd, 2026 meeting and to preserve the
20 attorney-client privilege between the Board and its
21 attorney pursuant to D.C. Official Code § 2-
22 575(b)(4)(a) and to deliberate, but not vote, on the
23 contested cases pursuant to D.C. Official Code § 2-
24 575(b)(13).

25 I will ask the Secretary to provide the

1 list of cases on the agenda.

2 MS. MEHLERT: Thank you, Madam Chair. The
3 cases scheduled for the September 2nd agenda are:
4 21374(a) of Laura Williams and Kevin Donohue; 21419
5 of PMG Mid Atlantic, LLC; Appeal 21314, Burleith
6 Citizens Association; 20974 DC Chinatown Hotel
7 Owner, LLC; 21477 of Eric Salzberg and the Bialystok
8 Trust; 21478 of Andrew Cooper; and 21349(a) of Ed
9 Fendley. You're muted, Madam Chair.

10 BZA CHAIR POURCIAU: Thank you. I will now
11 make a motion to enter into closed session on
12 September 1st, 2026 at 2:00 p.m. Is there a second?

13 VICE CHAIR GOLDSTEIN: Second.

14 BZA CHAIR POURCIAU: The motion has been
15 seconded. Will the Secretary now please take a roll
16 call vote?

17 MS. MEHLERT: Please respond to the Chair's
18 motion for a closed meeting with legal counsel on
19 September 1st. Chair Pourciau?

20 BZA CHAIR POURCIAU: Yes.

21 MS. MEHLERT: Vice Chair Goldstein?

22 VICE CHAIR GOLDSTEIN: Yes.

23 MS. MEHLERT: Board Member Lindsjo?

24 MEMBER LINDSJO: Yes.

25 MS. MEHLERT: Chairman Hood?

1 ZC CHAIR HOOD: Yes.

2 MS. MEHLERT: Staff will record the vote as
3 four to zero to one to approve the motion made by
4 Chair Pourciau and seconded by Vice Chair Goldstein.

5 BZA CHAIR POURCIAU: Thank you so much,
6 everyone. Good morning, again. Madam Secretary, do
7 you have any preliminary matters?

8 MS. MEHLERT: No, not at this time.

9 BZA CHAIR POURCIAU: Very good. So, with
10 that, I think we'll proceed to our first item on our
11 virtual hearing agenda, which is Application Number
12 21466.

13 MS. MEHLERT: Just to clarify, you wanted
14 to start with the hearing agenda first instead of
15 the meeting cases.

16 BZA CHAIR POURCIAU: So, sorry. Nope, I
17 want to start with the virtual hearing cases and the
18 first decision case is Application Number 21462.
19 Madam Secretary, would you read it into the record?

20 MS. MEHLERT: Yes, first on the Board's
21 meeting agenda is Application Number 21462 of Thomas
22 Jefferson Real Estate, LLC & Emerald Wings, LLC.
23 This is a self-certified application pursuant to
24 Subtitle X, § 901.2 for a Special Exception under
25 Subtitle H, § 5007.1(e)(2) and 6009.1© to allow a

1 new eating and drinking fast food establishment use
2 on the first floor of an existing six-story mixed
3 use building.

4 It's located in the NMU-7B/GA zone at 3831
5 Georgia Avenue, NW (Square 3028, Lot 59). The
6 hearing concluded last week on July 22nd and the
7 Board requested evidence from the applicant and
8 closed the record. Participating are Chair
9 Pourciau, Vice Chair Goldstein, Board Member
10 Lindsjo, and Vice Chair Miller.

11 BZA CHAIR POURCIAU: Thank you. We heard
12 this case last week. There were a number of items
13 we asked to be submitted into the record and we
14 received those. I want to thank all the
15 participants, the applicant, the ANC, Office of
16 Planning and any others. It was a pretty long
17 discussion, but I believe it was a thorough
18 discussion and the additional items we received are
19 thorough as well.

20 I'd like to start by just asking
21 Commissioner Miller if he'd like to make any opening
22 statements, remarks about this and our deliberation
23 of this case.

24 COMMISSIONER MILLER: Well, good morning,
25 Madam Chair, and thank you.

1 BZA CHAIR POURCIAU: Good morning.

2 COMMISSIONER MILLER: We had a few hours of
3 discussion at the hearing last week and I think that
4 record is kind of fulsome and should be incorporated
5 into our record of this decision meeting. I agree
6 with you appreciating all the specific listing of
7 the conditions by the applicant, the specific
8 response that we got from the ANC, responses we got
9 from ANC 4C and the assistance of our legal counsel
10 in going through those conditions. I'm prepared to
11 deliberate and move forward today.

12 BZA CHAIR POURCIAU: Thank you,
13 Commissioner. Board Member Lindsjo, are there any
14 remarks you'd like to -- or comments about this
15 case, you'd like to make?

16 MEMBER LINDSJO: No, I'd just like to also
17 extend my gratitude for giving everybody a chance to
18 review the new conditions and the ANC's response and
19 our internal analysis. Thank you.

20 BZA CHAIR POURCIAU: Thank you. Before I
21 call on the Vice Chair, I wanted to share some of
22 the information we received as well as identified by
23 the applicant a pretty thorough list of proposed
24 conditions, comments from the ANC on each item and
25 their continued concerns and overall opposition.

1 Our legal counsel briefed us very well on these
2 items.

3 I'd like to say that some of the conditions
4 and requests by both parties are outside the realm
5 of the purview of this Board and so we will continue
6 this discussion by looking closely at each item and
7 making sure the record addresses each item. For
8 example, in item number one, pest control, it's
9 important for this Board to issue conditions that
10 are specific and address in an actionable way how an
11 activity will be done.

12 Terms like exercise care and reasonably
13 attributable do not have that level of specificity.

14 Another term in the grease management order states
15 regular collection, again, a specific time frame is
16 more in keeping with how this Board issues
17 conditions. At least quarterly is another example
18 of something that is not specific. In the litter
19 collection, picking up litter is again somewhat
20 vague. The anti-littering sign should say where it
21 would be placed. Community point of contact, we'd
22 like to see more specific language, who from the
23 community as well as from the applicant and ANC.

24 Time limitation was pretty clear as a
25 better example of how we will look at what's been

1 suggested. Our purview for delivery drivers lock
2 away doesn't exist. Lighting, there were some
3 specific lumens requested. We may have language
4 that we can offer that might address that issue more
5 closely. And then security and parking laws and
6 working with DDOT in the traffic section of the
7 conditions. Some of those tend to be pretty vague.

8 In addition to that though, this Board does
9 not have authority over other District agencies and
10 other types of requirements that are imposed by
11 various laws and ordinances and so some examples are
12 those again about trash storage. In that section,
13 there are references to the owner. The owner is not
14 the applicant and the BZA, if BZA is to provide
15 permission here, the permission will run with the
16 land and so that would be a requirement on whoever
17 owns the land. So therefore, the building owner
18 would not be included in conditions that are
19 provided for by this Board. We lack the authority
20 to impose conditions on delivery drivers, again
21 that's in the transportation section.

22 Good faith compliance items that are listed
23 in number 13 of the applicant's proposed conditions
24 would be under the authority of, and the enforcement
25 by, the Department of Buildings. Again, section 14

1 regarding charities is outside of this Board's
2 purview.

3 Wage equality is outside this Board's
4 purview and this condition would be subject to laws
5 and regulations of the District of Columbia and the
6 applicant is required to abide by those laws.

7 That gives an overview of the legal review
8 that we received. Our concerns on the -- although
9 excellent conditions proposed by the applicant and a
10 very full response from the ANC, again, although the
11 ANC continues to offer their position as an
12 opposition, we wanted to really address what is in
13 and not in our purview.

14 Having said that, I'd like to ask Vice
15 Chair Goldstein about his comments and review.

16 VICE CHAIR GOLDSTEIN: Thank you very much,
17 Madam Chair. That was a great introduction to some
18 of the conditions discussion that we'll be having.
19 I do want to just say that we relied on the Office
20 of Planning report that found support of the
21 application. When you go through the criteria of
22 Subtitle H 6009.1(c), 6007.1(e), the applicant meets
23 the criteria in my view.

24 To really focus in though, 6007.1(e)(2)(g),
25 I think, is kind of one of the key provisions

1 because that one talks about the use shall be
2 designed and operated so as not to become
3 objectionable to neighboring properties because of
4 noise, sounds, odors, lights, hours of operation or
5 other conditions. This is really what the
6 guidelines of the general special exception criteria
7 are really the crux of the discussion from my point
8 of view. How can this fast food operation operate
9 without having these adverse or objectionable
10 conditions for neighbors.

11 I think the applicant has done a good job
12 of proposing conditions that will mitigate that
13 potential. I think they also had their initial
14 conditions, I believe, and then they looked another
15 case that we recently approved for the same
16 franchise chain and incorporated a number of those
17 conditions as well. I think that the applicant has
18 met the burden subject to the conditions that we
19 walked through and approved. I understand that the
20 ANC does not favor this application. I appreciate
21 their testimony of the commissioner and some
22 neighbors and I also further want to acknowledge
23 their response to the applicant's conditions and
24 their proposals. I think their responses will make
25 any final product better, even where I know that

1 they're kind of arguing that they might have views
2 of the conditions and what's acceptable and what's
3 not in their proposal. I understand recognize that
4 they are still overall opposed to the application,
5 but nonetheless I appreciate that they went through
6 the exercise, going through the conditions and
7 giving us their feedback on it.

8 I think what I'd like to do and it may take
9 a little bit of time is to supplement what the Chair
10 began and walk through the conditions. I think that
11 some of the themes that we need to keep in mind are
12 conditions that are overly vague, I think which was
13 referenced, as well as conditions that are outside
14 of the purview of the Board. We may not get it
15 exactly right, but we'll certainly give it our best
16 shot to get the right mix of condition language.

17 The first one is about pest control. The
18 applicant proposed two subsections. I think that A
19 was fine, that's the applicant shall maintain a pest
20 control service arrangement providing at a minimum
21 monthly extermination services including treatment
22 for insects, spiders, rats and other rodents
23 performed by a licensed exterminator at the fast
24 food establishment's expense. I think that's a
25 reasonable condition. I think as Madam Chair

1 mentioned, B was a little bit more problematic in
2 that it talks about exercise care and best efforts.

3 I would be curious for my colleagues' feedback.
4 One option would be just to get rid of B and say
5 that A stands alone.

6 Another suggestion would be to take a
7 little bit of B, the language is not tight, but
8 something like what they have at the end of B, such
9 as the establishment shall promptly take all
10 commercially reasonable, necessary and appropriate
11 measures to address the issue. I'd be willing to
12 keep that one part of B if my colleagues were so
13 inclined to support that or just get rid of B as
14 overly vague for enforcement purposes. I'd just ask
15 my colleagues if they have any preference on that.

16 COMMISSIONER MILLER: Well, thank you, Vice
17 Chair Goldstein for your comments. I agree with all
18 of them and I think the applicant has proposed a lot
19 of conditions similar to the previous case that you
20 all heard that would mitigate against potential
21 adverse impacts.

22 On the pest control, I think 1(a) is
23 sufficient personally, but I'm willing to listen.
24 Reasonably necessary, that reasonably necessary
25 sounds a little vague.

1 BZA CHAIR POURCIAU: I like the way you
2 amended B. I tend to like more language that's
3 descriptive, but I believe that with that change and
4 with A specifically, it addresses all the concerns.

5 MEMBER LINDSJ0: I would agree with the
6 Chair on that.

7 COMMISSIONER MILLER: And I'm really happy.

8 VICE CHAIR GOLDSTEIN: Okay, well thank you
9 so much. In B, we'll strike most of it and just
10 leave the establishment shall promptly take all
11 commercial and reasonable, necessary and appropriate
12 measures to address the issue. I understand that
13 there's a little bit of vagueness in that language
14 but I think it's kind of a helpful description of
15 what we want to see occur.

16 I'm just going to keep moving down the list
17 and proceeding in this way if that works for my
18 colleagues. The next one is grease management and
19 odor. There are two provisions. A, the applicant
20 shall install and maintain a grease interceptor,
21 grease trap or equivalent system in accordance with
22 applicable code requirements and shall ensure the
23 regular collection, recycling of used cooking oil by
24 a licensed third party provider; and B, quarterly
25 the applicant shall have hoods and exhaust systems

1 inspected and serviced using commercially licensed
2 providers.

3 A, it doesn't say how often or a minimum
4 frequency for the maintenance of the grease
5 collection, but I don't have any suggestion of what
6 is a reasonable amount of time. I would just leave
7 A as it is unless my colleagues have a stronger
8 opinion. Hopefully, regular will mean regular, that
9 it will be done as needed and if not, the ANC can
10 raise this issue if there is an objectionable
11 condition that arises from it. The ANC can
12 certainly alert the applicant to that.

13 I'll just talk briefly about B and then
14 I'll stop, I'll pause. B says quarterly the
15 applicant shall have hoods and exhaust systems
16 inspected. I would just add the at least quarterly,
17 we don't want to constrain them if they think even
18 more often would be necessary. I would leave A as
19 it is and just add the words at least quarterly to
20 B. I'll pause there.

21 BZA CHAIR POURCIAU: I agree. I don't have
22 any suggestion for the frequency for the grease
23 interceptor, but I would imagine that that will
24 happen regularly, you know, at a good interval, so I
25 agree.

1 COMMISSIONER MILLER: I should have
2 reviewed the conditions from your previous BZA case.
3 They didn't have a time frame there? Like, at
4 least weekly or twice weekly? I recall a BZA case a
5 year ago that I think we put a condition in there of
6 -- I don't know if it was daily, but it was almost -
7 - it was pretty frequent because the neighbors were
8 concerned about grease coming out onto the sidewalk
9 and the trash. If our legal counsel could work with
10 the applicant on some more specific frequency
11 language there. I think it needs to be at least
12 weekly, that's a lot of grease that comes from
13 frying wings and that creates issues. But I would
14 leave it our legal counsel to work with the
15 applicant to come up with the appropriate time frame
16 there. I agree with Vice Chair Goldstein on the at
17 least quarterly inspection.

18 VICE CHAIR GOLDSTEIN: Thank you and I do
19 actually have an answer to your first question
20 because I was just looking at the conditions that
21 were in the order for a similar franchise that we
22 approved about a month ago. It does not have a
23 minimum amount of collection. It says something to
24 the effect of the equipment and schedule of
25 maintenance and oil collection shall be operated and

1 maintained in a commercially reasonable manner
2 consistent with similarly situated restaurant uses
3 in the District of Columbia and in accordance with
4 applicable laws, regulations and manufacturer
5 recommendations.

6 So, it did not give an actual number, but I
7 would be more than inclined if possible if OZLD or
8 OZ staff can coordinate it with the applicant on a
9 reasonable minimum number of times. If not, I would
10 just be inclined to leave it as is.

11 COMMISSIONER MILLER: Yeah, I agree with
12 that. The OZLD -- to look at it with the applicant
13 and I can't remember what the case was, but it was a
14 similar restaurant use on the ground floor that
15 neighbors were concerned about and I think in that
16 case, we put a time frame in there. So, I would
17 just advise them to look at that case, that order.

18 VICE CHAIR GOLDSTEIN: I appreciate that
19 suggestion. I think that makes a lot of sense.
20 Trash storage, this is the third condition. Three
21 separate brief sections. A, the applicant shall
22 store all trash within existing an internal trash
23 rear room. It shall not utilize an exterior
24 dumpster. The applicant shall coordinate with the
25 landlord, Thomas Jefferson Real Estate LLC, to

1 ensure adequate trash storage capacity and odor
2 control and maintain unobstructed access for rolling
3 trash collection. C, trash will be collected four
4 times per week with a collection frequency
5 reassessed after commencement of operations based on
6 actual waste generation and operational experience.

7 I think for this one, as Madam Chair pointed out,
8 there's no need to name the current landlord because
9 this special exception will go with the land and
10 it'll apply even if the landlord changes. I believe
11 we could just strike the name and leave B, if that's
12 what my colleagues are inclined to approve. Then,
13 the second thing that I would mention would be trash
14 shall be collected again at least four times. We
15 don't want to say they can't do more. That is all I
16 have for this condition. I'll pause here.

17 BZA CHAIR POURCIAU: I agree with that 100
18 percent.

19 VICE CHAIR GOLDSTEIN: The next section, I'm
20 not sure this was introduced by the applicant but it
21 was referenced by the ANC as litter collection. I
22 thought about this one and I would like to see if
23 there is a way to incorporate litter collection and
24 I'm going to propose some language and see how my
25 colleagues feel about it and also ask OZ to kind of

1 -- OZLD to kind of work on this language.

2 I would like to propose something like the
3 establishment shall daily collect outdoor litter
4 adjacent to the establishment to prevent or stop any
5 potential objectionable conditions reasonably
6 related to the operation of the business. I feel
7 like I got caught a little in that language in the
8 way I presented it, but my goal of it is to say that
9 the applicant shall: 1) Daily collect outdoor
10 litter. 2) That it's proximate or adjacent to the
11 establishment. 3) Prevent any objectionable
12 conditions. 4) That the litter is reasonably
13 related to the operation of the business. It's not
14 beautiful or perfect language, but I can recognize
15 that litter could be a reasonable concerns of the
16 ANC.

17 I'm curious how my colleagues feel about
18 that. I don't want the applicant to be responsible
19 for any kind of wide ranging trash/litter pickup,
20 but litter that is reasonably associated with the
21 operation of the business proximate to the
22 establishment I do think it would be good to have
23 some daily -- it can be even more specific about
24 evening, morning, whatever we want responsibility of
25 the establishment to pick it up. And I'll pause

1 there.

2 BZA CHAIR POURCIAU: I really like the way
3 you stated that. Unfortunately, some areas do have
4 more litter than others and I know from many years
5 ago experience working with DPW that sometimes
6 litter cans have to be removed because people use
7 them for dump sites. So, we don't want to put that
8 kind of burden on the applicant if they are not
9 responsible for the level of removal, but the way
10 you stated it is clearly about the use that's there.

11 I would think the applicant would want a beautiful
12 surrounding area as well and I think litter
13 collection and whatever they can do to prevent
14 litter would be something that would make it nice
15 for their establishment as well as the neighborhood.

16 COMMISSIONER MILLER: I agree entirely with
17 each of your comments and that's what a business
18 that wants to attract more business would take care
19 of that issue in front of their business.

20 VICE CHAIR GOLDSTEIN: Okay, good. Any
21 additional thoughts or we'll move onto the next one.

22 Okay. The next one is in a similar theme, an anti-
23 littering sign. The applicant shall post and
24 maintain at least one anti-littering sign on the
25 property. I would encourage a few additions to

1 this. I would say that the anti-littering sign
2 should be located in the customer waiting or pick up
3 area in order to reasonably discourage littering in
4 and around the property and that the sign is subject
5 to any applicable laws and regulations just to
6 acknowledge that there are other requirements that
7 impact signage.

8 My suggestion is to go with the anti-
9 littering sign proposal. I added a little bit more
10 color to it in that it's in the customer waiting
11 pick up area in order to reasonably discourage
12 littering in and around the property and subject to
13 the applicable laws and regulations. If it needs to
14 be more specific, we could say if we want it to be
15 outside or maybe another option, as I'm thinking
16 about it, could be outside sort of visible proximate
17 to the front door. Something like that as opposed
18 if the customer waiting area is indoors and I'm kind
19 of open to suggestions on that front as well. I'll
20 pause here.

21 COMMISSIONER MILLER: I think it would make
22 sense to have it outside visible in the front door.

23 It's the public space littering the ANC was
24 concerned about, not inside the establishment.

25 BZA CHAIR POURCIAU: I like both locations.

1 I agree with Rob the outside is the concern, but I
2 think when people pick up their food and they're
3 leaving, I think seeing it there kind of reinforces
4 it. I would suggest both locations.

5 VICE CHAIR GOLDSTEIN: Okay, I'm fine with
6 that. So, the applicant shall post and maintain at
7 least one indoor anti-littering sign in the customer
8 waiting and pick up area and one outside on the
9 property to reasonably discourage littering in and
10 around the property and subject to applicable laws
11 and regulations. I'd ask OZLD if that may not be as
12 precise as they'd like to help us craft that
13 language with that intent. Any additional thoughts
14 on that one?

15 COMMISSIONER MILLER: No, thank you for all
16 those suggestions.

17 VICE CHAIR GOLDSTEIN: Sure. The next one,
18 a community point of contact. The applicant shall
19 designate a local point of contact for ANC 4C and
20 surrounding neighbors to address operational
21 questions or concerns. The applicant shall respond
22 to inquiries within a reasonable time frame and
23 shall make reasonable efforts to meet informally
24 with community members to discuss and resolve
25 concerns that are not otherwise addressed.

1 I would suggest a couple of different
2 options for this one and I'd love to hear my
3 colleagues response. The first one, I believe,
4 Madam Chair, referenced was that the point of
5 contact for ANC 4C that the applicant should provide
6 a name and contact information of a community
7 liaison person to the ANC so that should be in the
8 actual condition, not the person's name and contact
9 information, but that the applicant shall provide
10 to the ANC the name and contact information for the
11 person designated to serve as community liaison.

12 B, is a little bit vague, but what I would
13 suggest is we say that the applicant is required to
14 attend public meetings of the ANC and this is where
15 I think there could be a little bit of a room to
16 work with for how frequently they should attend.
17 My belief is that it's more important for them to
18 attend quite often at least earlier in the operation
19 of the business, but if you think in the scope of a
20 10-year term limit, which is another condition we're
21 going to get to soon, meeting quarterly over 10
22 years is, in my view, quite a lot meeting. I would
23 suggest that for at least the first or second year
24 that the applicant be required to attend public
25 meetings of the ANC at least quarterly.

1 Beyond that, we could say either semi-
2 annually or annually for how often they need to.
3 That would be my suggestion just given that four
4 times a year for 10 years feels like a lot of
5 commitment, but I do think that could be appropriate
6 satisfactory the business is learning to operate.
7 So, I'll pause there.

8 BZA CHAIR POURCIAU: I like that
9 clarification that you've added. I was thinking
10 also the response within 48 hours, I think even
11 acknowledging receipt is important even if the
12 applicant hasn't found a way to resolve the issue,
13 that they acknowledge that they know the issue
14 exists and will work with the community on resolving
15 it is important. I'd put a 48-hour time frame on
16 responding to inquiries.

17 COMMISSIONER MILLER: The community point
18 of contact is important especially in this case
19 where there's somehow been a broken down trust of
20 each other. I'm not sure we have the authority to
21 require -- I think the applicant should, especially
22 as Vice Chair Goldstein said, in their first year or
23 two meet as frequently as the ANC wants them to,
24 but I'm not sure we have the authority to require
25 that meeting to happen. Maybe we do, I just don't

1 know.

2 VICE CHAIR GOLDSTEIN: I believe we've seen
3 that in other cases, but let me look at the most
4 recent order for the other Wingstop location and see
5 if that was in it. I'm just going to take a quick
6 look if anyone else would like to add anything.

7 COMMISSIONER MILLER: No, thank you, for
8 doing that. I think that's a good guidance.

9 BZA CHAIR POURCIAU: And, yeah, maybe saying
10 respond in 48 hours might be beyond our purview too,
11 but that's what I would like, but I don't want to
12 overly burden the conditions with items that this
13 Board doesn't have the ability to enforce.

14 COMMISSIONER MILLER: Or the ZA can
15 enforce.

16 BZA CHAIR POURCIAU: Yes, zoning, yes.

17 VICE CHAIR GOLDSTEIN: Yes, I don't believe
18 there was any requirement in the other order for
19 Wingstop to mandate attendance at ANC meetings. I
20 believe it has happened in other orders, but that's
21 just my -- I couldn't point you to any particular
22 order where that may have occurred.

23 COMMISSIONER MILLER: Well, I think we can
24 ask again of OZLD to look at that and work with the
25 applicant. I know in Zoning Commission, PUD &

1 Campus Plan cases we certainly have required some
2 kind of regular communication, so I think there is
3 precedence.

4 BZA CHAIR POURCIAU: Great, I'd like to see
5 that quarterly included.

6 VICE CHAIR GOLDSTEIN: Okay, that sounds
7 good. If we learn that we can't mandate it, I would
8 still go with the ANC point of contact, that
9 suggestion there. B was really one of those
10 provisions that was a lot of like reasonable time
11 frame, shall respond, the Chair kind of was noting
12 that that language felt a bit vague when she
13 suggested the 48-hour response. Do we just leave
14 that language, does anyone have any strong feelings
15 about leaving it or deleting it? It's somewhat
16 vague, but gets at the point that we really want the
17 applicant to be a good neighbor and do their best to
18 fulfill commitments to the neighborhood in how they
19 respond and interact.

20 I could see an argument just for leaving
21 it, although it's enforceability as a specific
22 condition would be problematic.

23 BZA CHAIR POURCIAU: I do see some of these
24 conditions as a commitment to the neighborhood, not
25 to us, not to the city, but in response to what the

1 ANC has requested. The ANC accepted that as a
2 condition. I think it does show that there is an
3 acceptance at least to trying to work together, so I
4 would leave it in for that reason.

5 VICE CHAIR GOLDSTEIN: Okay. Moving to
6 number seven, which is the time limitation, the
7 applicant proposed that the approval of a special
8 exception to allow a fast food establishment on the
9 first floor commercial space of the existing
10 building shall be a term for 10 years beginning on
11 the date when this order became final. The ANC
12 response noted that they are supportive of a term,
13 but wanted a far shorter term. I'm inclined to
14 leave it at 10 years. That's a similar term as we
15 adopted for the other location and my hope is that
16 the applicant will live up to these conditions, be a
17 good neighbor, be a point of contact for the ANC and
18 the like knowing that in the distance, there will be
19 a need to come back to the Board for a renewal in 10
20 years. I'd be worried about too short a time frame
21 creating more uncertainty for the business. I'm
22 inclined to leave it at 10 years. I would suggest
23 that the term of approval that it may need just a
24 little bit of wordsmithing from OZLD to get in their
25 preferred zoning term language, but that the 10-year

1 term remain as proposed.

2 BZA CHAIR POURCIAU: I think a shorter time
3 frame would be appropriate because the other case
4 we looked at, the applicant and community worked
5 together to build consensus and there was overall
6 approval of the conditions from both parties, where
7 in this case, it hasn't reached that point yet. I,
8 too, am concerned about the business operation and
9 success and the time they need to move their
10 operation forward and ensure longevity. So, I think
11 I'd split the difference between the five and 10
12 years and maybe say seven years. But, I'd love to
13 hear from others as well too.

14 COMMISSIONER MILLER: Yeah, I think given
15 the opposition, not just from the ANC, but from some
16 of the tenants, I think we heard testimony from
17 tenants in the building above the ground floor, a
18 shorter period, I think, it's appropriate. We did
19 hear testimony from the applicant's representative
20 that they've been trying to market this vacant space
21 for three years and that the 10-year was what was
22 financially feasible for the business to locate
23 there, so I'm a little concerned whether they'll
24 just give up and go somewhere else.

25 I think it's appropriate that there be a

1 shorter time frame so we can check back and see how
2 everything is working.

3 VICE CHAIR GOLDSTEIN: Any other thoughts on
4 this? If we go with a shorter term, is there a
5 number that, Madam Chair, I think you start us off
6 on the shorter side --

7 (Simultaneous speaking.)

8 COMMISSIONER MILLER: She said six or
9 seven, I think.

10 VICE CHAIR GOLDSTEIN: Six or seven? Oh,
11 six, seven. I don't have a strong preference. I
12 guess I would say my overall preference would be
13 for the longer end of a shorter term, but if the
14 choices are six and seven, I would say seven.

15 COMMISSIONER MILLER: I won't be here to
16 check back whatever it is.

17 VICE CHAIR GOLDSTEIN: None of us may be, so
18 it'll be for the next Board or successive Boards to
19 address.

20 BZA CHAIR POURCIAU: I agree, I like seven.
21 Thank you.

22 VICE CHAIR GOLDSTEIN: Okay, the next is the
23 hours -- I'm sorry, any last thoughts on that before
24 we go? Okay. The next is for the hours of
25 operation. They're proposing shall not exceed 10:00

1 a.m. to 3:00 a.m. seven days a week. The ANC
2 expressed concerns regarding the hours of operation
3 and based on hours of operation, I think they raised
4 factors like noise, light, wages and the like.
5 There were not really any comments directed to say
6 that there was a preference to close earlier or open
7 later. The concerns are sort of general concerns
8 about the operation of a business.

9 I have a memory that the applicant
10 testified or had some information in the record
11 explaining why 3:00 a.m. and how it's not the -- I
12 think the only business in the area that's open that
13 late if not later than that time. I would be
14 inclined to leave it as they propose. If there is
15 no business necessity for them in the future to stay
16 open that late, I suspect they'll cut back those
17 hours and I would also believe that the level of
18 intensity of customers will probably not be as
19 strong at those very late hours, but time will tell.

20 I would propose that we just leave the
21 hours as proposed.

22 COMMISSIONER MILLER: Well, I recall a lot
23 of hours of operation conditions in neighborhoods.
24 I recall that there was a distinction between
25 weekdays and Friday and Saturday nights. And 3:00

1 a.m. on a weekday night seems excessive for the
2 neighbors who live above that. I think there are a
3 lot of precedents of what the hours of operation
4 should be, maybe until 12:00 on week nights or 11:00
5 or 12:00 on the week nights and 1:00 or at maximum
6 2:00 a.m. on weekends, 3:00 is not really
7 appropriate, I don't think.

8 I know I misstated that in our last
9 meeting. I thought it was 3:00 p.m. that they were
10 proposing and so I was saying that they would need
11 to be more than that, but I didn't realize they were
12 proposing 3:00 a.m., so that's a lot.

13 VICE CHAIR GOLDSTEIN: Yeah, I can't tell if
14 they're saying they will operate until 3:00 a.m. --

15 COMMISSIONER MILLER: Right.

16 VICE CHAIR GOLDSTEIN: Or they just want to
17 have the flexibility to, but I get your point. The
18 last order for the other location, it did have that
19 differentiation between week day and weekends 10:30
20 a.m. until 12 midnight, Sunday through Thursday and
21 10:30 a.m. to 2:00 a.m., Friday and Saturday.

22 COMMISSIONER MILLER: That seems more
23 consistent with what I've seen in the cases I've sat
24 on.

25 VICE CHAIR GOLDSTEIN: I agree with you.

1 The only concern I have is sort of dictating their
2 hours without really knowing what the impact is on
3 their business model, but --

4 (Simultaneous speaking.)

5 MEMBER LINDSJÖ: I thought they shared
6 that.

7 VICE CHAIR GOLDSTEIN: I'm not going to be
8 there at 2:30 in the morning, so, you know.

9 MEMBER LINDSJÖ: The applicant shared that
10 last time. They said that their busiest hours are
11 going to be in the afternoons on Fridays and
12 Saturdays into the evening. So, that's why I was a
13 little hesitant, I'm like why do we need to be open
14 then Monday through Thursday that late.

15 COMMISSIONER MILLER: So, I think that
16 precedent with the previous BZA case is a good one
17 and gives them the flexibility to stay open, but if
18 their business model doesn't allow it, but yeah, I
19 think the distinction between week day and week end
20 is important.

21 BZA CHAIR POURCIAU: I like that too and I
22 wouldn't change the opening time 10:00 a.m., but I
23 like the closing times from the previous case.

24 VICE CHAIR GOLDSTEIN: Okay, so the proposal
25 is to adopt similar -- I just want to make sure I'm

1 clear -- to adopt the similar timing as the other
2 case and incorporate that into this case, which
3 would be 10:30 a.m. to 12:00 a.m. Sunday through
4 Thursday and 10:30 a.m. to 2:00 a.m. Friday and
5 Saturday. Is that the direction?

6 MEMBER LINDSJO: I'm fine going 3:00 a.m.,
7 I think they were pointing out that the other bars
8 and the Metro were going until 2:00, so they wanted
9 to capture people as they were leaving those two
10 places as part of their business model.

11 VICE CHAIR GOLDSTEIN: Okay, so the 3:00
12 a.m. for the Friday and Saturday as opposed to 2:00
13 a.m.?

14 BZA CHAIR POURCIAU: Yes.

15 VICE CHAIR GOLDSTEIN: Okay. So, that'll be
16 the proposal, the earlier restating of it tweaked to
17 allow until 3:00 a.m. on Friday and Saturday, but
18 for other days of the week to close at midnight.
19 Okay.

20 BZA CHAIR POURCIAU: Yes.

21 VICE CHAIR GOLDSTEIN: The next -- I'm
22 sorry, any last thoughts on that one? The next is
23 noise. The applicant shall conduct its operations
24 and maintain all equipment associated with the
25 premises such that sound originating from the

1 premises does not exceed 55 decibels inside and in
2 nearby residences as measured with the doors of
3 both the premise and the residence closed. I think
4 that's a -- I should say the ANC supported the limit
5 and also wanted the noise limit to extend to
6 delivery drivers at least within one block of the
7 business.

8 Noise is a tricky one in my view. There
9 are noise regulations in the city. I don't know
10 that it needs to be an order, a condition of the
11 order. I would be afraid that it might conflict in
12 some way with other noise ordinances and how things
13 are measured. I like the idea of a noise provision,
14 but I am concerned that we don't have the right
15 language for one that would be useful, specific and
16 capable of being coordinated with other noise
17 regulations already on the books of the city.

18 My proposal would actually be just to take
19 out the noise condition range of motion the list,
20 but I'd like to open it up to my colleagues.

21 COMMISSIONER MILLER: I would generally
22 agree it should not be a condition. It's the law
23 and it's not enforced by the Zoning Administration,
24 but it shouldn't be a specific condition. It could
25 be in this order as an encouragement. I'm of a mind

1 it's a finding of fact or whatever, but it could be
2 just an encouragement. We've done that in the past
3 and not just made it a specific condition that's
4 supposed to be enforced by the ZA.

5 VICE CHAIR GOLDSTEIN: I would agree with
6 that.

7 BZA CHAIR POURCIAU: I agree as well.

8 VICE CHAIR GOLDSTEIN: Okay, so we would
9 remove it as a condition, but the hope is that the
10 order will reference that they should be respectful
11 of neighbors more generally, in particular with
12 noise and how they operate.

13 The next one is lighting. I think we're
14 getting closer. I think we're in the home stretch
15 here, so just a bit more.

16 COMMISSIONER MILLER: Yeah, Anthony, we're
17 getting to you shortly.

18 VICE CHAIR GOLDSTEIN: The applicant shall
19 make commercially reasonable efforts to shield
20 and/or redirect exterior lighting fixtures away from
21 residential windows consistent with applicable law
22 and the lighting necessary for safe operation of the
23 premises. I think it's okay. I mean I think we
24 could ask OZLD to wordsmith it a little with the
25 applicant as needed. I think it's generally all

1 right, but it might be capable of a little bit more
2 tightening in how it's written. The ANC --

3 BZA CHAIR POURCIAU: Can I --

4 (Simultaneous speaking.)

5 VICE CHAIR GOLDSTEIN: I'm sorry, I was just
6 -- my apologies, the ANC had a few more suggestions
7 and about the amount of actual light. I feel like
8 that is overly specific for this condition and would
9 be challenging to enforce. I'm sorry, Madam Chair.

10 BZA CHAIR POURCIAU: I was going to agree
11 with you and thank you for bringing up what the ANC,
12 but I agree with the way it's written and it does
13 talk about directing the light away. So, yeah, I
14 think it's fine the way it's written.

15 VICE CHAIR GOLDSTEIN: Okay. I'll move to
16 the next one, which is security. The applicant
17 shall provide one camera on the front exterior and
18 one camera on the rear interior of the premises. I
19 think this is generally okay. The ANC was concerned
20 about light pollution or over policing. Cameras, I
21 believe, are pretty standard operational things that
22 businesses use. There's applicable laws, I have no
23 doubt, out there covering how footage is used. I
24 would suggest that the words minimum of one camera
25 in the front and one in the rear be added, just in

1 case there is a need for something more than they
2 have, but just not to have less than what they have.

3 I can't predict what might be issues in the future,
4 so that would be my suggestion.

5 COMMISSIONER MILLER: And the potential
6 adverse impact we're trying to mitigate here is
7 loitering and safety and litter, I guess, so I think
8 it is appropriate. We are in a camera society.

9 BZA CHAIR POURCIAU: I agree as well.

10 VICE CHAIR GOLDSTEIN: Great, 12 is traffic,
11 delivery management and DDOT coordination. I think,
12 Madam Chair, you may have referenced some of these
13 as well in the opening. A seemed fine to me. The
14 applicant shall, where delivery platforms allow,
15 include pick up instructions encouraging delivery
16 drivers to comply with all applicable traffic and
17 parking laws and to avoid obstructing travel lanes,
18 sidewalks, driveways and neighboring properties.

19 There are limitations on what the applicant
20 can reasonably be expected to do to control the
21 behavior of people coming to the establishment, but
22 overall I think that provision is fine from my
23 perspective.

24 B and C are more problematic. B talks
25 about the applicant shall continue to work with the

1 Department of Transportation on options for
2 installing additional bike racks, infrastructure
3 and/or converting existing pay area on the north end
4 of the 300 block of Georgia to 10-minute parking in
5 an effort to reduce alley and intersection
6 congestion. Emerald Wings will provide ANC 4C with
7 an update on those discussions within 90 days of the
8 business opening.

9 I would encourage the applicant to do all
10 of this, I think it could make a lot of sense to
11 continue to engage DDOT on how to make this business
12 work for everyone particularly in the public space
13 and travel ways. As a condition of the order, it's
14 delegating to DDOT a future action, and it does not
15 feel appropriate to include as a condition of an
16 order.

17 I'll just say a little bit about the next
18 one because it's a similar thought. The applicant
19 will adopt and maintain written policies and will
20 train his employees so that orders are not knowingly
21 handed to and deliveries are not accepted from any
22 person's vehicle that is stopped in an active travel
23 lane on Georgia Avenue. Emerald Wings will ensure
24 that its employees are reasonably able to observe
25 the area of Georgia Avenue immediately in front of

1 the premises, whether through store front windows or
2 an interior camera in support of this condition. I
3 just think this is a very difficult thing to
4 enforce. I would encourage the applicant to develop
5 policies, any policies that they think are
6 appropriate maybe along these lines in how they want
7 to operate their business, just as a condition of an
8 order this feels really outside the scope of where
9 we should be headed for a BZA order. I'll pause
10 there.

11 BZA CHAIR POURCIAU: I agree with 12 A as
12 language that feels like its right to adopt. 12 B,
13 I am very impressed and like the level of commitment
14 that the applicant placed in that. They were very
15 specific. It provides more validity to their
16 statement they made in the hearing about working
17 with DDOT to readjust the use of the public space in
18 front of their building to make it more accessible
19 and to reduce congestion on the street.

20 I don't know if we could include it as, I
21 think, something we said earlier was to support that
22 action and that it would move forward quickly, you
23 know, the commit to a 90-day period, that's just my
24 thoughts on that. And I would not include C.

25 VICE CHAIR GOLDSTEIN: I'm sorry, Madam

1 Chair, I may have missed just that last point you
2 made about the 90-day commitment. Do you mind just
3 restating that one more time?

4 BZA CHAIR POURCIAU: Yes, I like that, the
5 90-day commitment seems like a quick turnaround.
6 It's an immediate commitment, something they would
7 have to start working on before and immediately upon
8 opening and so, I like that it's there with that
9 immediate time frame for a year or a day from the
10 District agency. That would be an important part of
11 keeping it in there for more.

12 VICE CHAIR GOLDSTEIN: I'm sorry, just to
13 recapture it because I think I was looking at -- I
14 apologize, a different provision. You'd like to
15 keep B as it currently reads?

16 BZA CHAIR POURCIAU: Yes.

17 VICE CHAIR GOLDSTEIN: As a condition of the
18 order or just have the applicant use their best
19 efforts but not as a condition, just to say they put
20 out a statement that this is their intent and we'll
21 just accept the intent but not require it?

22 BZA CHAIR POURCIAU: Yes, we could soften
23 that language a little so the applicant shall, we
24 might soften that a little and, as you stated, as
25 their intent.

1 VICE CHAIR GOLDSTEIN: But not required as a
2 condition of the order or do you think still require
3 it as a condition of the order, but change the
4 language a little bit?

5 BZA CHAIR POURCIAU: Well, because we don't
6 have authority over DDOT, I think it would be not
7 as a condition of the order.

8 VICE CHAIR GOLDSTEIN: Okay, yeah. Okay,
9 thank you. I'm sorry if you said it and I'm sure I
10 just missed it. Okay, so I --

11 (Simultaneous speaking.)

12 COMMISSIONER MILLER: And all of these
13 conditions, as we've stated frequently, OZ or Office
14 of Zoning Legal Division has the flexibility to
15 tweak this to make sure it's legally sufficient.

16 VICE CHAIR GOLDSTEIN: Okay, sounds good. I
17 think we're set on this one and we'll move to the
18 last three. There was a good faith compliance
19 condition. There was a charities condition. Those
20 were proposed by the applicant and then a wage
21 equality condition proposed by the ANC. I would
22 recommend that we don't adopt any of those
23 conditions. They're just -- for the good faith
24 compliance, it just looks outside the scope of
25 something measurable and enforceable. The charities

1 and wage equality are just too far outside the scope
2 of the Board's jurisdiction to require and would not
3 be enforceable under Zoning.

4 I would strike those three final
5 conditions.

6 COMMISSIONER MILLER: I agree, Vice Chair
7 Goldstein, but on the charities, the applicant did
8 testify that they were willing to work with the ANC
9 on providing grants to whatever organizations in the
10 neighborhood they thought. So, I think it has to be
11 not as a condition, but referenced in the order as a
12 finding of fact, not a condition.

13 VICE CHAIR GOLDSTEIN: I like that
14 suggestion. I certainly want to encourage the
15 applicant to undertake that, just not as a
16 condition. I think that's a good approach. Madam
17 Chair, I felt like I might have cut you off, my
18 apologies.

19 BZA CHAIR POURCIAU: No, I agree.

20 VICE CHAIR GOLDSTEIN: That should be all of
21 the conditions. Mr. Miller, you had to hang around
22 for a while for those and Chairman Hood also.

23 COMMISSIONER MILLER: One more hour more on
24 top of the three we already did on this case.

25 VICE CHAIR GOLDSTEIN: I would recommend

1 that subject to these conditions as further
2 clarified or modified in our discussion that this
3 project meets the standards for a fast food
4 establishment as well as the special exception
5 standards more generally and I would move to approve
6 the application subject to these conditions.

7 BZA CHAIR POURCIAU: I second. Madam
8 Secretary, would you call the vote, please?

9 MS. MEHLERT: Please respond to the Vice
10 Chair's motion to approve the application with
11 conditions. Chair Pourciau?

12 BZA CHAIR POURCIAU: Yes.

13 MS. MEHLERT: Vice Chair Goldstein?

14 VICE CHAIR GOLDSTEIN: Yes.

15 MS. MEHLERT: Board Member Lindsjo?

16 MEMBER LINDSJO: No.

17 MS. MEHLERT: Commissioner Miller?

18 COMMISSIONER MILLER: Yes.

19 MS. MEHLERT: Staff would record the vote
20 as three to one to one to approve Application Number
21 21462 with conditions on the motion made by Vice
22 Chair Goldstein and seconded by Chair Pourciau.

23 BZA CHAIR POURCIAU: Thank you. We can move
24 to our time extension cases, there are two of those.
25 The first one is 20 --

1 (Simultaneous speaking.)

2 COMMISSIONER MILLER: I'm sorry, I'm going
3 to be leaving you.

4 BZA CHAIR POURCIAU: Okay, thank you,
5 Commissioner Miller.

6 COMMISSIONER MILLER: Have a good rest of
7 the day.

8 BZA CHAIR POURCIAU: Good seeing you today.

9 COMMISSIONER MILLER: You all did a great
10 job, a thorough job of walking us through all those
11 conditions.

12 BZA CHAIR POURCIAU: Enjoy your August as
13 well.

14 COMMISSIONER MILLER: Thank you, you too.

15 BZA CHAIR POURCIAU: All right, bye-bye.
16 Thank you for joining us, Chairman Hood. We'll
17 start with the time extension for 20676-B. Madam
18 Secretary, would you please read it into the record?

19 MS. MEHLERT: Next is Application Number
20 20676-B of Jose Andres Reinoso and Miguelina Zapata,
21 Trustees. This is a request pursuant to Subtitle Y,
22 § 705.2 for a two-year time extension of the
23 validity of order in Application Number 20676 issued
24 on April 26th, 2022

25 This is for a child development center in

1 an existing two-story semi-detached building located
2 in the R-3 zone at 4500 New Hampshire Avenue, NW
3 (Square 3248, Lot 77).

4 BZA CHAIR POURCIAU: Thank you. This is the
5 second time a time extension is being requested. It
6 would take it to six years and it's already been
7 four, I guess. Is there any discussion on this from
8 the Board? I'll call on Vice Chair Goldstein first,
9 please.

10 VICE CHAIR GOLDSTEIN: Sure, thank you. I
11 struggled a little bit with this one in that it's
12 already had a lot of time. This is the second
13 extension. The amount of information provided for
14 the extension request was really light. It didn't -
15 - I don't believe there was any specificity with the
16 delays that were beyond the applicant's reasonable
17 control in seeking agency approvals. So, this one
18 was on the fence for me.

19 I am willing to support it. I would --
20 you know, child care, I think, is an important
21 operation for the city, but I would really caution
22 the applicant that I wouldn't want the Board to have
23 to see a third extension request on this one. I'm
24 hopeful that they can help make it proceed. I'll
25 also note that the Office of Planning recommended

1 approval and we'll rely on their judgment on this
2 one.

3 I am supportive, although cautiously so
4 with this request.

5 BZA CHAIR POURCIAU: Thank you for that.
6 Board Member Lindsjo, do you have comments on this
7 case?

8 MEMBER LINDSJO: No, I would just like to
9 echo the Vice Chair's comments as stated. Thank
10 you.

11 BZA CHAIR POURCIAU: Thank you.
12 Commissioner Hood?

13 ZC CHAIR HOOD: Yes, again, good morning
14 everyone. I would agree with the Vice Chair. It
15 was kind of skim. There wasn't a lot of information
16 there and I always say, like I always say, you know,
17 when you were in school you did math, you show your
18 homework. Sometimes, you have to show some of
19 this. Show some evidence of what you're trying to
20 get. I see the wording and if it's here, I missed
21 it, but I just think that I don't see any evidence.

22 I can say the Department of Buildings holds
23 enough and I know the Vice Chair might know a little
24 more about this than I do, but I do know though
25 getting your permits sometimes it takes some time, I

1 get that, but show your homework, that's all I'll
2 say, but I definitely would not vote against this
3 because we definitely need the substance of what
4 this is all about. So, that's all I'll say. I will
5 be voting in favor of this extension. Thank you.

6 BZA CHAIR POURCIAU: Thank you. Vice Chair,
7 would you like to offer a motion on this, please?

8 VICE CHAIR GOLDSTEIN: Thank you. I'd like
9 to make a motion to approve Application Number
10 20676-B for 4500 New Hampshire Avenue, NW for the
11 time extension as read and captured by the
12 Secretary. Thank you.

13 MEMBER LINDSJØ: I second that.

14 BZA CHAIR POURCIAU: Madam Secretary?

15 MS. MEHLERT: Please respond to the Vice
16 Chair's motion to approve the time extension
17 request. Chair Pourciau?

18 BZA CHAIR POURCIAU: Yes.

19 MS. MEHLERT: Vice Chair Goldstein?

20 VICE CHAIR GOLDSTEIN: Yes.

21 MS. MEHLERT: Board Member Lindsjo?

22 MEMBER LINDSJØ: Yes.

23 MS. MEHLERT: Chairman Hood?

24 ZC CHAIR HOOD: Yes.

25 MS. MEHLERT: Staff would record the vote

1 as four to zero to one to approve Application Number
2 20676-B on the motion made by Vice Chair Goldstein
3 and seconded by Board Member Lindsjo.

4 BZA CHAIR POURCIAU: Thank you and our next
5 time extension is Application Number 21081-A. Madam
6 Secretary, would you read the case into the record,
7 please?

8 MS. MEHLERT: Yes, this is Application
9 Number 21081-A of Alexandra E. Chevalier. This is a
10 request pursuant to Subtitle Y, § 705.2 for a two-
11 year time extension of the validity of order in
12 Application Number 21081 issued on April 17th, 2024.

13 This is for the conversion of an existing
14 two-story attached building to a three-unit
15 apartment house with rear addition. It's located in
16 the RF-1 zone at 3721 9th Street, NW (Square 2900,
17 Lot 31).

18 BZA CHAIR POURCIAU: Do any board members
19 have any discussion on this item or would someone
20 like to enter a motion at this time?

21 VICE CHAIR GOLDSTEIN: I have nothing to
22 add. I think the applicant has made the case. This
23 was their first extension. The Office of Planning
24 supports it for reasons that they documented. I
25 think the record is full. I would make a motion to

1 approve Application Number 21081-A at 3721 9th
2 Street NW for the time extension as read and
3 captured by the Secretary.

4 BZA CHAIR POURCIAU: I second. Madam
5 Secretary, would you take the vote, please?

6 MS. MEHLERT: Please respond to the Vice
7 Chair's motion to approve the time extension. Chair
8 Pourciau?

9 BZA CHAIR POURCIAU: Yes.

10 MS. MEHLERT: Vice Chair Goldstein?

11 VICE CHAIR GOLDSTEIN: Yes.

12 MS. MEHLERT: Board Member Lindsjo?

13 MEMBER LINDSJO: Yes.

14 MS. MEHLERT: Chairman Hood?

15 ZC CHAIR HOOD: Yes.

16 MS. MEHLERT: Staff would record the vote
17 as four to zero to one to approve Application Number
18 21081-A on the motion made by Vice Chair Goldstein
19 and seconded by Chair Pourciau.

20 BZA CHAIR POURCIAU: Thank you. We'll
21 transition to our virtual hearing.

22 (Whereupon, the above-entitled matter went
23 off the record at 10:56 a.m.)
24
25

C E R T I F I C A T E

This is to certify that the foregoing transcript was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings; and that I am neither counsel for, related to, nor employed by any of the parties to this action in which this matter was taken; and further that I am not a relative nor an employee of any of the parties nor counsel employed by the parties, and I am not financially or otherwise interested in the outcome of the action.

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Eric Carpenter

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