

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

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WEDNESDAY

SEPTEMBER 30, 2026

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The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Webex, pursuant to notice at 9:58 a.m. EDT, Paul Goldstein, Vice-Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

PAUL GOLDSTEIN, Vice-Chairperson
ROBYN JACKSON WELLS, District Resident
Appointee
MELISSA LINDSJO, NCPC Designee

ZONING COMMISSION MEMBER PRESENT:

JOSEPH S. IMAMURA, Ph.D., AOC Designee

OFFICE OF ZONING STAFF PRESENT:

KEARA MEHLERT, Secretary
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

CRYSTAL MYERS

The transcript constitutes the minutes from the Regular Public Hearing held on September 30, 2026.

C O N T E N T S

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Application No. 21541 St. Patrick's
Episcopal Church and Day School

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

9:58 a.m.

MS. MEHLERT: Okay. The next case, in the Board's hearing session, is Application Number 21541 of St. Patrick's Episcopal Church and Day School. This was originally noticed as Number 17429-B.

This is self-certified application pursuant to Subtitle X, Section 901 for special exceptions under Subtitle U, Section 203.1(m), to allow expansion of existing private school use, Subtitle X, Section 104, to allow modification of a private school plan, and under Subtitle C, Section 90,9 from the loading requirements of Subtitle C, Section 901.1, and pursuant to Subtitle X, Section 1002, for an area variance from Subtitle D, Section 23.6, to allow an institutional building not removed from all lot lines, a distance of at least one foot for each foot of height in excess of that authorized zone, and a request for modification with hearing pursuant to Subtitle Y, Section 704, of condition number 7 adopted in Application Number 17429.

This for a new four-story building on the campus of an existing private school, and modification of a condition of approval concerning use of a playing field and stadium. It's located in

1 the R-1B zone at 4700, 4707, 4751, and 4753
2 Whitehaven Parkway, NW, and the 1800 block of
3 Foxhall Road, NW, Square of 1374, Lots 15, 830, and
4 839, Square 1372, Lot 817, and Square 1346, Lot 827.

5 VICE CHAIR GOLDSTEIN: Thank you very much.

6 Mr. Tummonds, would you mind introducing
7 yourself and your team to start, please?

8 MR. TUMMONDS: Absolutely. Good morning.
9 My name is Paul Tummonds. I'm a zoning and land use
10 attorney with Goulston & Storrs.

11 We'll have three witnesses here this
12 morning. The first will be Jalene Spain Thomas,
13 head of school at St. Patrick's Episcopal Day
14 School. Our second witness will be Karen Giaconda,
15 project architect, with Perkins Eastman. And our
16 final witness will be Jami Milanovich,
17 transportation engineer with Wells & Associates.

18 VICE CHAIR GOLDSTEIN: Thank you. Is
19 anyone being offered as an expert for their
20 testimony?

21 MR. TUMMONDS: Yes. Ms. Milanovich.

22 VICE CHAIR GOLDSTEIN: Do we have anyone
23 else to consider?

24 MR. TUMMONDS: Yes. Ms. Milanovich, I'm
25 sure that she has been admitted as an expert

1 previously by the BZA. And her resume was submitted
2 as part of our filings in this case.

3 VICE CHAIR GOLDSTEIN: Terrific. I have no
4 objection to recognizing her as an expert witness in
5 transportation.

6 I do want to ask Ms. Duncan, I see from ANC
7 3D, would you mind just introducing yourself if you
8 are able to at this moment?

9 MS. DUNCAN: Yes. My name is Tricia
10 Duncan. I am the Vice Chair of ANC 3D.

11 VICE CHAIR GOLDSTEIN: Thank you very much.
12 I'll give you a chance to ask questions along the
13 way, and then later on to make your testimony case
14 in chief a little later in the proceeding.

15 MS. DUNCAN: Thank you.

16 VICE CHAIR GOLDSTEIN: Thank you very much.
17 Thank you.

18 Mr. Tummonds, why don't we start with your
19 presentation in chief? We're going to put up 15
20 minutes on the clock to kind of keep track of where
21 we are. You know, brevity is great if possible,
22 but, you know, do what you can.

23 MR. TUMMONDS: That's fine.

24 VICE CHAIR GOLDSTEIN: Thank you and take
25 it away.

1 MR. TUMMONDS: Perfect. Thank you. If Mr.
2 Young could pull up our PowerPoint presentation.
3 Fantastic.

4 Great. On behalf of the Vestry of St.
5 Patrick's Parish and St. Patrick's Episcopal Church
6 and Day School, we are here today requesting special
7 exception and variance relief to construct a new
8 middle school at 4707 Whitehaven Parkway, NW,
9 adjacent to St. Patrick's existing gymnasium and
10 across the street from the existing early elementary
11 school and early childhood education building.

12 In addition, we are requesting that the
13 Board approve modifications to existing condition
14 number seven of BZA Application Number 17429, which
15 guides the use of the Foxhall athletic field located
16 nearby in the 1800 block of Foxhall Road, NW.

17 The information submitted in this case
18 clearly articulates and shows how the proposed
19 middle school will create no objectionable impacts
20 on nearby property due to noise, traffic, number of
21 students, or other objectionable conditions.

22 Our transportation engineer will review the
23 various elements of the transportation management
24 plan, including the demand management plan, which
25 has been revised according to DDOT's requests, the

1 operations management plan, the parking management
2 plan, and the loading management plan, which has
3 also been revised pursuant to DDOT's requests.

4 I would also note that the loading
5 management plan we submitted satisfies the special
6 exception requirements for the loading girth relief.

7 With regards to the variance relief we've
8 requested, we believe that our pre-hearing statement
9 and the OP report, clearly articulate how we have
10 satisfied that three-pronged variance test. Our
11 project architect will also address those issues
12 this morning.

13 In regard to the proposed modification of
14 condition number seven, St. Patrick's is pleased to
15 say that it has entered into an agreement with the
16 1801 Homeowners Association, Inc., and the Colony
17 Hill Neighborhood Association that will allow
18 expanded use of the Foxhall athletic field during
19 the period that the new middle school building is
20 under construction and the existing playing field
21 and play areas on the Whitehaven campus will be used
22 for construction staging and construction parking.

23 Exhibit 30B of the record in this case, is
24 the amended operations plan that we request the BZA
25 approve, which will replace the existing number

1 condition seven and make a condition of this
2 application.

3 We're pleased to note that the Office of
4 Planning, the Department of Transportation, and ANC
5 3D have all submitted reports in support of this
6 project. St. Patrick's accepts the conditions and
7 support from DDOT and ANC 3D.

8 Specifically, St. Patrick's agrees to ANC
9 3D's condition that the initial student cap will be
10 512 students and 130 faculty and staff and that the
11 final cap of 555 students and 140 faculty staff will
12 be permitted after successfully meeting the goals
13 outlined in our comprehensive transportation review.

14 I would note that there's no opposition in
15 the record to this application found in the record.

16 However, there are letters of support, including
17 letters from the adjacent institutions, The Lab
18 School, Our Lady of Victory School, and George
19 Washington's Mount Vernon campus, as well as a
20 letter this morning from the Colony Hill
21 Neighborhood Association.

22 With that, I will now like to pass it over
23 to our first witness, Jalene Spain Thomas, head of
24 school at St. Patrick's. Next slide, please.

25 MS. THOMAS: Good morning, Board Members.

1 On behalf of St. Patrick's Episcopal Day School,
2 thank you for this opportunity to present our plans
3 for a new permanent middle school. My name is
4 Jalene Spain Thomas, proud head of the day school.

5 As we have shared with our day school
6 community and neighbors over the past several
7 months, this is an incredibly exciting time for St.
8 Patrick's as we seek to build a permanent middle
9 school on Whitehaven Parkway.

10 The decision to relocate the middle school
11 to Whitehaven Parkway is the outcome of a long-range
12 facilities' planning effort. It brings us closer to
13 a vision we have been working toward for several
14 years, bringing the full life of St. Patrick's
15 together on one unified campus, one unified academic
16 campus, from early childhood through grade eight.

17 At its heart, this project is about
18 students and about the future of St. Patrick's. It
19 also reinforces our commitment to be good neighbors
20 and active contributors to the vibrancy of the
21 neighborhood of which we are a part.

22 Bringing the middle school home strengthens
23 an already excellent program while deepening the
24 connections that make our school community so
25 special. Shared campus spaces like our fields, arts

1 facilities, and outdoor learning areas will become
2 even more integrated into the daily life of middle
3 school students.

4 This plan allows us to thoughtfully utilize
5 land just steps away from our existing academic
6 buildings, making more efficient use of our
7 resources and streamlining our operations. Moments
8 like this are special in the life of a school and
9 are important to the broader community as well.

10 Throughout this planning and review
11 process, we have remained focused on maintaining
12 active collaborations with our institutional
13 neighbors, members of the community, ANC 3D, and
14 district agencies. We are deeply grateful for their
15 support.

16 We look forward to this opportunity to
17 advance our work together and are committed to
18 continued engagement, coordination, and transparency
19 with all interested stakeholders as St. Patrick's
20 deepens our ties to this vibrant neighborhood.

21 Thank you.

22 MR. TUMMONDS: Thank you, Ms. Thomas.
23 We'll now have our next witness, Ms. Giaconda,
24 present her testimony. Next slide, please.

25 MS. GIACONDA: Hi, good morning Board

1 Members. My name is Karen Giaconda, and I'm the
2 project architect from Perkins Eastman, presenting
3 the project overview. Next slide.

4 St. Patrick's decision to relocate the
5 middle school from MacArthur Boulevard to Whitehaven
6 Parkway is driven by the desire to unify their
7 academic campus from early childhood through grade
8 eight. Next slide.

9 The proposed site in yellow, is across the
10 street from the existing lower school and church.
11 The Whitehaven campus is adjacent to a single family
12 residential community and various other schools and
13 institutional uses, which are noted here. Next
14 slide.

15 The proposed site is located in the R-1B
16 zone district. It includes the St. Patrick's
17 Gymnasium and Performance Center.

18 The property has a 46-foot grade change
19 between Whitehaven Parkway frontage and the northern
20 portion of the property, substantial bedrock, which
21 causes difficulty in construction and areas on the
22 property to build, in addition to heritage and
23 special trees located at the rear of the property.

24 Our project team has already performed an
25 inventory and tagging of the trees within our limits

1 of disturbance for the middle school. We've
2 accounted for the heritage trees and have
3 strategically placed the building to avoid them.

4 Bartlett tree experts have been in
5 communication with the D.C. Urban Forestry, and have
6 already submitted the necessary tree removal permit
7 application. Furthermore, our permit plans detail
8 the necessary tree protection for the heritage and
9 special trees that will remain, and the building and
10 site components have been designed to minimize
11 impact to those trees.

12 While the middle school property includes a
13 relatively flat portion on the front, or at the
14 back, currently used as a play field, this is not a
15 viable place to build, because vehicular access to
16 this part of the site is not accessible via the GW
17 Parkway property line or from the west due to the
18 narrow entrance, the steep grade, and the heritage
19 trees. Pedestrian access is similarly challenging
20 due to the grade change across the site. Next
21 slide.

22 The proposed building has been carefully
23 and thoughtfully designed to minimize impact on
24 surrounding properties and uses to meet the academic
25 needs of St. Patrick's and to create a cohesive

1 architectural vernacular across the Whitehaven
2 campus.

3 The proposed building includes four stories
4 and is approximately 35,000 square feet of gross
5 floor space. It's strategically built into the
6 hill, providing accessible entrances from the street
7 level and to the second floor from a connection to
8 the adjacent gymnasium and performance center. Next
9 slide.

10 The first floor or the ground level, is
11 limited and available square footage due to the
12 bedrock and the site topography, and serves as the
13 main entrance to the building. Next slide.

14 The west wing of the building houses all of
15 the classroom spaces on the second, third, and
16 fourth levels. The pitched roof of the west wing
17 encloses the dedicated outside air unit and other
18 mechanical equipment. Next slide.

19 The east wing of the proposed building
20 includes office space, a double height music and
21 multipurpose space on the second and third floors.
22 The pitched roof of the east wing supports the
23 acoustic performance of those spaces for music and
24 multipurpose performances. Next slide.

25 The center of the building includes

1 administrative space, dining facilities, and the
2 library, which is shown here on the fourth floor.
3 Next slide.

4 The pitched roof on both wings, along with
5 the use of brick, glass, and the standing seam roof,
6 aesthetically connect to the middle school building
7 with the church and the elementary school building
8 located across Whitehaven Parkway.

9 The height of the proposed middle school
10 building is 71 feet as measured to the peaks of the
11 east and west wings. Institutional buildings in the
12 R-1B zone district can reach a height of up to 90
13 feet, provided they're setback from all lot lines by
14 distance of not less than one foot for each foot of
15 height in excess of what is allowed, which is 40
16 feet in this zone.

17 Therefore, based on the measured height,
18 the middle school building is required to be set
19 back 31 feet from all lot lines. The middle school
20 building is set back 12 feet, six feet from the side
21 lot, and two foot, three feet from the lot line
22 along Whitehaven Parkway. Next slide.

23 Regarding our request for a special
24 acceptance in for private school use and private
25 school plan, per the Office of Planning report, the

1 proposal should not adversely impact neighboring
2 properties.

3 The new middle school would be located
4 almost a minimum of 60 feet away from the single
5 family houses to the north and would also be
6 separated by vegetation. The other surrounding
7 properties are occupied by other institutional uses
8 to which the use would be compatible.

9 The new middle school's noise, traffic, and
10 student staff numbers in conjunction with the
11 existing uses should not adversely impact the
12 surrounding properties.

13 And, regarding our request for an area
14 variance and the building height setback, per the
15 Office of Planning report, the height of the middle
16 school, the proposed middle school building, is
17 appropriate for a modern middle school and
18 compatible with the institutional character along
19 this portion of Whitehaven Parkway.

20 The height is not expected to negatively
21 affect adjacent properties. Granting this variance
22 relief would not impair the zoning regulations or
23 maps. Thank you.

24 MR. TUMMONDS: Thank you, Ms. Giaconda.
25 Our next witness will be Jami Milanovich. Next

1 slide, please.

2 MS. MILANOVICH: Good morning members of
3 the Board. My name is Jami Milanovich with Wells &
4 Associates. We are the transportation consultant
5 for St. Patrick's School.

6 If you could go to the next slide please.
7 I wanted to review the existing and proposed
8 operations on Whitehaven Parkway.

9 I do want to note that Whitehaven Parkway
10 between Foxhall Road and MacArthur and Reservoir
11 Road, is purely institutional uses. There are three
12 single family homes along that stretch of roadway,
13 but they are owned by either St. Patrick's or the
14 Lab School.

15 So, the operations, we've coordinated with
16 our adjacent institutional neighbors. Here you can
17 see today St. Patrick's has a pickup/drop-off lane
18 shown in orange on the south side of Whitehaven
19 Parkway, in front of the lower school.

20 Today, parents are required to access that
21 pickup/drop-off lane from Foxhall Road, so from the
22 east. They queue along the north side of Whitehaven
23 Parkway, shown in blue, as they're waiting to enter
24 that pickup/drop-off lane. The Lab School's
25 pickup/drop-off primarily happens in their parking

1 lot accessed via Reservoir Road, shown in the maroon
2 color at the bottom of the plan. They do stage some
3 school buses in the afternoon, that's shown in
4 yellow on the south side of Whitehaven Parkway
5 adjacent to their school building.

6 And then, we have our Lady of Victory.
7 Their pickup/drop-off operation happens in their
8 parking lot, primarily, accessed from U Street.
9 However, they do allow eighth graders to be picked
10 up and dropped off on Whitehaven Parkway in front of
11 their school building shown in maroon. Next slide,
12 please.

13 We are proposing a couple of changes on
14 Whitehaven Parkway in conjunction with the proposed
15 middle school building. That first change is that
16 we are proposing a pickup/drop-off lane for the
17 middle school on the north side of Whitehaven
18 Parkway along the curb in front of the new middle
19 school building, that is shown in orange.

20 We are also modifying the pickup/drop-off
21 operation for the lower school by allowing parents
22 to enter either from the west or from the east. And
23 this will allow parents to approach the school or
24 drive to the school following their natural path,
25 without requiring them to recirculate through the

1 neighborhood to get to Foxhall Road, to have to
2 enter via Foxhall Road.

3 So, with that change, we have met and
4 coordinated with the Lab School, and requested that
5 they shift their bus staging a little bit further to
6 the west so that we can accommodate that right turn
7 queue into the lower school pickup/drop-off area.

8 They have expressed no concern with that.
9 They've agreed to do so, and express support for
10 this proposed operational plan on Whitehaven
11 Parkway.

12 Although we are not in any way impacting
13 our Lady of Victory's pickup/drop-off operation, St.
14 Patrick's did meet with OLV, and they also expressed
15 their support for this proposed pickup/drop-off
16 operation on Whitehaven Parkway. Next slide,
17 please.

18 In terms of parking, St. Patrick's
19 currently has a total of 137 spaces. Eighteen of
20 those are located at their existing middle school on
21 MacArthur Boulevard.

22 One hundred nineteen are located on the
23 Whitehaven campus. Those 119 spaces are split
24 between the garage that's beneath the gym, the
25 surface lot immediately adjacent to the church and

1 school, and then spaces dedicated to St. Patrick's
2 along Whitehaven Parkway.

3 On a typical basis, the spaces at the
4 Whitehaven campus are about three-quarters occupied.

5 So, on a typical basis, we have 28 open spaces to
6 accommodate future faculty and staff coming over
7 from middle school. Next slide, please.

8 The school has committed to a parking
9 management plan. The highlights are indicated here,
10 detailed more fully in our CTR. This allows them to
11 better manage their parking resources.

12 I will just highlight one of the key
13 factors of the parking management plan is to remove
14 faculty and staff from that surface parking lot
15 adjacent to the church and school, and free those
16 spaces up for visitors and volunteers that are
17 coming to the school as well as the church to ensure
18 they have a place to park.

19 In the interest of time, I won't go through
20 all of the other elements of the parking management
21 plan. But they're detailed, like I said, in our
22 CTR. Next slide, please.

23 Next slide. In terms of trip generation,
24 what you see here is the existing trip generation
25 for the Whitehaven campus, alongside the proposed

1 trip generation at the maximum enrollment of 555
2 students.

3 St. Patrick's has committed to an
4 aggressive transportation demand management plan,
5 and committed to reducing trips at both the lower
6 school and middle school by 20 percent.

7 And so, when we look at the increase at the
8 Whitehaven campus, it's a relatively modest increase
9 in vehicle trips, which you see in the bolded row at
10 the bottom of this chart. So, again, a relatively
11 modest increase in peak hour trips at the Whitehaven
12 campus. Next slide, please.

13 I want to zoom out just a little bit,
14 because remember that the middle school currently
15 does operate less than a half mile from the
16 Whitehaven campus.

17 And so, if we look sort of more broadly at
18 the neighborhood as a whole, because the school is
19 committing to that 20 percent reduction in trips,
20 when we look at the trips anticipated at the
21 Whitehaven campus with that 20 percent reduction,
22 compared to what the lower school and middle school
23 currently generate, we are actually going to be
24 reducing the peak hour vehicular trips for both
25 schools combined.

1 So, as far as the broader neighborhood is
2 concerned, there will actually be a reduction in
3 those vehicular trips because of that aggressive
4 transportation demand management plan. Next slide,
5 please.

6 So, the school has developed and will
7 implement an aggressive transportation management
8 plan. Next slide, please.

9 That consists of five components. The
10 first component is the demand management plan that I
11 mentioned.

12 That includes strategies and incentives to reduce
13 the number of vehicles that will allow them to
14 obtain or retain that 20 percent reduction.

15 We have made a couple of minor revisions to
16 that based on DDOT's report and their requests,
17 essentially to eliminate some duplicative
18 strategies, and also to utilize available resources
19 through goDCgo and the Office of the State
20 Superintendent for Education.

21 The second component of the TMP is the
22 operations management plan. That establishes a set
23 of protocols to ensure that traffic is appropriately
24 managed on Whitehaven Parkway.

25 I previously mentioned the parking

1 management plan, which will allow them to make
2 better use of their parking resources. Next slide,
3 please.

4 The fourth component is the loading
5 management plan. This establishes delivery
6 protocols to efficiently accommodate service and
7 delivery activity.

8 We made a number of changes to the loading
9 management plan in response to DDOT's comments.

10 Those changes include summarizing the current
11 anticipated delivery and service needs for the
12 campus, designating a loading manager who will
13 coordinate deliveries, monitor delivery and service
14 activity, and distribute pertinent information to
15 vendors and service providers.

16 We will also require flaggers when delivery
17 vehicles have to cross the sidewalk, and also
18 designate delivery locations. So, smaller vehicles
19 will use the service lane that currently exists
20 adjacent to the lower school. Larger vehicles will
21 use the curb adjacent to the new middle school.

22 Our original loading management plan agreed
23 to restrict deliveries to times outside of the
24 pickup/drop-off windows. So, that curb lane will be
25 available to accommodate larger delivery vehicles in

1 between morning drop-off and afternoon pickup, or
2 before morning drop-off for early deliveries.

3 The fifth component is the monitoring plan.

4 This ensures accountability and provides a
5 mechanism for remedial strategies if the problems
6 arise. Next slide, please.

7 Just quickly with regard to DDOT's report,
8 we really appreciate DDOT's collaboration and their
9 support of this project. At their request, St.
10 Patrick's will install a raised crosswalk with day
11 lighting and rectangular rapid flashing beacons on
12 Whitehaven Parkway at the location of the existing
13 crosswalk.

14 This is the crossing that currently
15 connects the lower school and their gym. When the
16 new middle school building is built, this is also
17 the crosswalk that will connect the middle school
18 and the lower school.

19 As I mentioned, we have been working with
20 DDOT on modifications to the TDM plan and the
21 loading management plan. We've reached an agreement
22 on both. An updated version of the TMP reflecting
23 those changes has been filed into the record. Next
24 slide, please.

25 So, we find that with the implementation of

1 the traffic management plan, including the school's
2 commitment to reduce peak hour traffic by 20
3 percent, as well as the installation of the raised
4 crosswalk, the proposed construction of the new
5 middle school building will not have an adverse
6 impact on the surrounding neighborhoods from a
7 traffic or parking perspective.

8 And with that, I'll turn it back over to
9 Paul.

10 MR. TUMMONDS: Thank you, Ms. Milanovich.
11 So, that completes our presentation this morning.
12 And we're able to answer any questions that you may
13 have.

14 VICE CHAIR GOLDSTEIN: Thank you very much,
15 Mr. Tummonds and team. That was a helpful
16 presentation. I do appreciate it.

17 I'd like to start with a couple questions
18 for you, Mr. Tummonds. Hold on one moment. Okay.
19 Well, I think the start of my questions are really
20 of a procedural nature.

21 And I'm hoping you can provide some clarity
22 to me about how these orders will result at the end
23 of the day. As you well know, and I think as maybe
24 has been alluded to, there's the Foxhall campus and
25 there's the Whitehaven campus.

1 And the Foxhall campus has proceeded under
2 its own track of BZA case numbers. I think most
3 recently the 17429-A, I believe, was withdrawn.

4 So, you submitted initially B. Then
5 there's the 18465, 18465-A, which followed in 2023,
6 which deals with the Whitehaven campus. This
7 proposal today kind of mixes some of the two. And
8 we now have a new case number also involved here.

9 So, I'd love to get your thoughts on what
10 exists at the end of this proposal that you have
11 here, and how is it intended to be documented?

12 MR. TUMMONDS: Yes. Well, thank you. I
13 think, you know, what we really have here is we have
14 the kind of, the juxtaposition of two different sets
15 of zoning regs.

16 We have the pre-2016 zoning regs, which
17 didn't really have this notion of the private school
18 campus plan. Right, we just went and we went
19 special exception applications for each individual
20 case.

21 I think with the 2016 zoning regs, we now
22 have this private school campus plan. So, I think
23 that what makes sense here, and what we tried to do
24 is pull all of these properties, basically
25 Whitehaven, which before existed on the Whitehaven

1 campus, both on the north and south side, and then
2 we had the Foxhall campus.

3 I think now what we propose to do, is by
4 having private school campus plan approval for all
5 of the uses now that we have, I think it would make
6 sense to have 21541 be the new number. Just as say
7 we have, and then we can then work off that if there
8 are modifications in the future, just as we have say
9 when you have the American University's campus plan
10 is 20-31. And then, you do further processings on
11 that, 20-31A, 20-31B.

12 I think this could be the opportunity to
13 say BZA Order Number 21541 will establish 555
14 students, 140 faculty and staff on the campus. And
15 it will also then establish the permitted operations
16 plan for the use of the Foxhall athletic field.

17 I think that it was a very smart decision
18 by the BZA's Office of Zoning last week to change
19 this from 17429-B to 21541. I think we should stick
20 with 21541 and that can be our number moving
21 forward.

22 VICE CHAIR GOLDSTEIN: I like the sound of
23 that. But I just want to make sure I understand how
24 that works in practice.

25 So, the 17429, you're asking us to modify

1 one of the conditions, it was condition seven.
2 There are other conditions in that track of BZA case
3 that are probably not applicable going forward.
4 They relate probably to an expected middle school
5 and high school at the Foxhall location.

6 So, I'm a little unsure how we kind of get
7 this unified order. You've got that issue, and then
8 also the 18465 and A have, what, 17 conditions in
9 it.

10 And so, how do we figure out what carries
11 forward in this case?

12 MR. TUMMONDS: Yeah. I think if we could
13 provide a, I mean, first of all, I would say, as you
14 know with schools, it is important that, it is not
15 necessarily helpful to have a school be ready
16 operationally in November/December of a year.

17 Right, the school year starts and we want
18 to make sure that we can move forward with this case
19 as expeditiously as possible, get approval as
20 actually as expeditiously as possible, so that we
21 can start construction and have this middle school
22 up and operational as soon as possible. I would put
23 that as an aside.

24 But then for like the technical things
25 we're talking about, to the degree that we decide

1 that it is, you know, if the Office of Zoning would
2 like us to submit some sort of conditions of
3 approval that would carry forward, we think that we
4 could do that.

5 But I wouldn't want that to hold up the
6 issuance of this order approving the new middle
7 school at 4707 Whitehaven Parkway. But I think it
8 makes us to have a comprehensive idea of what are
9 the conditions that will guide operations on the
10 Foxhall campus. We can absolutely do that and
11 submit that to the BZA if that is then helpful to
12 the Office of Zoning in preparing a summary order.

13 VICE CHAIR GOLDSTEIN: Sure. I'm going to
14 put a pin in that.

15 MR. TUMMONDS: Okay.

16 VICE CHAIR GOLDSTEIN: I'd like to return
17 to it toward the end. I don't want the scope of
18 this to kind of get, to swamp what you're trying to
19 accomplish.

20 MR. TUMMONDS: I appreciate that.

21 VICE CHAIR GOLDSTEIN: So, but I do want it
22 to be as clear to everyone what's continuing forward
23 as possible. So, why don't we return to that toward
24 the end and see where that goes.

25 I'm going to ask some of my colleagues to

1 ask some questions and then I may ask a few more.
2 Could I start with Board Member Wells?

3 Would you mind being the first one to ask
4 any questions today? Thank you.

5 MEMBER WELLS: No problem. I do want to go
6 back to the variance on the height. And if you
7 could just walk through that. It's a little bit
8 more detailed. Especially, I have questions about,
9 you know, just where it's located, the bedrock, you
10 know, and the building configuration.

11 If there's anything else that was
12 considered to be within those current zoning regs?
13 You know, just how you landed on where it is right
14 now in this orientation, and where its relative
15 position to the entire site.

16 MR. TUMMONDS: Sure. Perhaps Mr. Young, if
17 you could pull up the slide that is titled Proposed
18 Campus. One, two, three, four, slide number five?

19 Great. And maybe if we -- I don't know if
20 you have the ability, if we zoom in a little bit on
21 the yellow building there. Perfect.

22 And maybe, Karen, would you want to, like,
23 use this slide to kind of give a sense of where are
24 those heritage trees, where is the slope, and where
25 is the flat part of the site?

1 MS. GIACONDA: Absolutely. So, as I
2 mentioned, we're dealing with a few site constraints
3 here. One of them is the topography. So, from
4 Whitehaven Parkway up to the flat part of the field,
5 which is indicated with the rectangular dashed line,
6 we have about 46 feet of grade change. So, we have
7 a complicated site in just the topography.

8 And so, we had to figure out a way to most
9 cost effectively build a building on a sloped site.

10 And you might ask, well, why didn't you put it on
11 the flat part of the site? And the reason for that
12 is there's two reasons. The first is that the only
13 way that that can be accessed accessibly, so by
14 someone with mobility issues or even via vehicle, is
15 by going through the George Washington University
16 campus.

17 So, it's outside of our property line.
18 There is another access point all the way to the
19 left or the west of the site. But, again, with the
20 46 inch or 46-foot grade change, there's no way to
21 even make an accessible fire pathway to that part of
22 the site.

23 Beyond that, there are several heritage
24 trees, four specifically, that curve right on top of
25 where the yellow building part is. So, we needed to

1 and also wanted to protect those heritage trees.

2 So, therefore we kind of shoe-horned our
3 building into the buildable part of the site that
4 could be accessed from Whitehaven Parkway.

5 We looked at a few different options about
6 pushing the building back. But, again, with the
7 topography, we ended up having more and more
8 challenges and got way too close to the heritage
9 trees.

10 We did also do some geotechnical studies,
11 including one that shot lasers into the ground,
12 where we identified that there was bedrock at the
13 height that we wanted to build at closer down to
14 Whitehaven Parkway.

15 And so, we had to lift the overall building
16 up eight feet to avoid that bedrock and allow our
17 project to be buildable. So, we adjusted the plan
18 on the first floor to account for it, added in ramps
19 and stairs as well.

20 But, in short, in order to build on
21 Whitehaven Parkway, we had to really work with the
22 site and all of its elements. And, in looking at
23 some of the images that we rendered in context, it
24 does align with the institutional use of that
25 street.

1 So, if you could go to the last slide of my
2 part of the presentation, I think it's maybe slide
3 11 or 12, where we have some renderings of the
4 building. I didn't walk through each of these. But
5 it does give you some context into how the building
6 relates to the street.

7 Next slide, I believe. Thank you. So,
8 what we've done here, is we've rendered the building
9 from a variety of views. The first view that you
10 see on the top left hand corner, that is the view
11 from the lower school to the new middle school.

12 So, you can see it relates to the other
13 institutional buildings pretty well. It doesn't
14 look extraordinarily taller than any other building.

15 And then, every view from there is looking
16 at it as we walk closer to the building and its
17 context. So, this was a balance of building into
18 the grade as well as providing accessible entry.
19 And, given the institutional nature of the street
20 and the width of the street, we think that it's
21 appropriate. We would have set it back had it not
22 been for all the site constraints.

23 I hope that helps.

24 MEMBER WELLS: Yeah, it does. Thank you
25 very much. So, two follow up questions I had for

1 that. One is about the pitched roof, and whether or
2 not it's a consideration to have a pitched roof
3 because it's within the context of the institutional
4 nature of the street?

5 Or, is that something you consider, you
6 know, to reduce or have a flat roof in that area to
7 be closer within the height restrictions?

8 MS. GIACONDA: Yeah, that's a great
9 question. So, one of the reasons that we did use
10 the pitched roof, is because since it is an
11 institutional street. But St. Patrick's is split
12 across the two sides of the street. It was
13 important that the unification of the campus also
14 have some aesthetic connection.

15 So, those pitched roofs are also not only
16 at the church and the lower school, but at the
17 gymnasium building. So, this was helping the campus
18 have some character and connection.

19 We did look at it with a variety of flat
20 roofs. And, given the studies that we did in these
21 renderings, the flat roofs, while it did bring the
22 overall height of the building down, it took away
23 from the character. And it exposed things like our
24 dedicated outside air unit and our other mechanical
25 systems. It kind of took away from the overall

1 aesthetic of the street.

2 So, while we did look at it, ultimately St.
3 Patrick's and our team though that this was the best
4 solution for them.

5 MEMBER WELLS: Okay. Do you have a sense
6 of what the height of that pitch roof is?

7 MS. GIACONDA: In comparison to a flat
8 roof?

9 MEMBER WELLS: Um-hum.

10 MS. GIACONDA: I could find that out. We
11 did in preparing this BZA presentation over the last
12 few months. We took the slope of the roof from a
13 45-degree angle down to lower the overall pitch.

14 So, we did take that into account. And the
15 other thing we did to lower the overall height of
16 the building, is reduce the floor to floor height by
17 a foot.

18 MEMBER WELLS: Okay.

19 MS. GIACONDA: So, we did take measures and
20 steps to reduce the height from what it once was to
21 what you're seeing now. And I can come back to you
22 with what it would be if it were flat. Though I
23 will note that it's a little complicated, because
24 once we expose all of the mechanical structures, we
25 need to enclose those with screening elements.

1 And so, you end up having a similar height
2 that is perhaps a little less attractive.

3 MEMBER WELLS: Okay. So, maybe it's not
4 so, I guess, important to know. But what's most
5 important to know is that there were measures taken
6 to reduce the overall height within the design.

7 MS. GIACONDA: Absolutely. Yes.

8 MEMBER WELLS: So, one of your other
9 renderings looks like you have, another question I
10 had was like, I guess, there's that slope change
11 over how many feet?

12 Because on one of your renderings, it looks
13 like the first and second floors were already cut
14 into the slope. And then, you had the third and
15 fourth floors on top of everything.

16 MS. GIACONDA: Correct.

17 MEMBER WELLS: So, are you already doing
18 grade work or some work with the bedrock in getting
19 that first and second floors in?

20 MS. GIACONDA: So, that's a great point.
21 For this section, we are using the first and second
22 floors to hold back the overall grade. So, they're
23 acting as retaining walls.

24 And we are avoiding the bedrock by having
25 lifted the building up about eight feet from where

1 we had had it. So, our original design had an entry
2 plaza that was on grade with the street level. And
3 you'll see in these renderings that we have now a
4 set of stairs and a ramp going to the door. That is
5 so we could avoid the major bedrock. The other
6 thing that we did, is we redesigned the first floor.

7 So, it used to be more in alignment with
8 kind of the overall shape of the front of the
9 building. But you'll note that in the floor plan,
10 the entire east side of the first floor is cut off,
11 that's because the bedrock is in exactly that
12 location.

13 MEMBER WELLS: Okay.

14 MS. GIACONDA: So, as we worked through
15 this project, both reducing the overall height of
16 the building and making sure that we were siting it
17 as, you know, we were siting it correctly with all
18 of the constraints, that is one thing that we had to
19 redesign and adjust for, yeah.

20 MEMBER WELLS: Okay. All right. Thank
21 you. I think that's all the questions I have about
22 architecture. I might have one or two about the
23 transportation plan or if I can continue my share.

24 Thank you very much. That was very
25 helpful.

1 VICE CHAIR GOLDSTEIN: Please do continue.
2 Thank you.

3 MEMBER WELLS: So, I noticed there was one
4 letter from the Colony Hill Neighborhood Association
5 agreement. Can you explain what that was about?

6 That was about, I guess, the need to
7 revisit the number of students over time? Was that
8 it?

9 MR. TUMMONDS: No. That's the condition
10 number seven.

11 MEMBER WELLS: That's condition number
12 seven. Okay.

13 MR. TUMMONDS: Yes.

14 MEMBER WELLS: So, for condition number
15 seven, because there was discussion about it only
16 being, I guess, applicable for construction during
17 construction.

18 MR. TUMMONDS: Yes.

19 MEMBER WELLS: Is there a sunset to that?

20 MR. TUMMONDS: Yes. As noted in the County
21 Hill letter, and as we said, that temporary
22 agreement will end no later than September 30, 2028,
23 or when the CFO is issued.

24 But I will note that the parties have
25 agreed that during the course for the next couple of

1 years, while we're moving forward with construction,
2 they will look to enter into negotiations to talk
3 about the future use of that field moving forward.

4 MEMBER WELLS: Okay. Because currently,
5 the use is pretty much only during the school year.
6 It's pretty restrictive, as far as when that field
7 is in use for number seven.

8 Okay. I think that's all that I had
9 questions about at this time. Thank you.

10 MR. TUMMONDS: Thank you.

11 VICE CHAIR GOLDSTEIN: Thank you very much,
12 Board Member Wells. Board Member Lindsjo, would you
13 mind, if you have any questions, participating at
14 this moment?

15 MEMBER LINDSJO: Thank you. I don't have
16 any questions at this time. Thank you for your
17 presentation and answering the thoughtful questions
18 by my fellow Board Member.

19 VICE CHAIR GOLDSTEIN: Thank you very much.
20 Can I turn to Commissioner Imamura, do you have any
21 questions you'd like to ask at this time?

22 COMMISSIONER IMAMURA: Thank you very much,
23 Vice Chair Goldstein. Just a few. Mr. Tummonds and
24 team, thank you for coming before the Board with a
25 very thoughtful and well-delivered presentation.

1 I do have a couple questions for Ms.
2 Giaconda and a couple comments. First comment is,
3 compliments to Bradley Site Design, they did a great
4 job with the entry sequence and experience.

5 And, while you described that the building
6 isn't really set back, they've done a fine job in
7 creating that feel of it, sort of setting the
8 building back, actually the entry experience back a
9 little bit. And I appreciate their plant palette
10 and plant selection there, as well as you had
11 commented a number of times about the 46-foot grade
12 change. I'm certain that CAS certainly helped
13 navigate that.

14 And I'm curious, my question is, with that
15 grade change, I want to give you an opportunity to
16 highlight a couple things about your project. One
17 is the stormwater management plan. I acknowledge
18 that you've commented a couple times about the tree
19 preservation and tree protection plans. And so I
20 appreciate that. It is coming awfully close to the
21 critical root zones there. But I have every
22 confidence that your work with Urban Forestry will
23 help resolve that. But I also want to give you an
24 opportunity to highlight some of the sustainability
25 aspects of your project.

1 And then, to Board Member Wells' comments
2 about the pitched roof. I was a little curious about
3 that as well. It does have character from the
4 streetscape. But what I noticed is, and what would
5 have been helpful to address that, is probably
6 images, because you had talked about a cohesive
7 vernacular. And that would have been helpful to
8 have at least imagery of the lower school and The
9 Lab School.

10 And then, also, the images of those would
11 help resolve, because I saw the red brick and I
12 though, wait a minute. I saw the gymnasium there
13 also has sort of a pitch, but it's a light gray.

14 And so I'm thankful, you know, we have
15 Google Street View now, right, to kind of take a
16 look at that. So, I understand where the material
17 palette is coming from, where the pitch roof is
18 coming from. It is accentuated.

19 And then, this is a long set of questions
20 here. But the last part of it is, you talked about
21 a number of site constraints. And I think where I
22 have a little bit of pause is on the west elevation,
23 where it's significantly higher obviously in terms
24 of building height than the adjacent residential or
25 building next to it there.

1 So, my question is, does this design
2 solution include all the programmatic elements
3 required? Is that part of the reason for the
4 height? Or, because of all the site constraints,
5 what programmatic elements were not included?

6 And then, I think you did a nice job
7 explaining sort of the design strategy behind the
8 arrangement of the building. But I'd like to know
9 what else you tried that didn't work. And so, that
10 way that helps the public understand that it's not
11 just this one and done, that design is an iterative
12 process. And so, it helps others understand how you
13 arrived here, because a lot of times the public
14 feels that these projects come before us as sort of
15 fully baked and stamped for approval. But it's
16 really a series of iterative designs that kind of go
17 through a push and pull.

18 And, lastly, I will say, to Mr. Tummonds'
19 comments, I'm prepared to vote in support of this.
20 This is an important project. And I would say that
21 this is part of Ms. Thomas's legacy as the fourth
22 head of St. Patrick's Day School. So, really
23 critical to the neighborhood, and also Ms.
24 Milanovich's work, too, to resolve some of the
25 transportation issues.

1 But that's a lot there. And so, I will
2 turn it over to you to highlight some of that.

3 MS. GIACONDA: I took notes. I got it.
4 Okay. So, if you pull the site plan up, the
5 proposed site plan, I can speak to each of these
6 items.

7 Let's see if we -- an existing site. I
8 don't have a good proposed site plan. We can go
9 back to this one and I can talk through it here. If
10 you zoom in, actually the one with the yellow
11 building, and if you zoom into the yellow building.
12 One up.

13 MR. TUMMONDS: I think it's the other way.

14 MS. GIACONDA: Yeah, the other way. There
15 you go. If you zoom in there. So, first your
16 question was about the stormwater management.

17 So, because we have a graded site that
18 slopes down towards Whitehaven Parkway, we've been
19 working with CAS Engineering, our civil engineer, to
20 provide two main stormwater retention facilities.
21 One is to the west of the building and one is to the
22 east of the building.

23 And the reason that they are separated, is
24 because as we try to negotiate all the utilities on
25 the west side of the building, we determined that

1 having two facilities was going to be a better fit
2 for the site.

3 So, all of the water from the overall lot
4 is going to drain down towards the street and into
5 those two underwater retention facilities.

6 You mentioned Bradley Site Design. One
7 other thing to note, is they have provided a
8 stormwater retention that's at grade, so it can be
9 used as a teaching tool for students to learn about
10 the importance of stormwater management.

11 As far as sustainability goes, one of the
12 key things that we've done here, is we are going to
13 be putting in geothermal wells so that one flat part
14 of the site, we're utilizing that as a geothermal
15 well field. For those of you who don't know what
16 that is, it just means that we're using the constant
17 temperature of the earth to heat and cool our
18 building.

19 Our building will have a very, you know,
20 tightly constructed envelope, which is going to let
21 air and heating and cooling. It'll have limited
22 interaction with the inside of the building.

23 We're also using a very efficient heating
24 and ventilation system with water source heat pumps.

25 And we have also put in the infrastructure or plan

1 to put in the infrastructure for solar, which does
2 have limits here just due to the overall tree canopy
3 and the roofs.

4 But we do have the infrastructure for it.
5 Overall, the building material palette is really
6 focused on the health and wellbeing of the
7 occupants, and all of the plantings that you
8 mentioned in the plant palette are native plants and
9 are meant to be, again, a tool for teachers and
10 students.

11 So, thank you for the comments on the
12 character from the streetscape. You're right, we
13 did include in our overall submission some images of
14 the lower school and the gymnasium.

15 One thing to note is that, and those
16 architects of you on the phone will appreciate this,
17 the gymnasium was made at a time where it's an
18 aesthetic that really didn't 100 percent align with
19 the general character of St. Patrick's, which is
20 this warmth and the warmth of the brick and the
21 solidarity of that.

22 And so, going back to the roots of the
23 church, that is something that we were really
24 interested in doing. So, that's why we went with a
25 brick palette.

1 But we are negotiating that sort of whiter
2 palette that we see at the gymnasium by putting on a
3 lighter pitched roof, instead of the darker pitched
4 roof that you might see over at the lower school.

5 And I think that the angled roofs are
6 important, because one of the main centerpieces of
7 the campus is the church itself. They use the nave
8 for a lot of their presentations, for their choral
9 performances.

10 And so, that connection between the nave
11 and the multipurpose room was very important to the
12 overall school community. This is going to be one
13 of the last opportunities for them to grow their
14 campus and grow the community and community
15 engagement.

16 So, having that kind of very specific
17 connection was important. Does this design solution
18 include all the programmatic elements required? I
19 would say yes and no.

20 One of the most important things in this
21 program that we ultimately moved forward with, was
22 the multipurpose room. That's going to take a lot
23 of pressure off of the use of the gymnasium, which
24 is also now used as a performance space. And it's
25 going to allow the kids to do performances while

1 they're also in sports seasons, which was important.
2 They are also required to have a sport every
3 season.

4 So, stretching in the winter and having
5 some of that, like, low-energy and low-impact
6 athletics, that can happen at the multipurpose room,
7 too. They also wanted a place where they could host
8 more people more regularly. And so, the connection
9 of the multipurpose room to the commons or
10 cafeteria, and then to that outdoor and protected
11 resilient terrace space, is something that's going
12 to enhance the overall campus.

13 When I say that it didn't meet all the
14 programmatic requirements, is that we have really
15 whittled down at the amount of support space that we
16 have been able to provide. So, offices,
17 administrative space and breakout spaces, all three,
18 which are very critical to the overall function of a
19 middle school, have been reduced in square footage
20 or eliminated completely.

21 And of note, there used to be an additional
22 classroom bay worth of space on the front side of
23 the west wing that we eliminated in order to make
24 this building fit.

25 So, we have everything that we need. But

1 it is compact. The arrangement of the building,
2 what else did we try that didn't work?

3 One thing you'll note here is that the
4 solar orientation is not perfect. Ideally, we like
5 to have our classroom bars in an east-west direction
6 so that there would be a large facade up against
7 Whitehaven Parkway.

8 But we didn't think that that really fit
9 with the character of the street, and it didn't give
10 you the same progression onto the site that we have
11 at the church building and the lower school. And it
12 wouldn't give us the opportunity to have that like,
13 nicely integrated landscape.

14 So, while we did try buildings that really
15 have a front facade that was very, I wouldn't even
16 say civic, almost institutional in its nature, and
17 perhaps would have given the building an impression
18 of just like, it is way too tall, we eliminated that
19 option.

20 We also did try a few options with roofs
21 that were either flat or were sloped in a specific
22 direction. But the modernity of that conflicted
23 with the overall campus.

24 And so, ultimately, as we worked through
25 the design process, this sort of transitional

1 building was the most appropriate thing for the
2 school.

3 So, we have been working on the design
4 iteration. This is our second full year working
5 with all stakeholders on this project. And so we
6 think that this is a great solution for the campus
7 and for the neighborhood.

8 And I think I've answered all of your
9 questions.

10 COMMISSIONER IMAMURA: You have. Thank
11 you, Ms. Giaconda. It was very thorough. I
12 appreciate your response.

13 I guess I have one other follow-up, though,
14 for that west elevation adjacent to 4749, the
15 residential building there. That's where, I think,
16 people will feel and see, right, the full height of
17 the stories there. So, what did you all do to
18 either look at that, consider that, resolve it,
19 either material-wise or form and volume, if you
20 could speak to those?

21 MS. GIACONDA: Sure. If you --

22 MR. TUMMONDS: And I might add one thing,
23 too, before Karen does. So, there are those three
24 buildings there that at one time were single-family
25 residences. The two that are in green, those are

1 both owned by St. Patrick's. They're used for
2 institutional purposes. The one building that we
3 have carved up there that is in the white --

4 MS. GIACONDA: In the white.

5 MR. TUMMONDS: Yes, that is a building that
6 is owned by the Lab School. And, it is also used
7 for administrative purposes. None of those three
8 buildings are used for residential purposes.

9 So, I'll start with that. And then, Karen,
10 I'll let you answer Mr. Imamura's question.

11 MS. GIACONDA: Sure. If you go back to the
12 renderings, I'll just start describing what we did
13 with that facade.

14 One of the important pieces of the school
15 is that that facade in particular, shows the rhythm
16 of the interior activity. And so, what we did, is
17 we broke that facade down into bays.

18 So, if you go to the next views, we should
19 have a view of that facade. The bottom right-hand
20 corner gives you a sense of that facade. But we do
21 have additional renderings that show it in
22 elevation.

23 The concept here is that where we have
24 classrooms, and we've paired each of our classrooms
25 together, those kind of stick out a little bit from

1 the overall facade to show you that there is some
2 scale to the building, even though in this case it
3 is, you know, truly two stories that you see from
4 there with about, you know, a half story since it's
5 built into the hill.

6 So, we did change the scale of that overall
7 facade so it's not just one straight brick wall.
8 It's giving you a sense of porosity via the windows
9 there, and also change in material between the brick
10 and the seamed roof.

11 And you can see that there is pretty mature
12 vegetation all over this area. And so, we don't
13 anticipate that there is always going to be very few
14 lines of sight to that part of the building. But,
15 mainly, when talking to Lab School and speaking
16 about the institutional nature of this road, since
17 those are not being actively used as residences, we
18 treated them more as overall campus -- pieces of the
19 campuses.

20 So, I'm happy to show a facade or send that
21 to you if you need it. But we did break down the
22 scale of that compared to the east facade, which is
23 definitely more illustrative of the big box spaces
24 that we have on that facade.

25 So, truly the program is shining out to the

1 overall street. You can see it clearly in the
2 facade.

3 COMMISSIONER IMAMURA: Thank you again, Ms.
4 Giaconda. I think Perkins Eastman has done a
5 fabulous job with the design, and even more with
6 Bradley Site Design.

7 I think that's probably one of the big
8 successes here of this project, is some of their
9 work. So, with that, thank you, Vice Chair, for
10 your indulgence and my fellow Board Members, and I
11 yield back.

12 VICE CHAIR GOLDSTEIN: Thank you
13 very much. Terrific questions and discussion. I'd
14 like to just begin by echoing, I think it's a lovely
15 design. I think it just looks terrific. You should
16 be very proud of the way that turned out. I think
17 it's just great.

18 I also want to just give some kudos to you.
19 I mean, all the support in the record is just
20 terrific. I mean, really is a testament to the type
21 of neighbor St. Patrick's has been and the work of
22 this team. So, I just want to give you some kudos
23 on that fact.

24 I do want to ask a little bit about the cap
25 and how that's going to work. First, I'd like to
start with you, Ms. Thomas. You know, it's not that

1 many more students you're asking for, and it
2 particularly isn't that many more students at the
3 beginning of this stepped up enrollment that you
4 have proposed. I think something like only eight
5 more students until you meet the first threshold of
6 the monitoring plan. I just want to make sure, this
7 is consistent with your growth approach for the
8 future and where you see St. Patrick's' enrollment
9 going?

10 MS. THOMAS: I just want to thank you for
11 that question, and thank you all for your thoughtful
12 questions along the way this morning. So, we
13 endeavor to remain a school with a -- when I think
14 about our classrooms and our student/teacher ratio,
15 our current ratio at the middle school -- and we are
16 in the 26th year of our middle school, graduating
17 our 25th eighth grade class in our 70th year of
18 existence. So, for a long time we ended at sixth
19 grade. And we've continued to grow. And so, for
20 us, either in the elementary school classrooms or in
21 the middle school, a ratio of one or two teachers,
22 in the instance of our younger kids, but with our
23 older students, one teacher and about 15 students
24 feels right for us.

25 And so our main goal is to unify our campus

1 and to bring those middle schoolers over from
2 MacArthur Boulevard to Whitehaven Campus, not to
3 dramatically grow our middle school. And so our
4 building supposes that we could have 150 students in
5 that middle school, and that would still meet the
6 ratios that have mattered to us along the years.
7 So, as such, we are not asking for an aggressive
8 increase in numbers. And we hope that all who've
9 gotten to know our community, are getting to know
10 our community, appreciate the ratios that we have
11 now and those we are seeking to maintain as we unify
12 our campus.

13 VICE CHAIR GOLDSTEIN: Okay. Well, thank
14 you very much. And can I just ask about the old
15 middle school building? Is that lease just going to
16 be expired?

17 MS. THOMAS: Yes. And I'll ask Mr.
18 Tummonds to help us with that answer. I will say
19 that we have maintained a partnership with our
20 current landlord and are in discussions about the
21 timing of stepping away from that lease. For us, it
22 needs to be done in partnership with our landlord,
23 but also in a way that best serves our students.

24 VICE CHAIR GOLDSTEIN: Okay. Just to ask,
25 you know, if that date extends further than

1 anticipated, is that somehow -- I guess I'm not
2 quite sure what the use of that building would be
3 once you move the students over to the new middle
4 school building. But was there any need to somehow
5 reflect or model that in transportation plans going
6 forward?

7 MS. THOMAS: So, yes, because we have been
8 really thoughtful about the sort of incremental
9 extensions that we would need in the building should
10 our construction plan require it. So, again, we
11 have been in conversation with our landlord about
12 what healthy increments could be that would also
13 allow our landlord to continue their operations and
14 make plans for the future. And I would say that our
15 current drop-off/pickup system would continue,
16 thoughtfully, as long as we are in a bifurcated
17 campus. And we are thankful to Ms. Milanovich for
18 helping us be thoughtful, in the now, with ways that
19 we can continue to be thoughtful stewards in the
20 transportation realm around our neighborhood, but
21 also, as you saw today, the plans that would
22 immediately be in place when we become a unified
23 campus.

24 And I would like to say we practice that
25 unified campus model during the year, at very

1 distinct times, when our middle schoolers are
2 dropped off on this campus for special programming.

3 And, as you've heard, the major change with the
4 unified campus is our commitment to a 20 percent
5 reduction overall.

6 VICE CHAIR GOLDSTEIN: Okay. Well, thank
7 you very much. I think this might be for Ms.
8 Milanovich or Mr. Tummonds, but just a little bit
9 curious about this monitoring plan that is being
10 used. If you wouldn't mind just kind of describing
11 that plan, and where else has that been -- has that
12 been used for other schools and has it been
13 successful in what you've seen?

14 Sorry, I don't know if there's an echo.

15 MS. MILANOVICH: Yeah. I can definitely
16 speak to that.

17 VICE CHAIR GOLDSTEIN: Please go ahead.

18 MS. THOMAS: Oh, Jami, you just went on
19 mute.

20 MEMBER WELLS: I think the audio's a bit
21 delayed, but she's speaking. Yeah.

22 VICE CHAIR GOLDSTEIN: Shoot. Well, Mr.
23 Tummonds, I don't know if you --

24 MR. TUMMONDS: Sure. I can take it.

25 VICE CHAIR GOLDSTEIN: -- were kind of

1 preparing to answer that. Thank you.

2 MR. TUMMONDS: Yeah, thank you. We'll let
3 Jami come in. But, yes, there have been maybe not
4 the exact type of monitoring plan we're proposing in
5 this campus, but other private schools have had kind
6 of similar instances in which there is a monitoring
7 plan to make sure that we are able to achieve the 20
8 percent reduction that Ms. Thomas mentioned, that
9 Ms. Milanovich mentioned, moving forward, so that
10 when we do increase the student enrollment, we know
11 that this system is working and we've shown it's
12 working, so then we can have more students. And
13 then we show again that we can have more students.

14 And I would say that the level of the cap
15 and how it will be achieved, there was a significant
16 amount of discussion that occurred with ANC 3D and
17 ANC 3D's transportation committee. And I know
18 Commissioner Duncan is participating today, so she
19 might be able to help with that as well. But we
20 think that this monitoring plan is going to work,
21 it's going to be effective, and it is something that
22 relevant parties, DDOT, the ANC, will be able to see
23 that, yes, this is working; what we anticipated is,
24 in fact, happening; and that this will work moving
25 forward.

1 VICE CHAIR GOLDSTEIN: Okay. Well, thank
2 you for that. Sorry, I'm just continuing to go down
3 my list a little bit.

4 For the yard setback relief, I don't think
5 I've heard that discussed as much, and I'm hoping to
6 ask Ms. Giaconda about that.

7 MR. TUMMONDS: So, I think maybe you're
8 saying, we're satisfying the yard requirement. What
9 we're not satisfying is that one-to-one setback.

10 VICE CHAIR GOLDSTEIN: Yeah. Okay. So,
11 I'm sorry. The one-to-one setback is both for the
12 height and for how far back the building must be
13 from the lot lines, correct?

14 MR. TUMMONDS: Yeah. And so it's not
15 really -- it's this weird kind of thing. It's like,
16 the maximum height is allowed, but that height is
17 only allowed if you hit the setback. So the
18 variance relief is from that section that said you
19 can have this height provided you meet the one-to-
20 one setback.

21 VICE CHAIR GOLDSTEIN: Fair point. In
22 that, there were probably judgments about how to
23 site the building to take advantage of that height.
24 And, in some places, it got a little bit narrower
25 than others from the lot line. I suspect I know the

1 answer to this question, but I'm just hoping that
2 maybe you can explain to us also how it was sited in
3 a way that made sense for the amount of pinch points
4 for where it got narrower along the lot lines.

5 MS. GIACONDA: Sure. I can address that.
6 So, you'll note that our building is V-shaped. It
7 is V-shaped for a couple reasons. One of the
8 reasons is because that allowed us to avoid the
9 heritage trees that are towards the north of where
10 our building is. You'll notice that the east wing
11 is shorter than the west wing. The west wing is
12 about half a bay or a bay longer. And that is so
13 that the curved sort of arrangement of the heritage
14 trees could be avoided that way.

15 The other thing that is very important to
16 St. Patrick's is connection to the gymnasium
17 building. And so, part of that additional setback
18 from the heritage trees was the actual physical
19 connection, which is done via a set of stairs, as
20 well as a ramp, to the gymnasium building. That
21 unification was important.

22 And then we spoke about sustainability.
23 And as we all can feel, the weather here is a little
24 hotter and a little more humid than it was. And so,
25 creating outdoor space that students can be in.

1 They experienced the COVID-19 pandemic and found
2 themselves outside a lot. And so, creating that
3 enclosed courtyard space that is shaped by the V was
4 incredibly important, both for students day--to-day
5 as well as after-hours activities, and making sure
6 we could use outdoor spaces that weren't too hot.

7 So, the shape of the building and where
8 it's located was truly all push-and-pulled by both
9 the terrain and the heritage trees that we have.

10 VICE CHAIR GOLDSTEIN: Thank you very much.
11 I'm hoping to discuss for a moment, Mr.
12 Tummonds, condition number 7. Can you just explain
13 a little bit about the genesis of the change and how
14 that was arrived at, please?

15 MR. TUMMONDS: Yeah, sure. So, as we
16 talked about, so in our initial filing, we included
17 -- and we haven't really talked about today, but
18 there was a construction management plan. Because,
19 as you've seen in our site, we have a tight site.
20 And so, how are we going to get materials in and out
21 of that site, but then also construction worker
22 parking?

23 So, as we've shown, there is that flat part
24 of the site and there was that rectangle, that's our
25 playing field. So, in order to have the

1 construction management plan work and not have
2 impacts on the community, we're going to have to
3 take that field offline for the two years of
4 construction. So, that's going to be where our
5 construction parker working is, and that's where
6 we're going to do construction staging materials.

7 So we said, okay, during the time of
8 construction, we want to be able to use the Foxhall
9 field for uses that are consistent with the middle
10 school use. As we then engaged with the 1801
11 homeowners' association and the Colony Hill
12 Neighborhood Association, we talked about, you know,
13 are there other additional uses that we could
14 perhaps look at and see would they work, Would they
15 be beneficial and not create negative impacts on
16 those neighboring properties during this time?
17 Really to use this time to see how we can operate
18 this field to have other limited uses while not
19 creating objectionable impacts.

20 We're very pleased with the agreement that
21 we've created to date. So, that would guide "this
22 is what can happen," as I mentioned to Ms. Wells,
23 "for the next two years." But, as we also talked
24 about in that agreement, that we are going to
25 endeavor and to work in good faith to see, you know,

1 as we get closer to when the middle school comes,
2 are there other opportunities for uses that could
3 occur on that field that do not create objectionable
4 impacts on the neighboring property owners?

5 That's our goal. So, we have kind of the
6 temporary modification agreement to allow this use
7 when the Whitehaven Campus' field is offline, but
8 then thinking about the future use of these fields.

9 VICE CHAIR GOLDSTEIN: Thank you very much.
10 I think those are the rest of my questions. I
11 think we've kind of made the full round.

12 At this point, I'll ask Ms. Duncan,
13 Commissioner Duncan, do you have any questions for
14 the applicant about the testimony that's been
15 provided? You will, of course, have additional
16 opportunity later for your testimony. Thank you.

17 MS. DUNCAN: I have no questions. I am
18 intimately familiar with this project. But, no
19 questions.

20 VICE CHAIR GOLDSTEIN: Okay. Thank you
21 very much.

22 I'd like to turn to the Office of Planning.
23 I think, is it Ms. Myers who's here with us today?
24 Okay. Thank you for participating. I'd love to
25 hear your thoughts.

1 MS. MYERS: For the record, Crystal Myers
2 with the Office of Planning. The Office of Planning
3 is in support of this case, all the areas of relief
4 that was requested, as well as the modification that
5 was requested. And we can stand on the record of the
6 staff report, but, of course, here for questions.
7 Thank you.

8 VICE CHAIR GOLDSTEIN: I'd like to ask my
9 fellow Board members, do you have any questions for
10 the Office of Planning? Feel free to just jump in.

11 COMMISSIONER IMAMURA: No questions for me.
12 But thank you, Ms. Myers, for your thorough and
13 detailed reports, as always, and the work that you
14 do on behalf of the residents of D.C.

15 VICE CHAIR GOLDSTEIN: Thank you so much.
16 Hearing no other questions, I think we'll move on.
17 Well, maybe hang around, Ms. Myers, just in case we
18 want to come back. But I think your report was very
19 helpful in this case.

20 I do want to see if there are any other
21 agency representatives who are present? I believe
22 we have a representative from DDOT and -- let me
23 look. Ms. Sanders, thank you so much for attending
24 today, particularly since transportation was such a
25 key component of what we've been hearing about in

1 the plan.

2 Please take it away. I'd love to hear your
3 thoughts on the application.

4 MS. SANDERS: Yes. Thank you for having me
5 today. Vice Chair Goldstein and members of the
6 Board, good morning. For the record, my name is
7 Madeline Sanders and I'm a transportation planner
8 with the District Department of Transportation.
9 DDOT is supportive of the applicant's special
10 exception requests for loading relief and the
11 private school use permissions to construct the new
12 middle school at 4707 Whitehaven Parkway, NW.

13 In our September 18th report, which is in
14 the record as Exhibit 34, DDOT recommended approval
15 with two conditions that included requesting that
16 the applicant complete minor revisions to their
17 transportation demand management plan to correct and
18 specify some areas, in addition to completing some
19 substantive revisions to the loading management plan
20 to align with standard requirements as outlined in
21 DDOT's 2024 guidance for comprehensive
22 transportation review.

23 On September 28th, the applicant uploaded
24 an updated transportation management plan in the
25 record, as Exhibit 40, addressing DDOT's comments.

1 And those revisions to both the TDM plan and the
2 loading management plan were completed in
3 collaboration with DDOT.

4 DDOT recommends approval on the condition
5 that the applicant implements the revised
6 transportation management plan, as described in the
7 updated plan, and makes safety improvements to
8 Whitehaven Parkway for pedestrian circulation and to
9 support an efficient pickup and drop-off operation.

10 We look forward to continuing to work with
11 the applicant on the streetscape design,
12 preservation and protection of special trees onsite,
13 and finalizing a curbside management plan as they go
14 through public space permitting.

15 That's all today. I'd be happy to answer
16 any questions. Thank you.

17 VICE CHAIR GOLDSTEIN: Thank you very much.
18 Just to confirm, is there any daylight between you
19 and what's been proposed by the applicant based on
20 their revised TDM plan that they put into the
21 record? Are you all in harmony with the approach
22 that's being proposed at this point?

23 MS. SANDERS: Yes. They completed all the
24 revisions we requested. And we are completely
25 aligned with their updated transportation management

1 plan.

2 VICE CHAIR GOLDSTEIN: Thank you very much.
3 I'd like to ask my colleagues if anyone has
4 questions for DDOT.

5 COMMISSIONER IMAMURA: I have no questions.
6 But thank you, Vice Chair Miller -- or Vice Chair
7 Goldstein, my apologies. That was a promotion to
8 the Zoning Commission right there. So, we'll let
9 Commissioner Hood know, Chairman Hood know.

10 No, Ms. Sanders, as I shared with Ms.
11 Myers, thank you for your report, your thorough and
12 detailed report. And, as I understand, you're
13 relatively new to DDOT, and while I've not been on
14 the Board and seen you come before us, welcome to
15 the Board. And, again, thank you for the work that
16 you do on behalf of the residents of D.C.

17 VICE CHAIR GOLDSTEIN: Well, you presented
18 like a seasoned expert, so I'm surprised to hear
19 that. Welcome aboard.

20 I want to turn now, Commissioner Duncan, to
21 ask if you have any questions that you'd like to ask
22 DDOT at this point?

23 MS. DUNCAN: No questions. And I did see a
24 redline of the new DDOT report, and it looks good.
25 I agree with DDOT.

1 VICE CHAIR GOLDSTEIN: Okay. Thank you so
2 much. And, Ms. Duncan, don't go far, this is your
3 opportunity to provide testimony to the record.

4 MS. DUNCAN: Okay. Thank you, Vice Chair
5 Goldstein, and thank you, BZA Board members. Again,
6 my name is Tricia Duncan, and I'm here representing
7 ANC 3D as the vice chair of the commission.

8 The ANC wholeheartedly supports St.
9 Patrick's building the middle school on Whitehaven
10 Parkway, including the height and setbacks they are
11 seeking. We had some concerns about the pickup and
12 drop-off increases over time, but we are very
13 satisfied with St. Patrick's' mitigation plans.

14 I'd like to focus my comments today on the
15 temporary modification agreement and the original
16 operating agreement that was included in the current
17 BZA order. I think this would be what we have been
18 talking about as condition number 7. These are
19 private bilateral agreements between the neighbors
20 and St. Patrick's. And, in general, the ANC does
21 not support private agreements such as these, for
22 two reasons.

23 The first reason is that these agreements
24 limit community benefits afforded to communities
25 during BZA and zoning cases. The ANC, and any

1 elected or government body for that matter, was
2 excluded from the negotiations. In this particular
3 case, the current operating agreement limits use of
4 St. Patrick's' athletic field on Foxhall Road to
5 only specific school uses. The temporary
6 modification agreement will expand the use of
7 Foxhall Field only during construction, and the
8 expanded use is limited to the uses St. Patrick's
9 currently uses their secondary field for on
10 Whitehaven. This is only being allowed by neighbors
11 during construction only, because St. Patrick's will
12 be using the Whitehaven field for construction
13 parking and staging.

14 Don't get me wrong, the ANC supports the
15 expanded use of the Foxhall field during
16 construction. But, after the project is complete,
17 the two parties plan to again negotiate privately to
18 maybe someday expand use of the field. It should be
19 noted that field space is a scarce commodity in the
20 city, and in Ward e in particular. And this St.
21 Patrick's field on Foxhall Road currently sits
22 unused most of the time, even though it has no
23 lights and no amplified sound.

24 This private agreement is preventing the
25 ANC from asking for any community benefit regarding

1 expanded use of the field. The private agreement is
2 subverting the public interest.

3 My second point has to do with the
4 inclusion of any of the language from these types of
5 private agreements in the BZA final order. I am
6 asking the BZA to not include language regarding
7 limits on the field use from the temporary agreement
8 in the final order and any language from the
9 original order that restricts use of the field. The
10 reason for this is twofold.

11 One, the parties to this private agreement,
12 the neighbor groups and St. Patrick's, believe the
13 agreement is a contract enforceable in the courts.
14 The ANC was told by the neighbors that they believe
15 any breach of the contract can be settled through
16 lawsuits in court.

17 The second reason is these agreements are
18 not really enforceable by the BZA. What would the
19 BZA do if, three years from now, St. Patrick's
20 allows a third party to lease out use of the field?

21 I can't imagine what they could do, since the new
22 middle school will be open.

23 The parties shouldn't have it both ways.
24 They can't have the provisions limiting field use in
25 the BZA order, but then claim if the BZA were to

1 reverse the provisions, that their private agreement
2 is still enforceable and they can sue in court to
3 uphold the contract.

4 If the contract is indeed enforceable
5 through civil litigation, then what is the point of
6 it being included in the BZA order? Excluding
7 language in the final BZA order regarding use of the
8 field will change nothing, so why include it if it's
9 not enforceable?

10 The ANC is asking the BZA to approve the
11 new middle school to be built on Whitehaven, but
12 exclude any mention of the use of the field in their
13 final order, based on the fact that no elected
14 government agency weighed in on the contract St.
15 Patrick's made with the neighborhood groups, and
16 thus prohibiting any community benefit regarding use
17 of the field.

18 Thank you. And this ends my testimony.

19 VICE CHAIR GOLDSTEIN: Thank you very much.

20 I hate to ask this. Would you all mind taking a
21 five-minute break at the moment?

22 Ms. Duncan, if you can hang around, I think
23 we may have some questions for you about that.

24 My appreciation for you all. Why don't we
25 reconvene at 11:25? Thank you very much.

1 (Whereupon, the above-entitled matter went
2 off the record at 11:21 a.m. and resumed at 11:27
3 a.m.)

4 VICE CHAIR GOLDSTEIN: Okay. Well, thank
5 you so much reconvening.

6 And, Ms. Duncan, I think, did you conclude
7 your testimony? Is that correct?

8 MS. DUNCAN: I did.

9 VICE CHAIR GOLDSTEIN: Okay. I'd like to
10 open it up to my colleagues for any questions to
11 Commissioner Duncan.

12 COMMISSIONER IMAMURA: No questions. But
13 I'll extend the same courtesy, to thank Commissioner
14 Duncan for your leadership in your neighborhood and
15 for the city. And your testimony is always very
16 well-prepared and well-delivered, I will say that.
17 So, thank you very much for putting in the time and
18 effort that you do to represent your neighborhood
19 and your constituents.

20 MS. DUNCAN: Thank you very much.
21 Appreciate it.

22 VICE CHAIR GOLDSTEIN: I'd like to echo. I
23 think the testimony was very helpful. I'm really
24 curious about your point related to whether to
25 include the field restriction reference, the

1 operating agreement, in any BZA order. I'm going to
2 certainly be asking Mr. Tummonds and his team to
3 address that question. And I'm curious to see what
4 his thoughts are on it. Thank you very much.

5 MS. DUNCAN: Thank you.

6 VICE CHAIR GOLDSTEIN: Unless any of my
7 fellow Board members have any additional questions,
8 I'd like to -- well, let me first just check, are
9 there -- Ms. Mehlert, I don't know if there are any
10 witnesses, any other individuals, prepared to give
11 testimony today. I don't see any on the list, but
12 I'd love to confirm with you that no one else is
13 waiting in the wings to have a say.

14 MS. MEHLERT: I believe there's one public
15 witness signed up to testify. I don't know if you
16 are moving to that portion of the hearing.

17 VICE CHAIR GOLDSTEIN: Yes. I would like
18 to move to that portion of the hearing, please.

19 MS. MEHLERT: Okay. So, they are on the
20 call now. They've been moved up as a panelist.

21 VICE CHAIR GOLDSTEIN: Okay. And that
22 individual? I just want to make sure I see the
23 name.

24 MS. MEHLERT: Anita Butani D'Souza.

25 VICE CHAIR GOLDSTEIN: Okay. Thank you so

1 much.

2 Ms. D'Souza, and I hope I've got your name
3 correct, if you wouldn't mind introducing yourself.

4 And I'll put three minutes on the clock for
5 you, Mr. Young.

6 Thank you, Ms. D'Souza.

7 MS. D'SOUZA: Yes. Hello. Can you hear
8 me?

9 VICE CHAIR GOLDSTEIN: I can hear you.
10 You're a little bit faint on my end. I don't know
11 if others are experiencing that. So, if you're able
12 to speak up a little louder, I'd really appreciate
13 it.

14 MS. D'SOUZA: Okay. I will. There we go.
15 All right. First, good morning, Vice Chair
16 Goldstein and Board members. As a resident of the
17 District of Columbia, I want to first thank you for
18 your time this morning and for the time that you've
19 taken to review this case.

20 My name is Anita Butani D'Souza. I live at
21 4517 Hoban Road, NW. And our home is one of the
22 200-footers for this case. I am the current
23 president of the 1801 Foxhall Homeowners Association
24 and a member of the Colony Hill Neighborhood
25 Association, which together represent approximately

1 70 properties adjoining and neighboring the Foxhall
2 field.

3 The Foxhall field was developed in tandem
4 with the homes of 1801 Foxhall, and are each
5 governed by a master development agreement, of which
6 the field use operating agreement excerpted in the
7 BZA order is a component. Because of the history of
8 the field and these properties, as well as the
9 zoning, homes in our community sit, in some cases,
10 just a few dozen feet from the sidelines of the
11 Foxhall field.

12 I am here to share my strong personal
13 support for the St. Patrick's middle school project,
14 and for the temporary modification agreement for the
15 Foxhall field operating agreement that we negotiated
16 in partnership with St. Pat's over the course of
17 many months. We negotiated the two-year changes to
18 the existing field use agreement on behalf of the
19 neighbors most impacted and as joint parties to the
20 overall master development agreement that governs
21 development on this parcel, and again, of which the
22 existing field operating agreement (audio
23 interference).

24 The temporary modification agreement is
25 absolutely critical to the middle school

1 construction because it enables St. Pat's to build
2 the middle school facility efficiently, while
3 maintaining the extracurricular activities and
4 summer camps that comprise important parts of St.
5 Patrick's' school operations.

6 As neighbors, we appreciate and laud the
7 good faith and clear regard for our concerns that
8 St. Patrick's has shown throughout the negotiations
9 process. As members of the BZA can surely imagine
10 better than most, getting 70 homeowners in the
11 District of Columbia onboard with changes to
12 something in their literal backyard, it was quite a
13 process, and tremendous grace was shown on all
14 sides. We are delighted that OP supports the
15 requested relief and that the ANC also voted
16 unanimously in favor.

17 With that in mind, I do want to enter one
18 point into the record. The ANC's letter describes
19 this field -- and Ms. Duncan's testimony as well --
20 as underutilized and suggests that it should become
21 a permanent net importer of youth sports from across
22 Ward 3 and beyond. As a representative for the
23 neighbors who would be most directly affected by
24 such activity, we respectfully disagree.

25 This field facility has real constraints in

1 terms of its infrastructure, zoning, and close
2 proximity to homes in an R-1B zone. Commercial use
3 of the kind the ANC's letter and Ms. Duncan's
4 testimony contemplates, can easily become
5 objectionable to adjoining and nearby properties on
6 the grounds of noise, traffic, sanitation, parking,
7 et cetera.

8 And these are precisely the concerns that
9 the high bar for private school use in an R zone
10 must extinguish in order to qualify for a special
11 exception. A critical component of the deal that we
12 struck is that it is temporary in nature and entered
13 into in good faith, as opposed to forced on us from
14 other folks.

15 Again, on behalf of the 1801 Foxhall
16 Homeowners Association, we wish to express our
17 strong support for the St. Patrick's middle school
18 project. And I want to thank the Board and staff
19 from the Office of Zoning, Department of
20 Transportation, as well as the ANC and St.
21 Patrick's, for their time today and over the last
22 several weeks and months analyzing the documents
23 associated with this case.

24 I'm very happy to answer any questions.

25 VICE CHAIR GOLDSTEIN: Thank you very much

1 for your participation and testimony today. I'll
2 start with just a question or two, and then I'll
3 open it up to my colleagues. I think you heard
4 there may be some philosophical difference for the
5 use of the field expressed by both you and those
6 that you represent and Commissioner Duncan and the
7 ANC preference.

8 Commissioner Duncan is asking why not just
9 leave it out of any resulting order, if a private
10 agreement has been reached between you all, or who
11 you represent, and the school. If it's a private
12 agreement, why have it in a BZA order? I'm kind of
13 curious for your thoughts on that request.

14 MS. D'SOUZA: Yeah, thank you so much for
15 that question. And I want to say that I'm a former
16 Vice Chair of the BZA, so I'm somewhat familiar, but
17 it's been about ten years.

18 VICE CHAIR GOLDSTEIN: Well, great. There
19 is a life after the Board. Okay, good to know.

20 MS. D'SOUZA: I have about 25 to 30 more
21 hours of free time in my week than I had when I was
22 in your shoes. So, I really do mean that heartfelt
23 gratitude for your time, because I know that this is
24 a hard deal.

25 So, I think it's important to note that the

1 conditions for the private school zone do have a
2 relatively high bar around impact on the adjoining
3 neighboring properties. That temporary modification
4 agreement was heavily negotiated and is the
5 mechanism through which we ensure that the
6 neighboring and adjoining properties do not feel
7 those negative effects. The agreement includes very
8 detailed provisions around fencing, security, even
9 toilets, and very, very detailed provisions on
10 parking. I think St. Patrick's deserves a
11 tremendous amount of credit for really working hand-
12 in-hand with neighbors. It was very, very
13 complicated to come to that agreement.

14 So, Ms. Duncan has said that -- something
15 about a modification agreement or a private
16 agreement not being part of the BZA. In my
17 experience, there are many instances where private
18 agreements are part of BZA orders. Of course, you
19 guys can turn to your attorneys for that. But this
20 was included in the 2006 modification. The
21 signatory for CHNA, the Colony Hill Neighborhood
22 Association, Ed Lyle, on the temporary modification
23 agreement, he is the same signatory who signed it in
24 2006. My understanding from him, although he could
25 not attend today, is that the ANC was very heavily

1 involved in that original negotiation. Of course,
2 how could they not have been if that were to have
3 come through the BZA without opposition from the
4 ANC?

5 So, I recognize that the ANC (audio
6 interference) and sometimes neighborhoods don't.
7 Our neighborhood has kept records going all the way
8 back, although I believe the ANC's records only go
9 back to 2007. So, that may be part of the confusion
10 the ANC has. We did meet with the ANC, and they
11 pushed forcefully to try to get us to agree to high
12 school use and so forth. But, again, our eyes have
13 always been on trying to ensure that St. Patrick's
14 is (audio interference).

15 VICE CHAIR GOLDSTEIN: I'm sorry, I think I
16 lost you there. I don't know if anyone else did.
17 Would you mind just going back about 10 seconds and
18 try it again? I appreciate it. Sorry about that.

19 MS. D'SOUZA: Thank you. Is it better?

20 VICE CHAIR GOLDSTEIN: I can hear you at
21 the moment. Let's see how it goes.

22 MS. D'SOUZA: Our focus has always been on
23 ensuring that St. Patrick's can build the middle
24 school in an efficient manner. And, we as
25 neighbors, wanted to make those temporary sacrifices

1 to make that happen. There is a tremendous amount
2 of diversity of opinions when it comes to permanent
3 modifications. And, although folks are certainly
4 open to discussing that at the end of the two-year
5 period, at this time, trying to get to a permanent
6 change to that agreement is just really not
7 feasible. And we would really like to help St.
8 Patrick's to get their school under construction so
9 that they (audio interference),

10 VICE CHAIR GOLDSTEIN: Okay. So, I think I
11 heard -- it broke up a little at the end, but I
12 think I heard you say something that was going to
13 lead to my next question, is your view of revisiting
14 it at the end of the temporary condition. Would
15 you mind just saying it again? And maybe I just
16 didn't pick it up quite right. I think what you
17 were suggesting is that that was too big a lift at
18 the moment to think longer-term. But I'm hoping to
19 understand a little bit of your longer-term view, if
20 you can.

21 MS. D'SOUZA: Yeah, absolutely. So, it is
22 in the agreement that we will revisit it at the end
23 of the temporary period. We also have built in
24 regular meetings with St. Patrick's to discuss the,
25 you know, activities that are going on and impacts.

1 And that is all in good faith.

2 But there is a diversity of perspective,
3 and I think we just need to live through this and
4 see how it goes. Because we don't want to have a
5 situation -- again, with 70 neighbors and 30 of them
6 are within 200 feet of this field; because it is an
7 R-1B zone, the lots are much smaller. We just don't
8 want to have a situation where we don't have
9 everybody gathering hands and joining step by step,
10 because otherwise we make it impossible for this
11 fantastic community institution to, you know,
12 operate in a way that is fair and reasonable.

13 VICE CHAIR GOLDSTEIN: Okay. Thank you.
14 Do my colleagues have any questions?

15 MEMBER WELLS: I have one question just so
16 I make sure I understand. So, the field in
17 question, is it privately owned? It's privately
18 owned. Okay. And I think that's just what I just
19 wanted to clarify, that it's not a public field.
20 That's privately owned between -- okay.

21 VICE CHAIR GOLDSTEIN: Okay. Thank you,
22 Ms. Wells. Any other Board members have questions
23 at this time?

24 Okay. I would like to ask Commissioner
25 Duncan: do you have any questions that you'd like to

1 ask about the testimony that you heard?

2 MS. DUNCAN: So, I didn't hear the answer
3 to the question that you asked of whether the
4 agreement -- if it's still valid if it's not
5 included in the BZA order. You asked a question
6 similar to that, but I didn't hear the answer.

7 MS. D'SOUZA: Is that a question for me?

8 MS. DUNCAN: Yeah.

9 VICE CHAIR GOLDSTEIN: Yes.

10 MS. DUNCAN: He asked the question, and if
11 you answered it, I didn't hear it. I'm sorry.

12 MS. D'SOUZA: The agreement is part of a
13 master development agreement that governs all of the
14 27 homes of 1801 Foxhall, as well as the 1801
15 Foxhall portion that is owned by St. Patrick's. So,
16 it is an existing agreement that we all live up to.

17 There are constraints on all sides associated with
18 that agreement.

19 And in terms of the enforcement, I mean,
20 anything that's in a BZA order is governed by, I
21 believe, the certificate of occupancy. So, if, for
22 example, St. Patrick's were to somehow violate the
23 agreement, which I don't think that they would, of
24 course the recourse is always with the Zoning
25 Administrator, I believe.

1 VICE CHAIR GOLDSTEIN: So, I think -- I'm
2 sorry, to follow up, and then I'm going to turn back
3 to the applicant, I skipped you for asking if you
4 had any questions. My apology, Mr. Tummonds.

5 You want, in a sense, the Zoning
6 Administrator to have the responsibility of
7 enforcing terms of your private agreement? I just
8 want to clarify that.

9 MR. TUMMONDS: Well, maybe I could jump in
10 and kind of shed some light here. So, there is an
11 existing condition number 7, which guides what can
12 be done on the Foxhall field. That existing
13 condition number 7 was from the approval to
14 construct the field. So, right now, St. Patrick's
15 has to use that field in accordance with condition
16 number 7. So, that had those various conditions
17 about what can and can't happen.

18 So, that's no different than any of the
19 condition of BZA approval, number of students,
20 number of faculty and staff, number of trips.
21 Right? So, the fact that -- you know, I think this
22 idea of the private agreement versus what is in the
23 BZA order, for this case, it's in the BZA order.
24 Right? Condition number 7 includes an operations
25 plan, which was part of this agreement.

1 So, for this case, we have this issue of,
2 we need to amend this condition. That's what we're
3 proposing to do, to amend this condition through
4 this temporary modification agreement. So, in this
5 case, with where we are now, we have this. We can't
6 just make it go away.

7 So, I think what we are proposing to do is
8 just, as Ms. Butani D'Souza said, is to say, through
9 lots of hard work, numerous hours dealing with Ms.
10 Butani's organization, Mr. Lyle's organization,
11 we've come up with a game plan. And we are hopeful
12 that this game plan will work, this game plan of we
13 will have this temporary modification, which will
14 allow use on the field that is not currently
15 permitted.

16 And then I would say, looking at the
17 agreement, which is Exhibit 30B of the record, the
18 bottom page 1 says, "prior to the termination of
19 this temporary modification agreement, the parties
20 will endeavor in good faith to consider amendments
21 to the 2006 agreement in order to reach a revised
22 long-term agreement regarding the use and operations
23 of the athletic field."

24 So, maybe to answer your question, Mr.
25 Goldstein, the goal is that, during the next couple

1 of years, and more importantly, while and after some
2 of these events are occurring, we are able to show
3 all parties that these uses can occur on the Foxhall
4 field without creating objectionable impacts to the
5 most immediately impacted neighbors.

6 That's what we're looking to do. That's
7 why we proposed this temporary modification
8 agreement as Exhibit 30B. And I think that's what
9 we'd like the BZA to approve today.

10 VICE CHAIR GOLDSTEIN: Okay. Well, thank
11 you very much, Mr. Tummonds. I'm not sure I
12 necessarily agree with the comparison with the cap.

13 But I understand that you're suggesting it's been
14 included in the past, so why change it now? You'd
15 like to just have it persist and, you know, have the
16 temporary update. At least that's the way I
17 interpret what you're saying.

18 Do you have any additional questions for
19 Ms. D'Souza at this point?

20 MR. TUMMONDS: I have no questions for Ms.
21 D'Souza or Commissioner Duncan.

22 VICE CHAIR GOLDSTEIN: Okay. Oh,
23 excellent. Okay. Thank you. And I appreciate you
24 reminding me of that as well.

25 I think, then, unless I'm missing any steps

1 in the process, I think we're going to turn back to
2 you, Mr. Tummonds, and have you give some rebuttal
3 or closing remarks.

4 MR. TUMMONDS: Certainly. So, I think I
5 would say any sort of rebuttal testimony was just
6 really what I provided, about we believe strongly
7 that we want to move forward with the conditions of
8 the temporary modification agreement. We would like
9 the BZA to include that in the approval of this
10 application.

11 With regards to our closing, we believe,
12 first of all, we want to thank everyone's time
13 today. We though there were some really thoughtful
14 questions. I'm hopeful that you were able to see
15 the amount of time and energy that our design team
16 has put into this facility, this project. I think
17 it's going to be a wonderful addition to the
18 Whitehaven Parkway feel, atmosphere.

19 We think that our transportation measures
20 are going to mitigate any impacts, and we look
21 forward to continuing to work with the ANC and DDOT
22 on those measures. We believe that we fully
23 satisfied all of the applicable criteria for the
24 special exception and variance relief that we're
25 requesting. And, as I already mentioned previously,

1 we would seek your expeditious approval of this
2 application. Thank you very much.

3 VICE CHAIR GOLDSTEIN: Thank you very much.

4 I'm going to go back to my colleagues and see if
5 you want to have any last follow up questions you'd
6 like to ask the applicant?

7 Okay. Hearing none, I think I'm going to
8 just say that I think they're most of the way there.

9 And I'm still just a little hung up on technical
10 issues. So, not substantive issues, just technical
11 issues. We have this new order number. We want to
12 make sure that nothing is lost and nothing is
13 inadvertently dropped or replaced as we get to the
14 next step.

15 So, Mr. Tummonds, I'm curious, we previewed
16 this early in our talk today, how can we get an
17 order that addresses everything that you're looking
18 for that makes sure that it's advancing what you
19 want to continue to advance and not dropping what
20 you don't want to drop?

21 MR. TUMMONDS: So, obviously, the Zoning
22 Commission allows for the submission of draft
23 orders. I don't think there's anything that
24 prohibits the BZA from doing that. And maybe we
25 don't need the full draft order here. But the idea

1 would be, I think a summary order still makes sense,
2 but we could submit proposed conditions that would
3 be included in that summary order.

4 And then it would just be, here are the
5 conditions. And it goes back to, I think, what you
6 said before, Vice Chair Goldstein, about making sure
7 that those conditions from the 1800 numbers,
8 basically, the Whitehaven Campus approvals, move
9 forward. We could submit draft conditions. But
10 that could be incorporated into such a summary order
11 and then they'd be all in one place.

12 So, I think that's what you're really
13 looking for, is that you don't want to have to have
14 -- so, you spent a lot of time in the Zoning Review
15 Branch of the Department of Buildings, when they
16 review the condition approval, they don't have to
17 look at 21541 and 17429B and 18465; they're all in
18 one place. I get the sense that that's what you're
19 looking for. I think what we'd like to do is figure
20 out the best way.

21 And, even if you took a vote today that was
22 approving this application, subject to the Office of
23 Zoning Legal Division approving the conditions
24 submitted by the applicant, if we could do something
25 like that, I think that would be very beneficial for

1 us to move forward as we are submitting our advanced
2 -- accelerated permit review, which we're looking to
3 do very shortly, so that we can get this project up
4 and running and get the kids in as soon as possible.

5 VICE CHAIR GOLDSTEIN: Okay. I can
6 appreciate that. I don't know if I like the order
7 of operations there personally. And we can have
8 that discussion. I think it would be helpful to get
9 something in the record from you that lists the
10 conditions going forward. I don't want this -- you
11 know, we've got two different branches; I just don't
12 want this to get complicated.

13 In some ways it's 174 -- I apologize, 429.
14 You're just changing one thing of those conditions.

15 MR. TUMMONDS: Right.

16 VICE CHAIR GOLDSTEIN: For the 18465,
17 there's a lot of conditions. You're changing a
18 couple of them going forward. I'm assuming that you
19 want to carry forward those conditions and modify
20 those. Some of those, though, you know, I don't
21 know how relevant they are anymore. And, you know,
22 they might involve public space, which is typically
23 not our purview. But let's see if maybe there's a
24 submission you can put together quickly that can
25 help us get there.

1 The only thing that I worry about, and I'll
2 ask my colleagues about this, is if we have a
3 question or two about what you've done, and that's a
4 little weighing on my mind as well. Let me -- I
5 want to keep you in the conversation.

6 MR. TUMMONDS: Sure.

7 VICE CHAIR GOLDSTEIN: But, if you don't
8 mind, let me see if my colleagues have any thoughts
9 on the best way, from their perspective, to proceed.

10 MEMBER WELLS: I would tend to agree with
11 your order, Vice Chair, that if we could have the
12 proposed conditions first, to make sure we're not
13 missing anything, because there are quite a bit of
14 them, and some discussions of whether or not they're
15 still applicable or if they're changing.

16 And I appreciate your remarks, Mr.
17 Tummonds, about the operations plan that's in the
18 previous order that you have to stick to. You have
19 to change that one thing. I completely understand
20 that. So, that makes sense. I guess we're not
21 really talking about the validity of whether or not
22 we should keep it in order or not. But there is an
23 existing operations plan that does need some
24 adjustments, I understand that.

25 But, just so that we make sure that we are

1 not missing anything with this order, or that we
2 don't have further questions with the conditions, I
3 think we best receive those first.

4 MR. TUMMONDS: And, that being said, just
5 as you said, Mr. Goldstein, it's not a ton of work.
6 I'll have those to you today.

7 VICE CHAIR GOLDSTEIN: Okay. Well, I'm not
8 going to read them today, but you can try to get
9 them to us today if you'd like.

10 (Laughter.)

11 MR. TUMMONDS: Right.

12 VICE CHAIR GOLDSTEIN: But, you know, a
13 little break after it. But I'm just trying to think
14 if it's best to go to a decision meeting and there's
15 a little bit of risk that we may have a question
16 about what you've submitted, versus just having a
17 continuing hearing and then we can ask you any
18 questions about it if needed.

19 I don't know, Board Member Wells, if you
20 have any thoughts along those lines, hearing that as
21 the question?

22 MEMBER WELLS: I don't -- and maybe I'll
23 ask Mr. Thomas, but I don't anticipate that there
24 should be a lot of change. It might just be copy
25 and paste what you already have existing. That's

1 what he's shaking his head, too. So, yeah, I'm
2 comfortable moving forward with the decision meeting
3 as opposed to having another hearing.

4 MR. TUMMONDS: And I would say, if we could
5 do this, I'd love to have the decision meeting next
6 week. Because, again, this is where, again, the
7 timing, with the lack of quorum for the BZA, we got
8 pushed back. And so we were, you know, very
9 hopeful, and we spent a lot of time and energy to
10 present the case to you today that had the support
11 of OP, DDOT, the ANC, the surrounding community.

12 And so I think, you know, and I don't want
13 to put words in your mouth, Vice Chair, but these
14 are not substantive issues, these are technical
15 issues. And so the idea that we can, you know,
16 still move forward with our permitting based on the
17 substantive issues, which is this middle school
18 project sounds like it's going to be approved. Now
19 we're just talking about making sure that at all
20 it's easier for later review and approval. To the
21 degree that we can move that part of the application
22 forward, that's what we're really looking for.
23 So, if we're not ready to do that today, if we could
24 do that next week, that'd be wonderful.

25 VICE CHAIR GOLDSTEIN: Okay. Well, we'll

1 talk to the Secretary about that. And I understand
2 your preference for as soon as possible. I get
3 that. But, you know, we also may want to give some
4 opportunities for others to weigh in, if they want
5 to, based on what you submit. So we might need a
6 little extra time, or not.

7 I saw Ms. Duncan, Commissioner Duncan, you
8 were shaking your head. You're in the "as soon as
9 possible" camp as well, it sounds like.

10 Okay. I hear your preference, and I think
11 we've got pretty much everything we need at this
12 point. Why don't we close the meeting?

13 I think we're going to set this for a
14 decision meeting. And why don't we just discuss
15 among ourselves, with the Secretary, the best way to
16 schedule that.

17 So, thank you, Mr. Tummonds. Thank you,
18 team, and Commissioner Duncan. Stick around. Don't
19 go far, Mr. Tummonds, just in case we have to come
20 back to you.

21 Ms. Mehlert -- and let me ask my colleagues
22 -- I think unless there's any objection, I think we
23 want to set it -- the consensus may be to set it for
24 a decision meeting. I think we're looking for
25 something in the near term. And we're going to be

1 asking the applicant to submit what conditions are
2 carrying forward into this new order. So that's the
3 kind of submission we're going to be looking for.

4 I believe we're trying to keep this
5 relatively simple. So, I don't want this to get too
6 complicated. It's an exercise in just creating a
7 clear record that we're headed toward.

8 One thing I also don't know, and I'm
9 curious for your thoughts, whether we feel it
10 necessary for any of this transportation demand
11 management, and the like, to be included as
12 conditions. I'm not sure. I don't think they were
13 in the 18465 orders. But I'm curious if there's
14 anything in particular you want to see, including
15 Commissioner Imamura, anything about the facade, or
16 if you felt content with the renderings and
17 description that you heard.

18 I just want to -- why don't we discuss if
19 there's anything in particular you want in this
20 submission?

21 COMMISSIONER IMAMURA: Thank you, Vice
22 Chair Goldstein. I'll put the applicant's mind at
23 ease. There's nothing additional that I'd like to
24 see. I was satisfied with the responses they
25 provided. And I understand their urgency. So,

1 although I would have liked to give Mr. Tummonds a
2 hard time and say I won't be here for a month so we
3 don't have quorum, but we have quorum now thanks to
4 Board Member Wells. So -- but I'm happy to, yeah,
5 take this up whenever feasible.

6 VICE CHAIR GOLDSTEIN: Anyone else have any
7 thoughts on what you're looking for for the follow-
8 up submission?

9 MEMBER WELLS: Yeah, I think it's just a
10 list of conditions there. I'm not sure -- I think
11 we had a previous case where we did include some
12 conditions from DDOT, I know it was because it was
13 public space, and there was a way to word it. I
14 think we do probably need to include that TDM plan.

15 It includes operations, it includes the loading
16 management plan, right? It includes a number of
17 things, unless we put that out as conditions. But
18 it seems like we probably do need to at least
19 mention it, unless that's going to be a problem.

20 I was looking at the previous order to see
21 if there's anything mentioned about it. I think the
22 report does talk about that DDOT had a
23 transportation management plan, but maybe it wasn't
24 a condition to the order.

25 VICE CHAIR GOLDSTEIN: Okay. Well, I think

1 we can ask the applicant to stew on that one and we
2 can sort of decide at the time of the next filing
3 how we want to handle any of the plans that are
4 intended to mitigate the adverse impacts for the
5 relief that they're seeking.

6 So, I think what I'm hearing, Mr. Tummonds,
7 we want something that kind of lays it out pretty
8 simply. We're not trying to reinvent the wheel, but
9 just to create a clear record going forward. And
10 that's what we're looking for.

11 Ms. Mehlert, what can we do as far as
12 timing here?

13 MS. MEHLERT: So, I mean, it's up to the
14 Board what you want to do. We have hearings
15 scheduled for next week, October 7th. Then the
16 Board is off on October 14th and would return on
17 October 21st.

18 The Board does have a fairly busy schedule
19 next week. And Dr. Imamura would be the fifth
20 Zoning Commission member participating that day,
21 which I know is not Chair Pourciau's preference.

22 COMMISSIONER IMAMURA: It's a party.

23 (Laughter.)

24 MS. MEHLERT: So, it's up to you.

25 VICE CHAIR GOLDSTEIN: So, the following

1 week we do not have a hearing, right? So it would
2 have to be the third week of October, which feels
3 like it's sliding a little far for something that
4 maybe is a lighter lift.

5 So I would be inclined to see if we can do
6 it next week. I know, apologize to Chair Pourciau
7 for me, and to my colleagues, but, Commissioner
8 Imamura, are you available next week? Can you make
9 yourself available for this?

10 COMMISSIONER IMAMURA: I am. I'm available
11 early in the morning and happy to help move this
12 along.

13 VICE CHAIR GOLDSTEIN: Okay.

14 COMMISSIONER IMAMURA: You know, like I
15 said, it's a party to have all the Zoning
16 Commissioners in one day. A rarity, so let's do it.

17 VICE CHAIR GOLDSTEIN: Okay. So, I think
18 all we're looking for is that one particular item
19 scheduled for next week. When should they submit no
20 later by?

21 MS. MEHLERT: I would say if they could
22 submit it by probably COB tomorrow to allow time for
23 the Board to review and the optional response from
24 the ANC, if they would like, before the decision.

25 VICE CHAIR GOLDSTEIN: Okay. I think that

1 works for me, if that works for everyone else.

2 Okay. I think we've got our marching
3 orders. Mr. Tummonds said he can even get it in
4 today, so tomorrow should be plenty of breathing
5 space. And we'll take it up again next week.

6 And anything else on our agenda for today?

7 MS. MEHLERT: No, nothing from staff.

8 VICE CHAIR GOLDSTEIN: Okay. Well, I guess
9 I will call this meeting closed and adjourned.

10 (Whereupon, the above-entitled matter went
11 off the record at 12:03 p.m.)

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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.

A handwritten signature in dark ink, appearing to read "Neal R. Gross", is written over a horizontal line.

Lauryn Barnes

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