

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

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WEDNESDAY

OCTOBER 7, 2026

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:30 a.m. EDT, Michelle Pourciau, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBERS PRESENT:

ROBERT MILLER, Vice-Chairperson
JOSEPH S. IMAMURA, PhD, AOC Designee
CHRISTINE BRUINS, NPS Designee

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.
JORDANE WONG, ESQ.

1 The transcript constitutes the minutes from
2 the Regular Public Meeting held on October 7, 2026.

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

(9:30 a.m.)

BZA CHAIR POURCIAU: Once again, good morning.

Ladies and gentlemen, the Board of Zoning Adjustments, October 7th, 2026, meeting public hearing will please come to order. My name is Michelle Pourciau, chair of the District of Columbia Board of Zoning Adjustment. Joining me today are a number of members, Vice Chair Paul Goldstein, Members Robyn Wells, and Melissa Lindsjo, and then we have various zoning commissioners that will be with us today.

For the majority of our day, we'll have Zoning Commission chairman Anthony Hood. And then at various times, we'll have from the Zoning Commission, Commissioner Imamura, Commissioner Miller, Commissioner Bruins, Commissioner Stidham, and we'll also have from the National Capital Planning Commission, Ms. Sullivan. I believe I've captured everyone.

On October 6th, 2026, the board entered into a closed meeting session for the purpose of obtaining legal advice from Counsel. This closed meeting was voted upon previously in a public setting to be held for the purpose of obtaining legal advice from our counsel and deliberate, but not vote on contested cases on today's agenda. While discussions were held, there were no decisions made.

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

12 Today, we will begin our virtual public meeting
13 decision meeting session, followed by our virtual public
14 hearing session. Please be advised that we do not take
15 any public testimony at our meeting session. Public
16 testimony will be taken during the hearing session. In
17 today's hearing session, everyone who is listening on
18 WebEx or by telephone will be muted during the hearing,
19 and only persons who have signed up to participate or
20 testify will be unmuted at the appropriate time. Please
21 state your name and home address before providing oral
22 testimony or your presentation.

23 Oral presentations should be limited to a summary
24 of your most important points. When you are finished
25 speaking, please mute your audio so that your microphone

1 is no longer picking up sound or background noise. All
2 persons planning to testify either in favor or opposition
3 should have signed up in advance. They will be called by
4 name to testify. By signing up to testify, all
5 participants completed the oath or affirmation as required
6 by Subtitle Y, Section 408.7.

7 Request to enter evidence at the time of an
8 online virtual hearing, such as written testimony or
9 additional supporting documents, other than live video,
10 which may not be presented as part of the testimony, may
11 be allowed pursuant to Subtitle Y, Section 103.13. The
12 order of procedure for special exceptions and variances is
13 pursuant to Subtitle Y, Section 409. Time constraints for
14 hearing testimony shall be maintained pursuant to Subtitle
15 Y, Sections 408.2 and 408.3.

16 Once again, if you experience difficulty
17 accessing WebEx or with your telephone call in, or if you
18 have forgotten to sign up 24 hours prior to this hearing,
19 then please call our OZ hotline number at 202-727-5471 to
20 sign up to testify and to receive WebEx login or call-in
21 instructions. As a conclusion of each case, an individual
22 who was unable to testify because of technical issues may
23 file a request for leave to file a written version of the
24 planned testimony to the record within 24 hours following
25 the conclusion of public testimony in the hearing.

1 If additional written testimony is accepted, then
2 parties will be allowed a reasonable time to respond as
3 determined by the board. The board will then make its
4 decision at its next meeting session, but no earlier than
5 48 hours after the hearing. At the conclusion of the
6 board's decision meeting session or hearing session, the
7 Office of Zoning, in consultation with the chair, will
8 determine whether a full summary order may be issued.

9 A full order is required when the decision it
10 contains is adverse to a party, including an affected ANC.

11 A full order may also be needed if the board's decision
12 differs from the Office of Planning's recommendation.
13 Although the board favors the use of summary orders
14 whenever possible, an applicant may not request the board
15 to issue such an order.

16 Finally, the District of Columbia Administrative
17 Procedures Act requires that the public hearing on each
18 case be held in the open before the public. However,
19 pursuant to Sections 405(b) and 406 of that act, the board
20 may, consistent with its rules of procedure and the act,
21 enter into a closed meeting on a case for purposes of
22 seeking legal counsel on a case pursuant to D.C. Official
23 Code 2-575(b)(4) and/or deliberating on a case pursuant to
24 D.C. Official Code Section 2-575(b)(13), but only after
25 providing the necessary public notice and in the case of

1 an emergency closed meeting after taking a roll call vote.

2 The next item on our agenda is a vote for the
3 board to hold a closed meeting on October 20th, 2026, at
4 2:00 p.m. This session is being held in order for the
5 board to receive legal advice from its counsel regarding
6 the cases noted on the agenda for the October 21st, 2026,
7 meeting and to preserve the attorney-client privilege
8 between the board and its attorney pursuant to D.C.
9 Official Code 2-575(b)(4)(A) and to deliberate but not
10 vote on the contested cases pursuant to D.C. Official Code
11 Section 2-575(b)(13). I will ask the secretary to provide
12 the list of cases on the agenda.

13 MS. MEHLERT: Thank you, Madam Chair.

14 Good morning. The cases scheduled for October
15 21st are 21475 of Barry Rodgers; 21483 of Three Three One
16 One, LLC, and Maria C. Van Den Bussche; 21456 of Cox
17 Development Group, LLC; 21491 of 400 Seward Square, LLC;
18 21503 of Jemal's Gateway D.C., LLC, and Emerald Wings,
19 LLC; and 21505 of Miles Galbraith and Laura Updegrave.

20 BZA CHAIR POURCIAU: Thank you, Madam Secretary.

21 Looks like we have a pretty full agenda for that
22 day as well. I will now make a motion to enter into
23 closed session on October 20th, 2026, at 2:00 p.m. Is
24 there a second?

25 MEMBER LINDSJ0: I second.

1 VICE CHAIRPERSON GOLDSTEIN: Second.

2 BZA CHAIR POURCIAU: Thank you. Thank you. The
3 motion has been seconded.

4 Will the secretary now please take a roll call
5 vote?

6 MS. MEHLERT: Please respond to the chair's
7 motion to hold a closed meeting with legal counsel on
8 October 20th at 2:00 p.m.

9 Chair Pourciau?

10 BZA CHAIR POURCIAU: Yes.

11 MS. MEHLERT: Vice Chair Goldstein?

12 VICE CHAIRPERSON GOLDSTEIN: Yeah.

13 MS. MEHLERT: Board Member Wells?

14 MEMBER WELLS: Yes.

15 MS. MEHLERT: And Board Member Lindsjo?

16 MEMBER LINDSJO: Yes.

17 MS. MEHLERT: I don't see a zoning commissioner,
18 so I would record the vote as 4 and 0 to 1 to approve the
19 motion made by Chair Pourciau and by Board Member Lindsjo.

20 BZA CHAIR POURCIAU: Thank you so much.

21 The motion passes, and the board will meet in a
22 closed session on October 20th, 2026, at 2:00 p.m.

23 Madam Secretary, are there any preliminary
24 matters?

25 MS. MEHLERT: I can note preliminary matters when

1 specific case is called. I did want to check with you on
2 the agenda for the first case. I think the -- there is a
3 postponement request for 21404. I don't know if you
4 wanted to address that first with Commissioner Miller
5 before moving into the other decisions.

6 BZA CHAIR POURCIAU: Yes, we can.

7 Thank you, Commissioner Miller, for being on.

8 21404 has requested a postponement. They are
9 continuing to work with their architect and their
10 neighbors to try to resolve their opposition. Is -- I see
11 no reason not to postpone. Is there any discussion about
12 the request for postponement at this time?

13 MS. MEHLERT: Madam Chair, if you don't mind, I
14 can just call the case for the record.

15 BZA CHAIR POURCIAU: Very good. Thank you, Madam
16 Secretary.

17 MS. MEHLERT: Sure. So the application number
18 21404 of 512 Taylor, LLC, is the self-certified
19 application pursuant to Subtitle X, Section 91.2 for a
20 special exception under Subtitle D, Section 5201 for the
21 side yard requirements of Subtitle D, Section 28.7. It's
22 the partial third story and two-story of your addition to
23 an existing two-story attached principal dwelling located
24 in the R-2 zone at 5034 Nebraska Avenue Northwest, Square
25 1879, Lot 30.

1 The public hearing concluded on July 22nd, and
2 the records (inaudible) for requested information.

3 Participating originally are Chair Pourciau, Vice Chair
4 Goldstein, Board Member Lindsjo, and Commissioner Miller.

5 And before you is the earlier matter for -- the applicant
6 filed a motion to postpone decision this last Monday.

7 BZA CHAIR POURCIAU: Thank you so much. Any
8 discussion on that matter from any of the participating
9 members?

10 COMMISSIONER MILLER: I agree with you, Chair
11 Pourciau, that the postponement request is appropriate. I
12 think it's a good development, actually, the -- that the
13 applicant has engaged a new architect to further revise
14 the plans as they're -- as they say in their postponement
15 request to address community concerns and develop a
16 proposal that is more amenable to surrounding neighbors.
17 Additional time is needed to finalize the revisions and
18 continue discussions with neighbor -- neighboring property
19 owners, and I think -- I'm hopeful that that can reach a
20 resolution. Thank you.

21 BZA CHAIR POURCIAU: Thank you for that full
22 summary.

23 Any other discussion items on that? So seeing
24 none, we will postpone that case.

25 Commissioner Imamura, are you ready for us to --

1 MS. MEHLERT: Did you want to -- do you want to
2 figure out which date you want to put a --

3 BZA CHAIR POURCIAU: Oh, you want to put a date?
4 Yes. Yes, please.

5 MS. MEHLERT: So I would recommend -- there's a
6 spot on December 9th -- December 9th meeting session. And
7 then I just want to clarify if the submission deadlines
8 would have the same timeline. I believe previously, it
9 was about two and a half weeks for the applicant --
10 applicant's submissions for the decision and a week for
11 any responses. Do you want to keep that same schedule?

12 BZA CHAIR POURCIAU: I believe so. I just -- I
13 believe that time frame is after a holiday week. So if
14 you can just review to make sure it's adequate in
15 consideration of holiday break time.

16 MS. MEHLERT: No problem.

17 BZA CHAIR POURCIAU: Very good. Thank you.
18 Okay. We will move on to our first item on our meeting
19 agenda. Madam Secretary, would you read --

20 And thank you, Commissioner Miller.

21 COMMISSIONER MILLER: Have a good -- have a good
22 day.

23 BZA CHAIR POURCIAU: Thank you. You, too.

24 And before we go on, I want to thank Vice Chair
25 Goldstein for chairing and doing the heavy lifting over

1 the last few meetings and hearings. Thank you.

2 VICE CHAIRPERSON GOLDSTEIN: You were missed.

3 BZA CHAIR POURCIAU: Thank you for saying that.
4 Okay. So we'll go on to case 21541.

5 MS. MEHLERT: Next in the board's meeting session
6 is application number 21541 of St. Patrick's Episcopal
7 Church and Day School. This is a self-certified
8 application pursuant to Subtitle X, Section 901 for
9 special exceptions under Subtitle U, Section 203.1(m) to
10 allow expansion of an existing private school use under
11 Subtitle X, Section 104, to allow modification of a
12 private school plan, and under Subtitle C, Section 909,
13 for the loading requirements of Subtitle C, Section 901.1,
14 and pursuant to Subtitle X1002 for an area variance for
15 Subtitle D, Section 203.6 to allow the institutional
16 building not removed from lot lines, a distance of at
17 least 1 foot for each foot of height in excess of that
18 authorizing zone.

19 And then lastly, this is a request for a
20 modification with hearing pursuant to Subtitle Y, Section
21 704, that condition number 7 adopted in application number
22 17429. This is for a new four-story middle school
23 building on the campus of an existing private school and
24 modification of conditional approval concerning use of a
25 playing field in the stadium.

1 It's located in the R-1B zone at 4700, 4707,
2 4751, and 4753 Whitehaven Parkway Northwest, and 1800
3 Block of Foxhall Road Northwest; Square 1374, Lots 15,
4 838, 839; Square 1372, Lot 817; and Square 1346, Lot 827.

5 The public hearing for this was held last week on
6 September 30th, and participating are Vice Chair
7 Goldstein, Board Member Wells, Board Member Lindsjo, and
8 Raymond Pratt.

9 VICE CHAIRPERSON GOLDSTEIN: I think since the
10 chair was not participating last week, I will just go
11 ahead and lead the decision meeting, and I'm happy to
12 begin the deliberation as well. There's a lot to get
13 through with this case. I'll try to move quickly, but
14 also be thorough at the same time.

15 For context, the case was assigned a new case
16 number after filing to case number 21541. This new case
17 number is essentially a vehicle for modifying BZA case
18 numbers 18465 and 18465A, and a condition of past order
19 17429. One of the issues that this was attempting to
20 tackle is the legacy of separate BZA approval tracks for
21 the Whitehaven and the Foxhall campuses. In many ways,
22 though, the principal goal is really the 18465 track with
23 the creation of the new middle school.

24 So I'm going to start by focusing on the criteria
25 and relief for the relocation and construction of the new

1 middle school along Whitehaven Parkway. I do want to say
2 at the outset though, that I really want to acknowledge
3 the incredible depth of support in the record for this
4 application. ANC 3D, the lab school, Our Lady of Victory
5 School, George Washington University, and more put in
6 letters of support, and it's really pretty remarkable to
7 see.

8 I believe the applicant has met the burden of the
9 special exception for private school use pursuant to
10 Subtitle U 203.1(m), also to X104, which effectively
11 mirrors a criteria of X901. There's a lot of overlapping
12 special exception criteria. But overall, the applicant
13 demonstrate that the new middle school building is not
14 likely to become objectionable to adjoining or nearby
15 property because of noise, traffic, number of students, or
16 otherwise objectionable conditions. And I think about it,
17 sort of, in this way, breaking it down by the criteria
18 that's referenced in the regulations.

19 First for noise, the school would be placed
20 facing Whitehaven Parkway, which is a road lined with
21 institutional uses. There are considerable buffer between
22 the new middle school and residential neighbors to the
23 north along U and 48th Street. I don't foresee any
24 objectionable noise impacts. I think they've shown that
25 traffic will -- any additional traffic related to the

1 middle school use will not create any objectionable
2 condition.

3 They prepared a robust transportation management
4 plan, which includes a TDM plan, an operations management
5 plan, a loading management plan, a parking management
6 plan, a monitoring plan. I mean, I -- I'm not sure if
7 there are other plans that could have been created, but
8 they've really covered quite a wide scope here.

9 The latest version updated with -- in response to
10 DDOT feedback is in Exhibit 40. The applicant anticipates
11 keeping the net increase of trip generation low and
12 reducing peak hour traffic by 20 percent. The submission
13 and testimony from the applicant's transportation expert,
14 the DDOT submission and testimony in support of the
15 applicant's plan, as well as the support of neighboring
16 institutions along Whitehaven show that the new building
17 should not have an adverse impact on the surrounding
18 neighborhood for -- from a traffic or parking perspective.

19 For the number of students, we heard quite a lot
20 of testimony and saw submissions about this. The
21 applicant is proposing to increase the student cap from
22 485 to 555, and staff and faculty from 105 to 140. The
23 applicant has also agreed to, sort of, a step approach of
24 sequencing the increase in staff and students tied to
25 monitoring studies and benchmarks.

1 This felt like a relatively restrained ask for an
2 increase in the cap, especially relative to the number of
3 students they currently have. It -- I do not find that it
4 would create any objectionable conditions by increasing
5 the caps. The applicants also demonstrate that there's
6 ample parking spaces to accommodate students, teachers,
7 visitors. The number of spaces provided is above the
8 requirement in the zoning regs. There's substantial
9 evidence in the record to the sufficiency of the parking,
10 and there's no evidence to support the need for additional
11 parking.

12 I also believe the applicant has met some more
13 specific relief requests, including the area variance
14 related to the height setback rule of D Section 203.6.
15 While the amount of relief is not insignificant, the
16 applicant demonstrate, through submission and testimony,
17 that there's really an extraordinary situation here.
18 Among the many factors cited in the record, there's a
19 severe grade change, substantial bedrock to work around,
20 programmatic needs, heritage and special trees, and
21 limited building placement options. It is truly an
22 extraordinary confluence of factors on this property.

23 As a result of this exceptional condition, there
24 really is no practical alternative other than to build
25 taller with substandard setbacks. There would be a

1 practical difficulty to finding an alternative workable
2 solution that could meet that standard and fulfill the
3 programmatic needs among other aspects.

4 The height also should present no substantial
5 detriment to the public good or substantial impairment to
6 the intent, purpose, and integrity of the zoning regs.
7 The height is contextually appropriate for Whitehaven
8 Parkway and is appropriate for a modern middle school.
9 And I also just want to say, I think the building design
10 looks terrific and should be a great addition along
11 Whitehaven Parkway.

12 I also believe the applicant has met their burden
13 for a special exception for the loading requirements
14 pursuant to X901. The applicant is required to provide
15 one loading berth and one delivery space. No zoning
16 compliant loading berth and space is currently being
17 provided, and none is proposed. The applicant has
18 submitted a loading management plan, worked with DDOT to
19 refine the details that should mitigate any adverse
20 impacts.

21 So I think having gone through all the standards,
22 I believe they've met the criteria. And the next bit of
23 business relates to the conditions. As I mentioned,
24 there's this history with the -- this campus leading from
25 different tracks through the BZA, and it seemed, in the

1 applicant's and the public's best interest, to have as
2 clear a list of conditions as we can get under the
3 circumstances in this newest application number.

4 And following last week's hearing, we asked the
5 applicant to submit an updated list of conditions that
6 should carry forward. I'm going to run through them now,
7 and I can pause after any -- of consequence and as
8 appropriate, and see if there's any discussion that my
9 colleagues would like to have related to any of these
10 conditions. The bulk of them relate to the 18465A track
11 and the conditions being carried forward from that.

12 Condition number 1 is related to the student
13 faculty cap that the proposal seeks to modify to reflect
14 the new higher cap numbers. It also provides some details
15 about the sequencing and benchmarks for that -- for the
16 step up to that cap -- those new caps. I see no issue
17 with accepting this modified condition number 1. I think
18 it's an important component of the special exception
19 criteria, and just wanted to see if my colleagues have any
20 thoughts on the modified condition 1. I'm going to take
21 silence as endorsement, but feel free to stop me if that's
22 not the case.

23 On condition number 2, they also propose to
24 modify. This is a very slight modification to align with
25 condition 1. I see no issue with just bringing additional

1 clarity to that condition. Conditions 3 through 9 remain
2 as previously existed and are carried forward. They
3 involve commitments such as quarterly meetings with the
4 ANC, buffers, exterior lighting, sound systems, and the
5 like. I see no issue in retaining these conditions. In
6 my view, they go to mitigating any adverse impact on
7 neighbors, and I'm willing to allow those to continue to
8 appear as conditions. I'll pause here. This is for
9 conditions 3 through 9, and ask if my colleagues have any
10 thoughts on those -- that grouping of conditions.

11 Okay. Condition 10 has been modified to reflect
12 that evergreen trees along the southern edge of the
13 playing field have, in fact, been installed and that they
14 shall be maintained. I think it -- it's a helpful
15 modification to say that they've -- it's been
16 accomplished, yet they will be maintained going forward.
17 This, again, goes to limiting any adverse impacts on
18 neighbors. I'm willing to accept the modification in
19 condition number 10. I'll stop here, see if anyone has
20 any thoughts on that one.

21 Okay. Conditions 11 through 13 would remain as
22 currently existing and carry forward. Those involve
23 limitations on the use of the school and church grounds
24 and fields. I see no issue in keeping them since they
25 relate to, again, mitigating any adverse impacts on

1 neighbors. So I would propose to continue to have those
2 conditions in a final order. I'll pause here, see if
3 anyone has thoughts on conditions 11 through 13.

4 Okay. Condition 14 is proposed to be removed by
5 the applicant. This one said that the applicant shall
6 close the pedestrian curb cut on the Whitehaven Parkway
7 lay-by within two years of issuance of a certificate of
8 occupancy reflecting the increase in the student
9 enrollment cap. This one, they unfortunately didn't
10 provide any reasoning for wanting to strike it. I
11 would've -- I think that could have been helpful. I don't
12 know if it's intended to mean that something has already
13 occurred or it's just no longer needed.

14 But in thinking about it -- it's a condition
15 related to a public space improvement, which probably
16 isn't really appropriate regardless for a condition of the
17 order. So because of that, I would still -- I'd be
18 willing to take it out as proposed by the applicant. Just
19 want to see if any of my colleagues have thoughts on the
20 idea of removing that condition as proposed by the
21 applicant.

22 Okay. Condition 15 has been modified to reflect
23 that the applicant has installed at least one inverted
24 bicycle U rack at the main building entrance. This one,
25 it's, kind of, low hanging fruit, but, you know, I have a

1 hard time seeing why we need to keep a condition of
2 something that's been done, that's been installed. I
3 don't really feel strongly one way or the other on this.
4 I could see it being removed because it's been
5 accomplished, so why keep it? But I want to ask my
6 colleagues, do they have any thoughts on keeping condition
7 number 15, which the applicant proposes to modify to say
8 it has been installed?

9 MEMBER WELLS: I think similar to the one with
10 the trees where, you know, they've already met that
11 condition and only address what hasn't been done. I don't
12 see a need to keep it if it's already been completed.

13 VICE CHAIRPERSON GOLDSTEIN: Yeah. The evergreen
14 one, I think I was suggesting we leave that one in because
15 it did include the word "maintain" the evergreen trees,
16 that it was installed and to maintain them. This one just
17 feels like it's installed. I'm not really sure there's
18 maintenance issues the same way. I don't know if you were
19 suggesting, Board Member Wells, that we keep it like we
20 kept the earlier one or we take this out unlike the
21 earlier one.

22 MEMBER WELLS: We take this out. So I think I
23 was referencing the earlier one because the language was
24 taken out as far as, like, what was -- has been completed
25 --

1 VICE CHAIRPERSON GOLDSTEIN: Okay.

2 MEMBER WELLS: -- already. So yes, just to
3 simplify my response, my comment, remove it.

4 VICE CHAIRPERSON GOLDSTEIN: Okay. I'm fine with
5 that.

6 Okay. Going to move on to condition 16. We are
7 getting toward the end, although probably the more
8 challenging ones are later. Condition 16, the applicant
9 shall install at least five inverted bicycle U racks in
10 the parking garage. I see no reason to take it out. I --
11 this is a carryover. I'm fine with keeping it, condition
12 number 16. Unless anyone has thoughts otherwise, I would
13 say maintain it.

14 Condition 17, the applicant is proposing to
15 remove it. That one is the applicant shall provide a
16 sidewalk on the south side of Whitehaven Parkway for the
17 portion of the property immediately abutting the school.
18 The sidewalk shall be provided within two years of
19 issuance of the certificate of occupancy reflecting the
20 increase in student enrollment. Like the earlier one that
21 they proposed to strike, it really could have been helpful
22 to have had an explanation of why it should come out.
23 Again, has it been done? Is it not -- just not wanted?
24 Is it not aligning with other aspects of the plan now?
25 But saying that it's a public space improvement, which

1 again does not seem like an appropriate condition, so I'd
2 be supportive of removing condition 17. Does anyone have
3 thoughts on that?

4 Okay. I'm going to move on. Condition 18 is a
5 new condition from the applicant that the building shall
6 be constructed in accordance of plans in the record. It
7 provides a little bit more specificity than that. This
8 condition looks redundant and unnecessary. We're already
9 up to, you know, a high number of conditions. I don't
10 think we need to adopt that it needs to be constructed
11 according to the plans, which is -- it's an unnecessary
12 condition. It already needs to be constructed in
13 accordance with the plans. So I just want to see -- I
14 would suggest not adopting condition 18.

15 Wondering if any of my colleagues have thoughts
16 on that? Okay. I'm going to take silence as agreement.

17 Condition 19 is another new condition from the
18 applicant. It begins by saying that the school should
19 implement the transportation management plan in Exhibit
20 40. That seems reasonable. Those plans are to address
21 adverse impacts, as discussed earlier in my deliberation,
22 related to traffic and other objectionable conditions
23 based on the operation of the school. However, it goes on
24 to reference submitting a public space permit for certain
25 crosswalk enhancements, pick up/drop off signage, and

1 striping, subject to DDOT approval.

2 This relates to public space. It relates to the
3 DDOT approval process. That part of the condition does
4 not feel appropriate for our order. I would propose to
5 remove it or to not adopt that part of the proposed
6 condition. The applicant has made this commitment.
7 They'll have to work with DDOT to fulfill it. So I would
8 recommend adopting the first sentence of condition 19, but
9 then not adopting the remainder of condition 19.

10 Just want to see if -- I'll stop here and see if
11 my colleagues have any thoughts on that?

12 Okay. Moving on to the last of this sequence of
13 conditions. Condition 20 is a new condition proposed from
14 the applicant, states the school will comply with the
15 construction management plan. My view, again, is that
16 this is, sort of, outside the scope of board authority and
17 zoning. I mean, our role and task is really what will be
18 the impacts or mitigating the impacts of the operation of
19 the school, not really the construction of the school.

20 I think it's great that the applicant has made
21 these commitments for the construction management. I just
22 don't think it needs to be a condition of our approval.
23 So I would recommend not adopting proposed condition
24 number 20. I'll stop there if anyone has thoughts on that
25 or any of the previous ones from this list from 18465, and

1 -- thank you.

2 Commissioner Imamura?

3 COMMISSIONER IMAMURA: Thank you, Vice Chair
4 Goldstein. I just wanted to comment that I'm still in
5 agreement with everything you've said so far.

6 VICE CHAIRPERSON GOLDSTEIN: Excellent. Well,
7 there's always times -- time still to deviate, so we'll
8 see where things go, but I appreciate the vote of
9 confidence.

10 So we're going to move to the request to modify
11 approved BZA order number 17429 under Subtitle Y, Section
12 704. And this involves the use of the Foxhall campus
13 athletic field. This one was a little bit more
14 complicated. Currently, that order contains a number of
15 conditions, but specifically, condition number 7, that
16 states that the school shall fully implement and comply
17 with the St. Patrick's operation plan, which is marked in
18 the record as Exhibit 86 in that case.

19 The applicant now proposes to modify this
20 condition with a temporary agreement that contains a
21 sunset clause. And this temporary agreement is to
22 essentially broaden some of the access to the field during
23 the construction period for the middle school, and it more
24 specifically has a period of time where it has an end.

25 The agreement interestingly also references the

1 desire to reach a long-term agreement regarding the field
2 following any -- the sunset of the interim agreement,
3 which I think is something I'm going to talk about a
4 little bit more in a moment as a positive thing. So
5 overall, the temporary modification agreement is
6 essentially allowing for expanded use of the Foxhall field
7 during this middle school construction time.

8 But as I raised at the hearing, and I really want
9 to reiterate now, I -- I'm uneasy with this type of
10 private agreement with neighbors generally, and more
11 specifically as a condition of the order. The ANC 3D
12 representative testified as well to the ANC's concerns
13 about this. And there are aspects of the agreement --
14 this temporary agreement that are potentially outside the
15 scope of BZA authority and zoning enforcement.

16 So in thinking about this, you know, one path the
17 board could go down is to choose not to reference the
18 temporary modification agreement as a condition of the
19 order, but I think there's a risk in that approach that it
20 may create more confusion in the record rather than less
21 and could impact neighboring -- neighbor's expectations as
22 well as support that we've seen such unanimity on in this
23 case.

24 Another path is for the board to accept the
25 applicant's suggested condition to directly reference the

1 temporary modification agreement in a modified condition
2 number 7. In many ways, this is, kind of, an attractive,
3 cleaner approach. However, you know, I do not -- I do
4 have concerns about the board adopting this type of
5 agreement as a condition of approval. Saying that and in
6 weighing the various options, I do think that latter
7 option of just directly referencing the temporary
8 agreement is the preferable path.

9 While it's not ideal, the applicant, the
10 neighbors of the Foxhall athletic field as represented by
11 groups such as the Colony Hill Neighborhood Association
12 and 1801 Homeowners Association have, I understand, worked
13 diligently on a solution and agreement with the applicant
14 over months. It has a sunset provision, so it's
15 temporary. And I -- I'm generally wary of upsetting the
16 appplecart for perfection in this -- on this point when
17 there is broad support for the greater project and --
18 which is really focused on the middle school construction
19 where there's broad unanimity in support of it.

20 So I would go down the path, this is my proposal
21 and I -- I'll open it up for discussion, that the
22 condition would read something like this. It's taking
23 some of the applicant's proposal, but modifying it some.
24 It would retain condition number 7 to the extent that the
25 school shall fully implement and comply with the St.

1 Patrick's operation plan marked in the record as Exhibit
2 Number 86.

3 And then in a new sentence, I would suggest
4 something akin to this. The use of the Foxhall athletic
5 field, which I think I would ask OZLD to work with us to
6 further define that, during the period will be governed by
7 the temporary modification agreement listed in the record
8 of BZA case number 21541 as Exhibit 30B, which is in
9 coordination with the construction of the middle school
10 building in -- as approved in BZA case number 21541.

11 This text may not be perfect, but what it does is
12 it would reference the modification agreement. It would
13 say where to find it. It would directly modify the St.
14 Patrick's operation plan, and then it would also at least
15 give a little hint of what it's related to as part of the
16 condition so that it's not too obscure about when it's in
17 effect. It doesn't recreate the sunset provision from the
18 agreement, but it references that it's in coordination
19 with the middle school construction.

20 I think I would ask that if fellow board members
21 are supportive of this approach, that OZLD, kind of, work
22 to refine the details of that language to make sure that
23 it's zoning appropriate. I would just end this, and then
24 I'll pause to say that, you know, once the temporary
25 agreement sunsets, I really would strongly encourage all

1 parties to pursue a reassessment for how the field is
2 being used and managed, and that review should heavily
3 involve the ANC and the broader community as well.

4 Case number 17429, in and of itself, could use
5 cleanup. It's a relic of a case that involved plans for,
6 I think, a lower middle school that were not pursued at
7 that location. So I think there's -- there could be also
8 opportunity to clean that record up as well. And I would
9 strongly encourage that it -- when the applicant someday
10 comes back to the BZA, that there's hopefully a better
11 approach presented for how the Foxhall field will operate
12 in the future. So I'd like to stop there and see what my
13 colleagues think of my proposal for condition number 7.

14 COMMISSIONER IMAMURA: Vice Chair Goldstein, I'll
15 jump in, and I still remain aligned with your summary and
16 proposal.

17 MEMBER LINDSJÖ: Yes. Thank you, Vice Chair
18 Goldstein, for walking us through that. And I would also
19 align with your analysis and your path forward. Thank
20 you.

21 MEMBER WELLS: And I agree. I align with your
22 analysis as well. Thank you.

23 VICE CHAIRPERSON GOLDSTEIN: All right. Well, I
24 don't think I have anything more to add. Would someone
25 like to make a motion? If not, I'll --

1 COMMISSIONER IMAMURA: Mr. Goldstein, I will
2 gladly second your motion, Vice Chair Goldstein.

3 VICE CHAIRPERSON GOLDSTEIN: Okay. Sounds good.

4 I may -- let me know, Ms. Mehlert, if I'm getting
5 anything wrong in this. It's quite a long motion.

6 I would make a motion to approve case number
7 21541, St. Patrick's Episcopal Church and Day School.
8 This is a request for relief from -- actually, I'll just
9 say as captioned and read by the secretary. How about
10 that? There's too many areas to recreate. And subject to
11 the conditions as discussed and modified during the
12 deliberation, and with the caveat that OZLD be invited to
13 tighten the language on conditions as necessary.

14 COMMISSIONER IMAMURA: Second with a big thanks
15 to OZLD for their help with this case.

16 MS. MEHLERT: Okay. Please respond to the vice
17 chair's motion to approve the application with conditions.
18 Vice Chair Goldstein?

19 VICE CHAIRPERSON GOLDSTEIN: Yes.

20 MS. MEHLERT: Board Member Wells?

21 MEMBER WELLS: Yes.

22 MS. MEHLERT: Board Member Lindsjo?

23 MEMBER LINDSJ0: Yes.

24 MS. MEHLERT: And Dr. Imamura?

25 COMMISSIONER IMAMURA: Yes.

1 MS. MEHLERT: Staff would record the vote as 4 to
2 0 to 1 to approve application number 21541 with conditions
3 on the motion made by Vice Chair Goldstein and seconded by
4 Dr. Imamura.

5 COMMISSIONER IMAMURA: I think that does it for
6 me. Thank you, Vice Chair Goldstein, fellow board members
7 who doesn't think the BZA is exciting. I mean, today is
8 great. So good summary, Vice Chair Goldstein. Thank you
9 all. Have a great rest of the week.

10 VICE CHAIRPERSON GOLDSTEIN: Thank you.

11 BZA CHAIR POURCIAU: Thank you, Vice Chair
12 Goldstein.

13 Mr. Imamura, good seeing you today.

14 COMMISSIONER IMAMURA: Thank you, Chair.

15 BZA CHAIR POURCIAU: We will continue our meeting
16 with project number -- case number 21490.

17 Madam Secretary, would you please read it into
18 the record?

19 MS. MEHLERT: Yes. Next for decision is
20 application number 21490 of District Line Development,
21 LLC. It's a self-certified application pursuant to
22 Subtitle X, Section 901.2 for special exceptions under
23 Subtitle C, Section 703.2 from the minimum vehicle parking
24 requirements of Subtitle C, Section 701.5, and under
25 Subtitle G, Section 5200.1 for the lot occupancy

1 requirements of Subtitle G, Section 210.1.

2 This is for the consolidation of two existing
3 one-story buildings on two contiguous record lots and a
4 two-story addition with seven dwelling units above ground
5 floor retail and a three-story attached building. It's
6 located in the MU-4 zone at 827 and 829 Upshur Street
7 Northwest, Square 3024, Lot 71 and 72.

8 This hearing concluded on September 23rd, 2026,
9 and the board requested submissions for the applicant.
10 Participating are Chair Pourciau, Vice Chair Goldstein,
11 Board Member Wells, Board Member Lindsjo, and Commissioner
12 Bruins.

13 BZA CHAIR POURCIAU: Thank you, Ms. Mehlert.

14 Thank you for joining us, Commissioner Bruins.
15 Good seeing you today.

16 I see the applicant has submitted information for
17 the record and responded to our requests. I'd like to
18 start with Board Member Wells. Do you have a summary or
19 any information you'd like to present for the record?

20 MEMBER WELLS: Yes. I can summarize this. So as
21 mentioned by the madam secretary, we did hear this case
22 for the requested zoning relief on parking and the lot
23 occupancy requirements. During the hearing, the applicant
24 laid out, you know, the existing conditions of the lot.
25 It already has an existing building that occupies nearly

1 the entire lot. It was clear to me, at least, that some
2 of the challenges the applicant faces in developing this
3 lot as a matter of right requirements.

4 In regards to the parking relief, the existing
5 structure abuts the alley leaving no room for parking. So
6 there's currently no parking and no additional parking is
7 proposed. However, most supportive of this relief request
8 for the parking relief is the site's location and its
9 proximity to transit, including Metrorail and Metrobus,
10 which is one of the criteria that needs to be met in order
11 to grant this relief. The site is well-served by mass
12 transit, and this was also noted in DDOT report, which had
13 no objection to the requested relief. And I find that
14 this relief wouldn't have -- wouldn't lead to any
15 objectionable conditions.

16 As it relates to the lot occupancy relief through
17 the applicant's testimony, the exhibits and the record, I
18 believe they have met the burden of proof for the request
19 of relief and that the development will be in harmony with
20 the general purpose of the zoning regulations. The two-
21 story addition will not adversely impact light, air,
22 privacy, or the use of neighboring properties.

23 During the hearing, some concerns did come up
24 regarding whether or not additional relief need to be
25 requested over the consolidation of the lots. Since then,

1 the applicant has responded in Exhibit 36 that they have
2 confirmed the deputy zoning administrator that the
3 consolidation of the lots are permitted and no new non-
4 conformities will be created. It probably would've been
5 nice to see that correspondence from the deputy zoning
6 administrator. However, you know, the applicant did
7 respond to that concern.

8 We also had questions and concerns regarding
9 disposal of trash and the ownership of the trash cans and
10 -- behind the building itself and whether or not the
11 tenants were going to use that trash area. And again, the
12 applicant has responded that they're unaware of that
13 owner, but they have since revised the drawings to add
14 additional trash capacity for the residents. And, you
15 know, I'm thankful for the applicant taking a second look
16 at that and really responding to some of those concerns
17 and addressing their -- the residents' needs.

18 There are also questions regarding the facade and
19 whether or not it fits in -- within the context of the
20 neighborhood. The applicant has addressed those concerns
21 as well sufficiently. I have no additional comments about
22 the facade itself. There were a number of -- a number of
23 letters of support from surrounding properties. The
24 applicant has worked with the ANC and also addressed the
25 facade in response to comments from OP.

1 So the Office of Planning recommended approval,
2 DDOT was in support. And again, there's a number of
3 letters of support from surrounding resident or neighbors
4 in the area. So with that, again, as I stated, I believe
5 that the applicant has met the burden of proof for the
6 request for relief for this case. And I'll leave it for
7 that additional comment.

8 BZA CHAIR POURCIAU: Thank you so much, Board
9 Member Wells.

10 Are there additional comments or concerns from
11 other board members?

12 VICE CHAIRPERSON GOLDSTEIN: I think you put it
13 well, and I -- I'd align myself with your analysis. Thank
14 you very much.

15 BZA CHAIR POURCIAU: Excellent. Thank you, Vice
16 Chair Goldstein.

17 Hearing that and no further comments, is there a
18 motion on this case?

19 MEMBER WELLS: So I haven't provided the motion.
20 (inaudible) it's my notes. So I'll move to approve the
21 application of 21490 of District Line Development, LLC,
22 for the request for relief as read and captioned by the
23 secretary.

24 BZA CHAIR POURCIAU: I'll second.

25 VICE CHAIRPERSON GOLDSTEIN: I'll second that.

1 BZA CHAIR POURCIAU: Secretary Mehlert, would you
2 call the vote, please?

3 MS. MEHLERT: Please respond to Board Member
4 Wells's motion to approve the application.

5 Chair Pourciau?

6 BZA CHAIR POURCIAU: Yes.

7 MS. MEHLERT: Vice Chair Goldstein?

8 VICE CHAIRPERSON GOLDSTEIN: Yes.

9 MS. MEHLERT: Board Member Wells?

10 MEMBER WELLS: Yes.

11 MS. MEHLERT: Board Member Lindsjo?

12 MEMBER LINDSJO: Present.

13 MS. MEHLERT: And, Commissioner Bruins?

14 COMMISSIONER BRUINS: Yes.

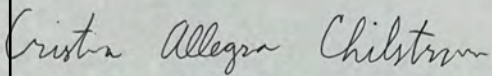
15 MS. MEHLERT: Staff would record the vote as 4 to
16 0 to 1 to approve application number 21490 on the motion
17 made by Board Member Wells and seconded by Chair Pourciau.

18 BZA CHAIR POURCIAU: Excellent.

19 (Whereupon, the above-entitled matter went off
20 the record at 10:26 a.m.)

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 cursive script, reading "Crista Allegra Chilstrom", is displayed within a light gray rectangular box.

Allegra Chilstrom

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