

### **Applicant's Response to the ANC Report**

The Applicant has made consistent efforts to engage with ANC 4B, reaching out multiple times, as detailed below.

- December 2, 2024 - Applicant's counsel emailed the ANC immediately after filing the Application.
- December 27, 2024 - Applicant's counsel emailed the ANC notifying them of the scheduled hearing date. The previous Commissioner recommended waiting until the new commissioners begin their term to reach out.
- January 17, 2025 - Applicant's counsel emailed the new SMD Commissioner and requested to be placed on a meeting agenda.
- February 12, 2025 - Applicant's counsel emailed the SMD again and requested to be placed on a meeting agenda.
- February 18, 2025 - Applicant's counsel emailed the SMD again and requested to be placed on a meeting agenda.
- February 25, 2025 - Applicant's counsel spoke on the phone with the SMD and discussed attending the March meeting,
- February 27, 2025 - Applicant's counsel emailed the SMD to confirm if we were added to the March agenda.
- March 10, 2025 - Applicant's counsel emailed the SMD again to confirm if we were added to the March agenda.
- March 12, 2024 – The SMD confirmed we were on the March 24<sup>th</sup> meeting agenda.
- March 13, 2024 – The SMD informed counsel that the ANC would be unable to accommodate the application on the March 24th agenda.
- March 22, 2024 – The ANC Vice Chair requested a postponement of the hearing via email stating “The representatives on behalf of the applicant cannot present on their request until our May 27th meeting.”
  - Which is in direct contradiction to the fact that we had just confirmed on March 12 that we would attend their March 24th meeting.
- March 25, 2025 – The ANC Vice Chair filed the Motion for Continuance.
- March 26, 2025 – The BZA hearing was postponed *at the request of ANC 4B*, based on the assertion that the applicant's counsel was unavailable to attend the May meeting.

- Notably, Applicant had previously made multiple requests (reaching out 7 times) to attend an ANC meeting and was previously told they would be on the ANC’s March 24<sup>th</sup> agenda. However, on March 13<sup>th</sup>, the SMD informed counsel that the ANC would be unable to accommodate the application on that agenda.
- March 26, 2025 – Applicants counsel emailed the ANC following the postponed hearing, to confirm that we will be placed on the April 28<sup>th</sup> meeting agenda. The Applicant also circulated a presentation detailing the request to all ANC members.
- April 12, 2025 - The Applicant attempted to attend the SMD meeting. The meeting was scheduled as hybrid and the Applicants team planned to attend via Zoom. Ten minutes before the meeting time, the meeting format was changed to in-person only. The Applicants team did not receive notice of this and waited for the commissioners on the Zoom call. Applicant requested to reschedule the meeting and did not receive a response.
- April 28, 2025 – The Applicant attended ANC 4B’s public meeting.
- May 7, 2025 – The Applicant presented the application to the Board. The Board decided to postpone the hearing “so they can have an ANC meeting and take a vote” and “continue this to after the ANC meets with the Applicant. The ANC can meet with the Applicant on the 26<sup>th</sup>” to which the SMD agreed.
- May 19, 2025 – Applicant’s counsel reached out to the ANC via email to confirm the May 27<sup>th</sup> meeting.
- May 21, 2025 – the ANC responded stating “Dear Sarah and Sullivan and Barros team, Thank you for your follow-up. We voted on the measure in our previous meeting and will have this uploaded to the BZA portal by May 30. You are welcome to attend our meeting as a member of the community, however, we will not require a formal presentation on the agenda.”

The ANC's resolution raised concerns primarily related to licensing—matters that fall outside the scope of the BZA’s review. Despite our efforts, we were not given the opportunity to present on these issues or address any concerns at a public meeting. To date, there are only 2 letters of opposition in the record, one from an ANC Commissioner, which echoes similar concerns. Responses to any legally relevant issues have been addressed in the conditions exhibit.

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<sup>1</sup> The ANC meeting was scheduled for May 27<sup>th</sup> to accommodate Memorial Day, which was later discussed in the transcript.

**In terms of the specific concerns raised in the ANC letter, the Applicant has the following responses:**

- Concern: The Applicant has no known expertise or training in the management of a home health care facility.
- Response: The Applicant is part of a group who owns and operates an existing assisted living residence on Clay Street.
- Concern: The scope of the application will have at minimum capacity minimum eight patients plus staff, at maximum capacity 14 patients plus staff, in a property with 1,515 square footage of living area, as assessed by the District of Columbia Office of Tax and Revenue.
- Response: DOH will determine the number of patients per square foot. The Applicant is requesting the capacity discussed with DOH. There could be private rooms, depending on how much a patient can afford. But room sharing provides an option for a home-like setting within certain budgets.
- Concern: The Applicant has stated that the patients in the proposed home health care facility will be short-term neurological and orthopedic patients and long-term dementia patients.
- Response: This is intended to be longer term care in a home-like setting and an assisted living facility may take patients with dementia so long as there are staff members trained to care for those types of patients. This is not a dementia facility. This is also overseen by DOH and other agencies.
- Concern: The Applicant has not included in the interior plans presented to the BZA any provision for on-site physical therapy.
- Response: The Applicant does not fully understand this concern, but again, the plans provided do show chair lifts and the plans will have to comply with all licensing and building code requirements for this facility, which are typically developed in more detail after approval given the costs.
- Concern: The Applicant has not presented in the exterior plans to the BZA any provision for wheelchair access to the property.
- Response: The Applicant does show a chairlift in the plat, at the front of the building. And the rear patio will have direct access from the interior of the house.
- Concern: The Applicant has not presented to the BZA any provision for waste management in general and no provision for the disposal of medical waste.
- Response: Medical waste, as defined by DC Law, is not produced as part of an assisted living facility. This is not a doctor's office. However, this is addressed in the conditions.

- Concern: Immediate neighbors have expressed their concern about the proliferation of like home health care facilities currently extent in the vicinity of this proposal.
- Response: The Applicant has not seen any letters in opposition from any immediate neighbors, nor received testimony in opposition from any immediate neighbors. The Applicant knocked on doors and sent letters to the neighbors. There is only one directly adjoining neighbor, an LLC, and the house appears vacant. No one answered when the Applicant's representative knocked on the door.