



October 17, 2024

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Frederick L. Hill, Chairperson  
Board of Zoning Adjustment  
441 4th Street, NW, Suite 200S  
Washington, DC 20010

**RE: 530 Penn Street NE (Square 3594, Lot 0006)  
Applicant's Cover Letter with Motion for Advanced Hearing Date**

Dear Chairperson Hill and Honorable Members of the Board:

The Applicant Ai Pop Up LLC ("**Applicant**") respectfully requests an advanced hearing date on the subject application for the property located at 530 Penn Street NE (Square 3594, Lot 0006) (the "**Property**"). Under Subtitle Y § 400.5, the Board may grant a request for an advanced hearing date for "good cause shown." A Motion for Advanced Hearing Date is attached at **Tab A**. As Subtitle Y § 402.1, requires a 40-day public notice period of a BZA hearing, the Applicant requests a hearing date of December 4, 2024, which believe would respectfully allow notice as required, or a date of your earliest convenience.

As outlined in the attached BZA application, the Applicant proposes an entertainment, assembly, and performing arts use at the Property located in the PDR-1 zone. The Department of Buildings ("**DOB**") initiated a new program to help revitalize the city. The program is called the Pop-Up Permits Program (the "**PUP Program**"), which allows customers to get a streamlined, temporary Certificate of Occupancy for use of a previously vacant building for up to one year without going through the traditional permitting process in order to maximize the time the space can operate.

The Applicant was excited to avail itself of this great new program, followed the process, completed all the necessary paper work, and DOB issued the Applicant a Certificate of Occupancy on June 26, 2024 for a temporary use for assembly and entertainment use. The PUPs program encourages the conversion of office to temporary assembly use when no renovations or construction is needed. Following the issuance of the Certificate of Occupancy, the Applicant proceeded with scheduling, organizing, securing talent, selling and marketing tickets to several events to be held at the Property.

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However, on September 25, 2024, the Applicant was informed that there was an oversight regarding the Certificate of Occupancy and that BZA relief must be sought in order to proceed with the Proposed Use at the Property. As a result, the Applicant now seeks an advanced hearing on the subject BZA application. If granted, the advanced hearing date will allow for multiple events to occur at the Property as scheduled. If the advanced hearing is not granted, the Applicant will have to cancel the events and endure substantial hardship. But for the detrimental reliance on the DOB issued Certificate of Occupancy, the Applicant would not need nor request an expedited hearing.

Accordingly, as set forth under Subtitle Y § 400.5, there is good cause for the Board to hold an advanced hearing on the subject application due to the Applicant's reliance on the Certificate of Occupancy issued by DOB.

Notably, should the Board grant this request, there will be sufficient time to provide proper public notice of the application in accordance with the Zoning Regulations, including the 40-day notice requirements pursuant to Subtitle Y § 402.1, as well as to meet with the community and Advisory Neighborhood Commission 5D.

We appreciate the Board's consideration of this Motion for an advanced hearing date. Please do not hesitate to contact my office with any questions.

SINCERELY,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read 'M. Moldenhauer', written over a horizontal line.

Meridith Moldenhauer  
2001 M Street NW, Suite 500  
Washington, D.C. 20036

A handwritten signature in blue ink, appearing to read 'M. Williams', written over a horizontal line.

Madeline Shay Williams  
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**Certificate of Service**

I hereby certify that on this 17<sup>th</sup> day of October, 2024, a copy of this Cover Letter and Motion for Advanced Hearing Date was served, via email, as follows:

District of Columbia Office of Planning  
1100 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
[planning@dc.gov](mailto:planning@dc.gov)

Advisory Neighborhood Commission 5D  
c/o Salvador Saucedo-Guzman, Chairperson  
Hector Arbuckle, SMD 5D01  
[5D05@anc.dc.gov](mailto:5D05@anc.dc.gov)  
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