

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

JULY 1, 2026

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The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video/Teleconference, pursuant to notice at 10:09 a.m. EDT, Michelle Pourciau, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

MICHELLE POURCIAU, Chairperson
PAUL GOLDSTEIN, Vice-Chairperson

ZONING COMMISSION MEMBERS PRESENT:

TAMMY STIDHAM, NPS Designee

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

JOSHUA MITCHUM
CRYSTAL MYERS

1 OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

2 SARAH BAJAJ, ESQ.
3 CARISSA DEMARE, ESQ.
4 JORDANE WONG, ESQ.

5 The transcript constitutes the minutes
6 from the Regular Public Hearing held on Wednesday,
7 July 1, 2026.
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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:09 a.m.)

3 CHAIRPERSON POURCIAU: Madam Secretary, are
4 there any items to discuss before we go to the first
5 case?

6 MS. MEHLERT: No, nothing from staff.

7 CHAIRPERSON POURCIAU: Okay. So let's
8 proceed to our first case today, number 21450. And
9 I guess --

10 MS. MEHLERT: I think first is 21209.
11 There's a pending motion before the Board.

12 CHAIRPERSON POURCIAU: Okay. Oh, I thought
13 that was postponed. So, yes, let's proceed to that,
14 21209. Thank you.

15 MS. MEHLERT: Sure. This is Application
16 Number 21209 of 304, 306, 308 K Street, LLC, as
17 amended. This is a self-certified application
18 pursuant to Subtitle X, Section 1002, for area
19 variances from Subtitle C, Section 306.1(a) and (b)
20 to allow three new alley record lots not having
21 frontage along a public alley at least 24 feet wide
22 or access to a public street through a public alley
23 at least 24 feet wide, and pursuant to Subtitle X,
24 Section 901 for special exceptions under Subtitle U,
25 Section 601.1(f) to allow residential use on three

1 alley lots not meeting the requirements of Subtitle
2 U, Section 600.1(f)(4)(A) and (B) under Subtitle E,
3 Section 5201.3 from the alley center line setback
4 requirements of Subtitle E, Section 5100.1(e) and
5 under Subtitle E, Section 5201.3, from the side yard
6 requirements of Subtitle E, Section 5100.1(d).

7 This is the subdivision of an existing
8 alley record lot to create three new alley record
9 lots with a new two-story attached principal
10 dwelling on each new record lot. It's located in
11 the RF-1 zone at rear 304, 306, and 308 K Street
12 Northeast, Square 774, Lot 65.

13 This case -- the public hearing for this
14 case has been postponed or administratively
15 rescheduled numerous times from the original
16 scheduled hearing date of March 19th, 2025. The
17 merits have not yet been heard. Also, as a
18 preliminary matter, yesterday the applicant filed a
19 motion to postpone the hearing.

20 CHAIRPERSON POURCIAU: Very good. Thank
21 you. I see we have the agent for the Applicant, Mr.
22 Bello, before us. Are there any -- we'd love to
23 hear from you now, Mr. Bello.

24 MR. BELLO: Good morning, Madam Chair and
25 Board Members.

1 CHAIRPERSON POURCIAU: Good morning.

2 MR. BELLO: We are -- the applicant is
3 requesting for a short continuance to allow the
4 effective date of the amendments to the alley lot
5 provisions, which changes the relief profile of the
6 application, at least one of the relief profiles.

7 CHAIRPERSON POURCIAU: Very good. Are
8 there any questions from the Board for the agent?

9 VICE CHAIR GOLDSTEIN: Thank you, Mr.
10 Bello. So far I haven't seen anything from FEMS in
11 the record, unless something has come in that I'm
12 not aware of. I assume that will also continue to
13 be something that you work toward when we see this
14 application again?

15 MR. BELLO: Yes. We've been continuously
16 working on that. For some reason, we've not had
17 responsive communication. But we'll continue to do
18 that, yes.

19 VICE CHAIR GOLDSTEIN: Thank you.

20 CHAIRPERSON POURCIAU: Okay. If there
21 aren't any other questions, do we have to make a
22 motion to postpone or do we just proceed with a
23 postponement?

24 MS. MEHLERT: We don't need to make a
25 motion. I was just going to recommend a rescheduled

1 date --

2 CHAIRPERSON POURCIAU: Yes. Thank you.

3 MS. MEHLERT: -- for the applicant. I know
4 that, you know, the next month and September is
5 busy, so I was going to suggest October 7th as a
6 rescheduled date.

7 CHAIRPERSON POURCIAU: Mr. Bello, is that -
8 - do you have that date noted?

9 MR. BELLO: If that's what's available,
10 that's what's available. Yes.

11 CHAIRPERSON POURCIAU: Okay. Thank you so
12 much. All right. This application is postponed
13 until October 2nd. Thank you so much for coming
14 today. And we'll move --

15 MR. BELLO: 2nd or 7th?

16 CHAIRPERSON POURCIAU: 7th.

17 MS. MEHLERT: 7th.

18 MR. BELLO: 7th.

19 CHAIRPERSON POURCIAU: Thank you --

20 MR. BELLO: Thank you very much.

21 CHAIRPERSON POURCIAU: -- for the
22 clarification.

23 Okay. We'll move to our next agenda item,
24 Application Number 21450. Madam Secretary, would
25 you please introduce the item?

1 MS. MEHLERT: Yes. Next is Application
2 Number 21450 of Francisco Correa and Rosilene
3 Ribeiro. This is a self-certified application
4 pursuant to Subtitle X, Section 901.2 for a special
5 exception under Subtitle U, Section 203.1(h) to
6 allow a daytime care use. This is for a child
7 development center in the basement of an existing
8 two-story detached principal dwelling. It's located
9 in the R-1B zone at 6511 Piney Branch Road
10 Northwest, Square 2973, Lot 101.

11 CHAIRPERSON POURCIAU: Thank you. The
12 agent, Ms. Davis, is on. Would you like to -- would
13 you like to present your testimony now, Ms. Davis,
14 and introduce others who are with you? Is there --
15 is the applicant, Mr. Correa --

16 MS. DAVIS: Hi. Are you able to hear me?

17 CHAIRPERSON POURCIAU: Yes, I hear you now.

18 MS. DAVIS: I'm so sorry. I pressed the
19 button about six times to unmute myself, and it was
20 not working.

21 CHAIRPERSON POURCIAU: Okay. That's all
22 right.

23 MS. DAVIS: Good morning. I apologize for
24 the faulty introduction here. I was talking, and I
25 was muted. My name is Beth Davis. As you

1 mentioned, I'm the agent for the applicant. And I
2 have Ms. Rosilene Ribeiro and Mr. Francisco Correa
3 with me here today. I'd like them to introduce
4 themselves. I believe they need to unmute to do
5 that.

6 MR. CORREA: Yes.

7 MS. RIBEIRO: Yes. Good morning. My name
8 is Rosilene Ribeiro. I am the owner of the Child
9 First Step, LLC. And I would like to thank you all
10 for your time today.

11 MR. CORREA: Good morning. My name is
12 Francisco Correa, husband of Rosilene Ribeiro, and I
13 would like also to thank you all for your time this
14 morning.

15 MS. DAVIS: Are you all able to share the
16 presentation that we uploaded to the record?

17 CHAIRPERSON POURCIAU: Yes. Mr. Young, can
18 you upload the presentation?

19 MS. DAVIS: I do apologize. All of a
20 sudden, my computer is not wanting to be my friend.

21 MR. YOUNG: Can you tell me which exhibit
22 it is?

23 MS. DAVIS: It's the very last exhibit in
24 the record.

25 CHAIRPERSON POURCIAU: I believe it was

1 just entered this --

2 MS. DAVIS: Yes, it was uploaded this
3 morning.

4 CHAIRPERSON POURCIAU: -- morning. Yes.
5 And please note that it creates a hardship for the
6 Board when --

7 MS. DAVIS: I do apologize for that.

8 CHAIRPERSON POURCIAU: -- items are
9 received so late.

10 MS. DAVIS: I do apologize for that. I
11 know for some of the boards, we are able to share
12 our screens, and for some, you all prefer to have
13 the presentation in the record. So I do apologize
14 for the delayed entry.

15 So I will begin by introducing the project.

16 This BZA case 21450 is for a special exception for
17 the family to have a child development center in the
18 basement of their existing single-family home. Next
19 slide.

20 As you can see here, this -- this street
21 running diagonally through the screen is Piney
22 Branch Road. The affected property is located with
23 the flag. And directly across the street there is
24 an MU-4 zone. Currently, my client's property is in
25 the R-1B zone. Next slide.

1 I wanted to share that map so you all could
2 see kind of the adjacent multi use zone. So for the
3 -- what's before the Board today, our proposal
4 includes a maximum enrollment of 20 children within
5 the existing child development center. There's a
6 proposal for six staff members and a continued
7 residential occupancy by the owners in the floors
8 above.

9 There are no proposed exterior additions or
10 alterations, no variances being requested, and we do
11 propose to maintain the existing parking.

12 Currently, the application has received
13 recommendation for approval by the Office of
14 Planning, DDOT's finding of no objection, unanimous
15 ANC support, and many letters of community support.

16 Next slide, please.

17 So as I mentioned, the maximum enrollment
18 for the center will be 20 children. The specific
19 breakdown is six infants, eight toddlers, six
20 preschool aged children. The hours will be between
21 7:30 and 5:30. And the childcare area will be in
22 approximately 1,580 square feet in the basement of
23 the property. There are currently an office space,
24 multiple classroom activity areas, an existing
25 bathroom, and supporting program space in the

1 exterior rear of the property. Next slide, please.

2 This is a photo of the existing backyard.

3 As I mentioned previously, this is an existing
4 childcare facility, and they are just looking to
5 increase the number of children that they're able to
6 serve. Next slide.

7 The existing residential character of the
8 property will be maintained. As I said, there's no
9 exterior changes, and they will remain residents of
10 the upstairs of the property. Next slide.

11 This center has operated in this location
12 since 2022. They have been entirely within the
13 existing residence. Across the street, as I showed
14 in the initial photo, is an MU-4 zone, which
15 contains commercial uses, including Safeway, retail
16 businesses. And we do believe that the adjacent MU-
17 4 zone does kind of give an appropriate transition
18 between this residential and a little bit more of a
19 commercial activity, even though we will maintain
20 the residential nature of the property.

21 Next slide. These are just some photos of
22 the interior of the property as it's currently being
23 used. Next slide. So in compliance with Subtitle X
24 901.2, we do believe that the proposed child
25 development center will not adversely affect the use

1 or enjoyment of the neighbor's properties. Next
2 slide.

3 No additions, as I mentioned, or exterior
4 alterations are proposed. So we will not be
5 reducing any access to light or air for any
6 neighboring property. Next slide.

7 Again, the use and enjoyment of the
8 neighbors should not be affected as very limited
9 outdoor activity that is already happening will be
10 the only outdoor activity that will be continuing on
11 in this new use. There are no late evening or
12 nighttime operations. There is no overnight care
13 available to the families of this Montessori
14 program. Next slide.

15 The applicants, I did want to call
16 attention to, actually do also own the adjoining
17 property at 6517 Piney Branch. As owners of both
18 properties, they do have a direct interest in
19 ensuring the operation maintains compatibility with
20 the surrounding residential neighborhood and doesn't
21 negatively affect their neighbors. Next slide,
22 please.

23 And these are just some more photos of the
24 exterior. And you can move to the next slide.

25 Current agency review includes the Office

1 of Planning. They recommended approval, finding
2 that the proposal is in harmony with the purpose and
3 intent of the zoning regulations, would not affect
4 neighbors, and does satisfy the requirements of
5 203.1. Next slide. There is a supplemental report
6 from the Office of Planning, noting another child
7 development center within 1,000 square -- or within
8 1,000 feet. The Office of Planning did issue that
9 supplemental report affirming its recommendation,
10 concluding that the effect wouldn't adversely impact
11 the neighborhood. Next slide.

12 We did speak to DDOT yesterday. We weren't
13 aware previously that we needed to coordinate with
14 them for pickup/drop off, but we were able to get
15 that on the calendar before the hearing. We met
16 with them yesterday to discuss the pick up and drop
17 off procedures. Next slide.

18 In that meeting, we did discuss the fact
19 that the majority of the children who currently
20 attend the center and have applications in for the
21 possibility of future enrollment are mostly members
22 of the surrounding community, so they're walkers and
23 bike riders, and there's not a lot of vehicular
24 activity. Additionally, none of the staff members
25 are currently driving to and from work. They are

1 either taking the bus or walking from the
2 neighborhood or also riding bikes. So in that
3 meeting, DDOT did note that there were no additional
4 requirements and that we did not require formal
5 signage or any formalized pick up or drop off plan.
6 Next slide.

7 As I mentioned, the minimal staff parking
8 needs should not impact the surrounding residents.
9 There is ample parking in the front of the property.

10 It is street parking. But there are also two
11 parking spots on the property, and also parking on
12 the owner's property next door. Next slide.

13 So our request before the Board is to
14 approve Case 21450 for the additional expanded
15 childcare usage in the basement. And we do believe
16 that the evidence that we have presented
17 demonstrates that there will not be any
18 objectionable conditions. And I really do thank you
19 all for your time. And the last slide is just some
20 photos of the property.

21 And if you guys have any questions, either
22 the owners or I are happy to answer them.

23 CHAIRPERSON POURCIAU: Thank you so much,
24 Ms. Davis. Could you repeat the existing number of
25 children and -- at the -- at the daycare?

1 MS. DAVIS: Absolutely. Rose, do you want
2 to speak to that?

3 MS. RIBEIRO: Sure. It's nine kids.

4 CHAIRPERSON POURCIAU: Okay. So you'll be
5 more than doubling with this application?

6 MS. DAVIS: Correct.

7 CHAIRPERSON POURCIAU: And did you receive
8 any documentation from DDOT from your meeting?

9 MS. DAVIS: I did not. But I did speak to
10 Mr. Ozberk, and he said that the way that we
11 characterized it is how he would characterize it
12 because of the -- he said they don't typically come
13 to testify, but if we needed to get some sort of
14 documentation, if you all request that, we are more
15 than happy to provide it.

16 CHAIRPERSON POURCIAU: I'd like to open it
17 up for questions from the Board. Vice Chair
18 Goldstein, please?

19 VICE CHAIR GOLDSTEIN: Thank you -- thank
20 you very much, Madam Chair. And thank you for the
21 presentation. That actually addressed a number of
22 questions I was going to ask you. I did want to
23 follow up on the DDOT meeting. Did DDOT indicate
24 that they were prepared to submit any kind of
25 revised filing to the record, or were you suggesting

1 that if we needed it, they would submit something?

2 MS. DAVIS: So I have no doubt that they
3 would provide it if we need it. But they did say
4 that based on the fact that most of the children who
5 attend the center are walkers or bike riders, that
6 the impact was negligible and that we would not
7 require any formalized pickup/drop off plan. I
8 believe the pickup/drop off plan's intent is to
9 create signage in front of the property for if
10 there's, you know, like a loop of cars, like in your
11 previous case regarding Sidwell Friends, when you
12 have, like, a car line, but that's not the case at
13 this center.

14 VICE CHAIR GOLDSTEIN: Okay.

15 MS. DAVIS: And so they did offer the
16 opportunity to have signage, but the owners did not
17 feel that that was necessary. And so Mr. Ozberk
18 noted that he could just stand on the record of
19 approval following that meeting.

20 VICE CHAIR GOLDSTEIN: Okay. And on that
21 point, was there any more discussion about, like,
22 the timing of pickup or drop off? Did that come up
23 in the discussions with DDOT?

24 MS. DAVIS: When we discussed it, Mr.
25 Ozberk did mention that if there was a large number

1 of influx at one time, that we might need to discuss
2 it. But there is a more staggered pickup and drop
3 off, and there's a lot of children that are, you
4 know, walking from the neighborhood. And so because
5 there aren't a large number of cars that are
6 arriving to the site at the same time, that it
7 wasn't necessary to formalize pickup/drop off.

8 VICE CHAIR GOLDSTEIN: Okay. And how many
9 parking spots do you have on the property?

10 MS. DAVIS: I believe there are two parking
11 spots on the existing property and two parking spots
12 on the adjacent property. Francisco, can you
13 confirm that?

14 MR. CORREA: Yes. Good morning.

15 CHAIRPERSON POURCIAU: Good morning.

16 MR. CORREA: In front of the property --
17 for both properties, about -- we have 110 feet long
18 -- I know it's a public street -- which is --
19 parking space for one car is 20 feet per car. So
20 that's -- that will be five cars in the front just
21 for in front of the property itself. And on the
22 back, we have two, as Ms. Davis mentioned it.

23 VICE CHAIR GOLDSTEIN: Okay.

24 MS. DAVIS: Two for each of the two
25 properties. So on the properties owned by this

1 specific owner, there are four. I do know that, you
2 know, at any given point they could sell the
3 property next door, so that's not really relevant,
4 but it is, you know, just a factor.

5 VICE CHAIR GOLDSTEIN: And presumably the
6 owner or tenants of the properties are parking their
7 own cars on these properties too, right?

8 MS. DAVIS: Francisco, can you speak to
9 that?

10 MR. CORREA: Yeah. Sorry, it was on mute.
11 Yeah. The -- I only --

12 MS. DAVIS: It's okay.

13 MR. CORREA: -- I only have one tenant that
14 park in front of the property on Piney Branch Road.

15 And he --

16 VICE CHAIR GOLDSTEIN: Oh, they park on the
17 street? Okay.

18 MR. CORREA: Yeah. Yeah, he parks right in
19 front of it. And then he -- he leaves early in the
20 morning, around -- I think it is around 6:30, 7 in
21 the morning and comes back -- sometimes he comes
22 back 4, 3:30, 4. He works for the Post Office, so
23 sometimes he comes a little bit late.

24 VICE CHAIR GOLDSTEIN: Okay. And that's
25 the property to the north --

1 MS. DAVIS: Correct.

2 VICE CHAIR GOLDSTEIN: -- of the subject
3 property?

4 MR. CORREA: Correct.

5 VICE CHAIR GOLDSTEIN: Okay.

6 MS. DAVIS: Correct.

7 CHAIRPERSON POURCIAU: Okay. Madam Chair,
8 I have a few more questions. If you'll indulge me,
9 I'd appreciate it.

10 First, I just want to say to the applicant,
11 all these letters of support are very impressive,
12 really incredible. Just kind of speaks to the
13 amazing service you're providing that are -- that is
14 having a meaningful impact in people's lives. So I
15 just want to commend you for those letters. It's
16 really lovely to see so much --

17 MS. RIBEIRO: Thank you.

18 VICE CHAIR GOLDSTEIN: -- so much support
19 out there. I do want to ask just a couple technical
20 questions. In Exhibit 11, there was a self-
21 certification which referenced -- and I don't know
22 if you recall this, but it referenced relief from U
23 301.1, which is not part of the caption that we're
24 reviewing, but was put in on behalf of the applicant
25 as part of the self-certification. My belief is

1 that that is for relief from the RF requirements
2 under U 301. And I just want to make sure that was
3 an inadvertent reference, or could you tell me if
4 that's the case?

5 MS. DAVIS: Yes. It is absolutely a typo.
6 I do apologize for that.

7 VICE CHAIR GOLDSTEIN: Okay. That's fine.
8 Things happen. I just wanted to clarify that on
9 the record --

10 MS. DAVIS: Thank you.

11 VICE CHAIR GOLDSTEIN: -- that you are not
12 seeking relief from U 301.

13 MS. DAVIS: No, and I do appreciate that.

14 VICE CHAIR GOLDSTEIN: Okay.

15 MS. DAVIS: Yes.

16 VICE CHAIR GOLDSTEIN: So you're currently
17 operating, the applicant is, with nine kids, as
18 Madam Chair asked about. It's just under a home --
19 an extended home occupation. Is that where --

20 MS. DAVIS: Correct.

21 VICE CHAIR GOLDSTEIN: Okay. And because
22 you want to exceed even the 12 limit, is why we're
23 here under the --

24 MS. DAVIS: Correct.

25 VICE CHAIR GOLDSTEIN: -- relief for U 250

1 -- 250 -- oh, boy, I can't even think of --
2 203.1(h), pardon me.

3 MS. DAVIS: Yes.

4 VICE CHAIR GOLDSTEIN: Some of these 200
5 numbers --

6 MS. DAVIS: I totally understand. So on
7 the -- on the application, what we did was we looked
8 at the capacity of the basement and what the
9 capacity could handle, and we did dial it back a bit
10 based on the square footage for each of the
11 designated spaces for the children. We did want to
12 have some extra space for the kids and not jam as
13 many possible kids as we could into a space, because
14 that's unreasonable.

15 But there is a designated area for
16 toddlers, a designated area for infants, as well as
17 a sleeping space for infants in the basement area,
18 and there's an area for the preschool children.
19 That's all designated. You know, obviously, if
20 there's bad weather, they'll all be inside. But it
21 is a pretty extensive space.

22 When the owners purchased the property,
23 they did an extensive renovation. They did
24 fireproof between the floors. They did a lot of the
25 work that would allow them to do this in the future

1 but did not initially request the extension from
2 Zoning. Just, you know, it was COVID times and all
3 of that fun stuff. But I do think that the center
4 is very capable of taking on this additional
5 capacity without having a huge impact on the
6 surrounding neighbors.

7 VICE CHAIR GOLDSTEIN: Okay. I'm assuming
8 there's been some preliminary discussions with OSSE
9 about the numbers you're proposing? Or is that for
10 a later track for you?

11 MS. DAVIS: So it's my understanding that
12 the conversation has been had with OSSE. Obviously,
13 we would need the approval before there could be any
14 kind of formalization of a zoning use, certificate
15 of occupancy, all of those, you know, things that
16 need to happen before we can actually take a
17 formalized application to OSSE.

18 The square footage of this space can handle
19 more children than they're asking for. There is
20 front and rear access, there's multiple safety --
21 you know, safety items that are in place that would
22 allow for no additional kind of like code
23 modifications or any kind of like exceptions from
24 OSSE's regulations. So the area is capable of
25 handling it.

1 So there hasn't been a formal application
2 to OSSE for this because we would need to have, you
3 know, a certificate of occupancy showing that we
4 would be able to handle this capacity.

5 VICE CHAIR GOLDSTEIN: Okay. Okay. But
6 certainly you feel confident that this is a number
7 that can be accommodated in this space?

8 MS. DAVIS: Absolutely. So I've -- I've
9 actually had discussions with the Department of
10 Buildings regarding the usage and the -- like, the
11 fire requirements and all of those things that are
12 needed in order to formalize this number of
13 children. The egress requirements, all of those
14 things. So those conversations have already
15 happened.

16 I work with the Department of Buildings
17 quite often, and so I do have conversations with the
18 reviewers and the managers and all of those things.

19 And we did have a pretty extensive discussion about
20 this usage, and there didn't seem to be much of any
21 pushback.

22 VICE CHAIR GOLDSTEIN: Okay. Just two more
23 -- two more questions for you. I think the Office
24 of Planning in particular noted about trash. And
25 I'm kind of curious what your process is now or how

1 it's going to be changing with the additional number
2 of kids.

3 MS. DAVIS: Absolutely. Francisco and
4 Rose, I think you would need to speak to that. I
5 will say that I have had other centers that I've
6 done work for, and typically at the building permit
7 process or, you know, as a condition of a
8 certificate of occupancy, we provide, like, a
9 contract for multi day pickup at that time. And I
10 believe that the owners would be amenable to that.
11 But I would suggest that they speak to their current
12 usage and proposed, as well.

13 MR. CORREA: Yes. Hi. I can answer that.
14 Well, I thought about that. Having a capacity of
15 nine children right now, we are using -- we are
16 using our regular trash container. And -- but what
17 I did, I purchased -- I purchased an extra
18 container, 250 gallons, already from the city
19 because I was thinking about the trash. And -- but
20 if that is not okay with the city -- and then I also
21 already contact a third party, contractors,
22 subcontractors to come, I would say, I think that
23 they come twice a week, to pick up the trash that
24 would be generated by the extra children.

25 VICE CHAIR GOLDSTEIN: Okay. So you -- you

1 think that -- your plan, I think, is to hire a
2 company to come twice a week and you think that'll
3 be sufficient; is that right?

4 MR. CORREA: That's what -- that's what --
5 well, when I contacted them, they said that they
6 come twice a week. But if it's twice a week -- if
7 it's something that either Zoning or OSSE, I don't
8 know who -- or maybe the environment department says
9 no, they have to come out every day, and then I have
10 to find someone else.

11 VICE CHAIR GOLDSTEIN: Okay. I think just
12 generally, you're aware of the issue, you're
13 prepared to make sure you address it so that it
14 doesn't become any kind of nuisance to the neighbors
15 and the like. Is that --

16 MR. CORREA: Correct. Correct.

17 VICE CHAIR GOLDSTEIN: Okay.

18 MR. CORREA: Absolutely. Correct, yes.

19 VICE CHAIR GOLDSTEIN: Okay. My last
20 question is just about -- I saw those wonderful
21 letters of support. It's possible I could have
22 missed it. But is there any -- what have the
23 communications been with immediate neighbors? I'm
24 particularly thinking to the south of the property
25 or across the alley.

1 Have -- I don't know if they've submitted
2 anything, and I could have missed it or -- could you
3 at least elaborate on what the communications and
4 relationships have been with them?

5 MR. CORREA: Our communication with our
6 neighbors to the north, or even to the south of our
7 property, and to the back, it's -- it's been very
8 healthy. I mean, they know -- we -- we spoke about
9 the application with BZA. We spoke about -- I mean,
10 we explained it to them. And even far north, to the
11 -- on the Underwood properties, we also spoke with a
12 few folks over there, and they have no -- they said
13 that they have no -- I mean, they have nothing to
14 say. Actually, what they did say was, it is even
15 better for the community, it will help the community
16 even more.

17 However, the trash is -- it was -- it was
18 something that I was thinking way much before talked
19 to them to address the trash pickup quickly because
20 especially in the summertime, that's one of the
21 things -- I keep cleaning -- I am a person that
22 clean my alley, I mean, every day. And I --
23 especially in the summertime with the heat, we don't
24 want to leave trash there for -- I mean, for more
25 than maybe a day or maybe more than a couple of

1 days.

2 VICE CHAIR GOLDSTEIN: Okay. And your
3 neighbor -- I'm thinking, particularly your most
4 approximate neighbors, the people closest to you,
5 they are generally supportive of your application or
6 your use, or you're not hearing any concerns that --

7 MR. CORREA: They -- they did -- they did
8 support.

9 VICE CHAIR GOLDSTEIN: -- that we should be
10 aware of?

11 MR. CORREA: Yeah, they did say that they'd
12 be okay with it.

13 VICE CHAIR GOLDSTEIN: Okay.

14 MR. CORREA: They are -- they have no
15 objections. That's what they said.

16 VICE CHAIR GOLDSTEIN: Okay.

17 MS. DAVIS: And I do believe they attended
18 one of the ANC meetings that we presented to, and
19 they didn't speak an objection.

20 VICE CHAIR GOLDSTEIN: Okay.

21 MS. DAVIS: You know, that's not, you know,
22 an overt support, but, like, they didn't object to
23 it.

24 And one thing -- I know it says it in some
25 of the letters, but one thing that we heard a lot of

1 when we were reaching out to the community on behalf
2 of the owners is what good neighbors they are, and
3 that they always seem to have a focus on being a
4 good neighbor. And, you know, just as somebody
5 who's dealt with some contentious neighbor relations
6 for clients in the past, I did love hearing that.

7 VICE CHAIR GOLDSTEIN: No, I think that is
8 good. And they're not here objecting, which is also
9 a sign.

10 MS. DAVIS: Yes.

11 VICE CHAIR GOLDSTEIN: Yeah, I do think --
12 and as the applicant was stating, you know, trash,
13 hot summer heat, I mean, I really think this is --
14 and it sounds like there's an intent to, but it
15 sounds like it needs a lot of attention --

16 MS. DAVIS: Yeah.

17 VICE CHAIR GOLDSTEIN: -- to make sure the
18 relationships stay strong with the neighbors around.

19 MR. CORREA: Absolutely. Absolutely. I
20 mean, the good -- I mean, one of the good things is
21 that our backyard is so -- it's so -- I mean, it's
22 long, it's big. And the trash cans, they are on the
23 -- on the back alley, and they are way far from the
24 -- from -- from -- from the -- from the houses.

25 However, again, with the heat -- winter

1 time is a little bit easier because things get
2 frozen -- get froze quickly. But the winter time is
3 the biggest concern. I see that. I am -- I mean,
4 I'm -- I'm a construction person. I'm a builder.
5 And I see those things all the -- I always go for
6 the safety first, cleaning, make sure that
7 everything is well done the way it's supposed to be.

8 VICE CHAIR GOLDSTEIN: Okay. Thank you. I
9 don't have any more questions at this time.

10 MR. CORREA: Thank you for your time.

11 CHAIRPERSON POURCIAU: Thank you, Vice
12 Chair Goldstein. That was very comprehensive.
13 Commissioner Stidham, do you have questions for the
14 applicant?

15 COMMISSIONER STIDHAM: I do. Vice Chair
16 went through a lot of my questions, so I have a
17 little bit of follow up just to further understand.

18 And I'll start with trash. You know,
19 trash, especially from a facility like this, and the
20 fact that you're doubling, more than doubling the
21 number of kids, you will have more than double the
22 amount of trash. And if you're storing in the
23 alley, I have some concerns about a twice a week
24 pickup and what that looks like, especially in the
25 summer, with this many children and staff. So, I

1 would encourage you to look at a daily pickup to
2 ensure that you are not imposing on the neighbors
3 and that you are continuing to be a good neighbor
4 and not having trash piling up in the alley that
5 then becomes an issue, a variety of issues.

6 So, on to questions. So, you have nine
7 children now, but I think I may have missed how many
8 staff you have right now.

9 MS. RIBEIRO: I have right now two staff,
10 three with me.

11 COMMISSIONER STIDHAM: So, you have three
12 staff in addition to yourselves?

13 MS. RIBEIRO: Two staff in addition to
14 myself. Yes.

15 COMMISSIONER STIDHAM: Okay. And that,
16 right now, those individuals are coming by way of
17 something other than car. But your application
18 indicates that you would have three other employees.

19 So, I am -- do you already have those individuals
20 selected and know their transportation needs?

21 MS. RIBEIRO: Yes. I have people on my --
22 I'm sorry. I have people in mind that it is not
23 needed transportation. But like I say that the
24 person is going to -- and I already have, and I
25 already spoke to them, and they are very

1 enthusiastic, as well.

2 COMMISSIONER STIDHAM: Okay. And you have
3 four parking spaces, so that would cover the needs
4 of the staff. But you're also doubling the number
5 of children. So I know that you had a good
6 conversation with DDOT, and I think that we need,
7 in order to have some comfort that a pickup and drop
8 off plan is not necessary, that DDOT file a
9 supplemental to be included to ensure that that
10 truly is the case.

11 Not that I don't trust your word --

12 MS. DAVIS: Of course.

13 COMMISSIONER STIDHAM: -- but that I fully
14 understand the scope and breadth of what is being
15 considered and put something on the record. Because
16 what they have on the record right now is that
17 they're requiring that you have a pickup and drop
18 off plan. That it's contingent upon that. So, I
19 think that we need something on the record from DDOT
20 that says that's no longer necessary.

21 MS. DAVIS: Not a problem. I'll reach out
22 to Ms. Sanders and Mr. Ozberk at DDOT today and
23 request that they file that to the record.

24 COMMISSIONER STIDHAM: Okay. Great. I
25 think the Vice Chair has hit the rest of my

1 questions. And the presentation really did help, so
2 thank you for doing that.

3 (Simultaneous speaking.)

4 MR. CORREA: I'm sorry. I just want to say
5 something that we have the four parking space that
6 you mentioned. They are on the front, just for the
7 drop off and pick up. In addition to that, we have
8 two extra parking space for the staff, as needed, on
9 the back of the house. Those are private. Those
10 are on the driveway on the back of the property. I
11 just want to make sure that --

12 MS. DAVIS: Those are the four that we're
13 referring to. So typically, when you're talking
14 about parking, you don't consider street parking as
15 owned by your property even if it's in front of --

16 MR. CORREA: Oh, I'm sorry.

17 MS. DAVIS: It's okay. Even though it's in
18 front of your property, it's not your, you know,
19 your physical space. So anybody, you know, if
20 somebody wanted to park there and walk over to
21 Safeway, they can park there. So the four spaces
22 that we're referencing are the two on 6511 and two
23 on 6517.

24 MR. CORREA: I got you. Sorry. Thank you.

25 MS. DAVIS: No worries. It's okay. I'm

1 glad I was able to help.

2 COMMISSIONER STIDHAM: So, thank you. I
3 guess the only other piece that just came to mind,
4 is this a Monday, and maybe you said this and I
5 just missed it, Monday through Friday?

6 MS. DAVIS: Yeah, Monday through Friday.
7 Yep, Monday through Friday. Yes, it was in the
8 presentation, but I don't think I read that part.

9 COMMISSIONER STIDHAM: Okay. And what are
10 the hours of operation?

11 MS. DAVIS: 7:30 to 5:30.

12 COMMISSIONER STIDHAM: I'm sorry, can you
13 say that again?

14 MS. DAVIS: Of course. 7:30 to 5:30.

15 COMMISSIONER STIDHAM: 7:30 to 5:30. Okay.

16 MS. DAVIS: Thanks.

17 COMMISSIONER STIDHAM: That's it for me,
18 Chairman.

19 CHAIRPERSON POURCIAU: Thank you. Thank
20 you, Board Members for being so comprehensive with
21 your questions. I just want to add before I go to
22 the next, before I go to Office of Planning, that I,
23 too -- the trash item was, I think, covered very
24 thoroughly. And I really appreciate the comments
25 from the applicant and the concern and thorough

1 nature of his analysis of how the trash should be
2 treated. I remain concerned about drop off and
3 pickup.

4 And as pointed out, Ms. Davis, those four
5 spaces in the front that would be used for drop
6 off/pickup are public spaces. I don't know if
7 they're regulated at all. Now, it is -- I'm
8 familiar with this intersection. I know that
9 Safeway there is, I guess, southwest of Georgia
10 Avenue. So, just would have some concern about
11 making sure you have adequate space for those
12 dropping off and picking up, not being in the
13 throughway of Piney Branch, which is an arterial
14 road, I believe.

15 MS. DAVIS: Of course.

16 CHAIRPERSON POURCIAU: And so when you
17 speak with DDOT, I would like to see that all that
18 is addressed. And I guess we'll hear from Office of
19 Planning about that, as well.

20 MS. DAVIS: Absolutely. So just one thing
21 that I'll speak to about the conversation that we
22 had with DDOT, is the emphasis that they had on
23 ensuring that nobody double parks was communicated.

24 And I believe that the agreement was that they
25 would formalize a pickup drop off note to all

1 parents that may be coming by car, noting that no
2 double parking is permitted and that they would not
3 be able to do that because of obvious reasons.

4 You're not allowed to do that. And we definitely
5 wouldn't want to affect the traffic on Piney Branch.

6 CHAIRPERSON POURCIAU: And you know, I must
7 commend you. It's fabulous of your expectation and
8 your hope that most will walk or use public
9 transportation. I think that is, you know, the best
10 way to commute.

11 MS. DAVIS: Yeah. It's a very neighborhood
12 centric center. So that's kind of been -- and they
13 do have a lot of demand from surrounding neighbors,
14 as well. So I believe that if they opened tomorrow,
15 they could fill the capacity with people just from
16 the surrounding neighborhood.

17 CHAIRPERSON POURCIAU: Good. So in that
18 growth of just preparing for --

19 MS. DAVIS: Definitely.

20 CHAIRPERSON POURCIAU: -- the expansion
21 that might happen far and wide because it's such a
22 great center.

23 MS. DAVIS: And that's the Montessori
24 program, which is always great for --

25 CHAIRPERSON POURCIAU: Sure.

1 MS. DAVIS: I sent all my kids to
2 Montessori, so I just wanted to throw that in there.

3 CHAIRPERSON POURCIAU: Me too.

4 MS. DAVIS: I love that.

5 CHAIRPERSON POURCIAU: So with that, why
6 don't we call on the Office of planning. I see Mr.
7 Mitchum is with us today.

8 Are you ready to give your report, Mr.
9 Mitchum?

10 MR. MITCHUM: Absolutely. Good morning,
11 Madam Chair, Members of the Board. My name is
12 Joshua Mitchum with the Office of Planning. We are
13 willing to rest on both our formal report, as well
14 as our supplemental report, in recommendation of
15 approval for the subject application. And I'm happy
16 to answer any questions you may have. Thank you.

17 CHAIRPERSON POURCIAU: So Mr. Mitchum, you
18 did have in your report with the condition of the
19 PU/DO plan and trash management. I believe you have
20 both of those things in your report. Based on this
21 discussion that you've heard, do you have anything
22 you want to add or change from that report?

23 MR. MITCHUM: No, not at this time. I was
24 aware that Ms. Davis would be having a conversation
25 with DDOT. So I'm happy that it lined up with the

1 hearing, and glad to hear that it was a fruitful
2 discussion and that they will be moving forward with
3 an acceptable pickup and drop off plan.

4 The trash storage conversation lines up
5 with the conversation that I wanted her to have, the
6 applicant to have, with both the Office of Planning,
7 as well as, you know, discussing it with the Board.

8 So at this time, nothing more to add.

9 CHAIRPERSON POURCIAU: Thank you. Do Board
10 Members have questions for Office of Planning?

11 VICE CHAIR GOLDSTEIN: I do. And first, I
12 just want to say thank you for your report. Very
13 helpful. The only questions I really have are about
14 the relief. And it's not -- I just found it -- I
15 haven't seen as often where someone's living in a
16 home, and it's essentially a second principal use.
17 It's not a home occupation that's being sought here.

18 There could have been a path where this
19 remained a home occupation, but essentially would
20 have been maybe a variance as well as a special
21 exception. Instead, they're going the special
22 exception route for a second principal use in a
23 residential dwelling.

24 Is this something that was discussed with
25 the Office of Planning. Is this the way things are

1 supposed to work? I don't think I've seen this
2 combination before. And I'm just wondering if you
3 have any thoughts on that.

4 MR. MITCHUM: Oh yeah, absolutely. So, one
5 of the main things that we looked at is just the
6 explicit definition of the child development center
7 as enumerated in the ordinance. And we understood
8 that non-residential, in the capacity of when it
9 says child development care center, it didn't
10 necessarily actually preclude people from living in
11 the home as well. And also, child development care
12 centers, typically, you know, it would allow for
13 having more children there. And we've also did our
14 research, and yet there have been cases like this
15 before, in which a childcare center did take place
16 in a primary residence.

17 So, that's something that we can look into,
18 maybe making it a little bit clearer, a distinction
19 between home occupation, child development care
20 center uses. But Office of Planning did spend a lot
21 of time looking into, you know, classifying this
22 property. And I believe that we did come to the
23 correct conclusion, as shown by the report and the
24 applicant's statements.

25 VICE CHAIR GOLDSTEIN: Well, I really

1 appreciate that. And I'm glad to hear that in your
2 research there have been other cases like this. It
3 seems like there's a little strange overlap in the
4 rules between a special exception to get up to 12
5 kids as a home occupation versus a, sort of, daytime
6 care child development home as a principal use,
7 which has seemingly fewer restrictions than applying
8 for, you know, up to 12 kids as a home occupation.
9 I understand this is exceeding even that.

10 But there seems to be something in the
11 regulations that is overlapping in a certain way. I
12 would love if the Office of Planning can keep
13 looking at the way these rules are interacting in
14 the future, and really appreciate your feedback on
15 this.

16 MR. MITCHUM: Yeah. Thank you very much.
17 And yeah, we're always committed to making sure our
18 ordinance meets the needs of the evolving times of
19 how people operate these kinds of businesses. Well
20 noted. Thank you.

21 CHAIRPERSON POURCIAU: Commissioner
22 Stidham, do you have any questions for OP?

23 COMMISSIONER STIDHAM: No. But thank you
24 for your report. Very nicely done.

25 CHAIRPERSON POURCIAU: Thank you. Ms.

1 Davis, do you or the applicant have any questions
2 for OP?

3 MS. DAVIS: We do not. But if it's okay,
4 can I speak to Vice Chair Goldstein's comment? The
5 difference between the two is the onus that is put
6 on the owner regarding the building code. There's a
7 much lower level of requirement for fire separation
8 and those kinds of things under the building code
9 when you're looking at a home occupation versus a
10 second use. And because of the extensive, like,
11 fireproofing and things like that that were done by
12 the owner during his renovation, we were able to
13 meet a lot of that, which is why we applied for it
14 that way, just so you know. Just for your
15 edification.

16 VICE CHAIR GOLDSTEIN: Okay. That's very
17 helpful. Thank you.

18 MS. DAVIS: No worries. There was a lot of
19 conversation on the back end for us, as well, so I
20 totally understood where you were coming from.

21 VICE CHAIR GOLDSTEIN: And would that maybe
22 suggest why it's also -- well, maybe you just can't
23 get a lot of big child development homes in
24 residential homes generally.

25 MS. DAVIS: Absolutely.

1 VICE CHAIR GOLDSTEIN: But I'm guessing
2 that's another limitation, just the amount of
3 building code upgrade, that makes this a little less
4 common to see.

5 MS. DAVIS:

6 MS. DAVIS: It's also a square footage
7 thing, I think, because you do have to have, you
8 know, a certain number of square feet per child.
9 And when you hit 12, the number of square feet
10 typically maxes out, especially in a basement area,
11 for that number of children. You don't have as many
12 large, like, basements that are as large as this
13 one, in a lot of homes. Not only in the District,
14 but even in surrounding areas. And I think that is
15 just one of the pros of this particular site.
16 Because the basement is such a large area, because
17 there is so much available space for the center, we
18 are able to accommodate more children, whereas if
19 somebody had only like a 700-foot basement or, you
20 know, something markedly smaller, they just wouldn't
21 be able to handle that. And so, I do think that's
22 just one of the unique benefits to the site that the
23 owners have. And that's one of the things that, you
24 know, kind of leaned us that way, because they do
25 have such a large basement space.

1 VICE CHAIR GOLDSTEIN: That's very helpful.
2 Thank you.

3 MS. DAVIS: No problem. Appreciate you.

4 CHAIRPERSON POURCIAU: Thank you, Mr.
5 Mitchum. I see that we don't have any other
6 district agencies here to testify. Unfortunately,
7 DDOT is not here today. The ANC is not present.
8 But I know they did not object to this application.
9 There are no parties either in support or
10 opposition.

11 I have been made aware that there are
12 individuals who are signed up to testify.

13 Madam Secretary, can you tell me how many
14 individuals there are signed up to testify who have
15 joined?

16 MS. MEHLERT: I believe there are five. We
17 can check with Mr. Young to see if they are all
18 ready to come.

19 MR. YOUNG: We have four.

20 CHAIRPERSON POURCIAU: Okay. All right.
21 Mr. Young, would you please bring them in? Thank
22 you.

23 And because they're not on the sign up
24 list, I don't have an order to call them in or their
25 names. Let's see. So, I think I see them here.

1 So, the first name I see is Ms. Kim Ha.

2 Are you prepared to testify?

3 MS. HA: Yes, I am.

4 CHAIRPERSON POURCIAU: Okay. I just want
5 to welcome you today and let you know you have three
6 minutes for your testimony. Thank you for being
7 here. You can proceed.

8 MS. HA: Thank you. I just wanted to share
9 that we have sent two children to Child First Step.

10 So, we've been with Child First Step since 2022,
11 and we sent our first child there. And then, we
12 currently send our second child there.

13 We have had an extremely positive
14 experience with Child First Step. We feel very,
15 very, very lucky that we kind of just fell into
16 their care. We were new parents, it was COVID, we
17 didn't know what we were doing, and we kind of just
18 copied our friend who had a child that was a year
19 older than our first kid. And so, we really lucked
20 out and been lucky to send both of our children
21 there. And they have absolutely flourished there,
22 and they absolutely love it there.

23 And it is such a loving and welcoming
24 environment. And Rose has done such an excellent
25 job trying to build and foster a community among the

1 parents. And we very much have that sense of
2 community. We are actually on a group chat right
3 now live texting this hearing and, like, very
4 excited and very anxious to see what will come. And
5 all of us are very supportive of Rose and this
6 expansion, and we're just very happy to invite more
7 families into this wonderful community and Rose's
8 excellent care.

9 CHAIRPERSON POURCIAU: Thank you so much
10 for that.

11 I need to remind those who are testifying
12 to give your name and address for the record. And
13 I'm so sorry. I didn't do that.

14 Ms. Ha, could you please do that?

15 MS. HA: Okay. So my name is Kim Ha. I
16 live at 711 Tewkesbury Place Northwest. So, it's
17 about three-ish blocks away from this facility. We
18 walk every single day, which is a huge privilege for
19 us, and we wouldn't have it any other way. We're
20 very thankful that it's walking distance. And we
21 can also do groceries right across the street from
22 Safeway if we have to, like, rush home from the
23 metro or work to, you know, just make sure we have
24 enough groceries for dinner. It's always nice to
25 see the other families and chat with them at pickup

1 or drop off. Rosie is always kind and gives the
2 best care to our children. And we're so thankful
3 for her.

4 CHAIRPERSON POURCIAU: Thank you for that.
5 And I know it's nothing like having somebody that
6 you're close to that are a little ahead of you in
7 your needs, and you can follow their lead and their
8 guidance and their wisdom. So that's a great thing.

9 Do other Board Members have any questions
10 for Ms. Ha? No? Let's see.

11 VICE CHAIR GOLDSTEIN: No. Thank you for
12 testifying. Appreciate it.

13 COMMISSIONER STIDHAM: Yeah. Absolutely
14 thank you for testifying. As a mother to three
15 children, I know how extremely difficult it is to
16 come up with someone that you can trust and a
17 setting that is beneficial to your children. So,
18 thank you for being here.

19 MS. HA: Thank you.

20 CHAIRPERSON POURCIAU: Next, I'll ask Ms.
21 Scribner if she is prepared to testify. You will
22 have three minutes. And please remember to give
23 your name and address for the record. Thank you.

24 MS. SCRIBNER: Hi. Yes, I am. My name is
25 Loren Scribner. I live at 811 Quintana Place,

1 Northwest. So a few blocks from Child's First Step.

2 My husband and I have been on Child's First
3 Steps wait list since November 2024, which I think
4 just clearly underscores the need for quality
5 childcare in our neighborhood. And the reason why
6 we've been willing to stick it out for almost two
7 years is just the reputation that Rose and Francisco
8 have built in our neighborhood.

9 We have toured countless daycares in the
10 area, and Child's First Step just really, truly
11 stands out. It's very clear the moment you walk in
12 the doors how nurturing it is. We've spoken to some
13 of the other families, who I believe are on the
14 line, of just what a nurturing, inclusive community
15 it is. So, that's been the reason why we have been
16 waiting for so long to get a spot at Child's First
17 Step.

18 It's clear that it's enriching. And it's
19 not just a childcare center. It's very clear that
20 it's a real cornerstone of our community, which is
21 very special. And I think that that's from all the
22 great work that Rose and Francisco have done pouring
23 into this community.

24 You can feel their warmth and enthusiasm
25 the second that you step in the door. Rose is super

1 social and creative with the kids, which we really
2 appreciate and are very anxious to get a spot later
3 this year. So, very enthusiastic of this expansion
4 and appreciate any support that the Board is able to
5 give.

6 CHAIRPERSON POURCIAU: Thank you. Any
7 questions from the Board for Ms. Scribner? Thank
8 you so much.

9 I think next might be Rory Skaggs. Mr.
10 Young, is that --

11 MR. SKAGGS: Yes, ma'am.

12 CHAIRPERSON POURCIAU: Yes. Are you on to
13 testify?

14 MR. SKAGGS: Yes.

15 CHAIRPERSON POURCIAU: Okay. If you can
16 please give your name and address for the record.
17 And you have three minutes.

18 MR. SKAGGS: Thank you, Madam Chair. Rory
19 Skaggs, 863 Van Buren Street, Northwest. I am also
20 a parent, current parent, and echo everything the
21 parents have said. But I thought it might be useful
22 because I'm also a very close neighbor. I think I
23 can see the center from my front porch. And so, I
24 thought it might be useful to just testify a little
25 bit about the reality on the ground in terms of

1 parking.

2 The area right in front of the center is
3 probably one of the few places in the neighborhood
4 that there are generally open spots. It does not
5 get very full. And I will also say on the west side
6 of Piney Branch, next to Safeway, is not zoned
7 parking. And so, there is a strip that is almost
8 always completely empty. And so, presumably, it
9 would be very easy to park there and then just cross
10 at Piney Branch and Van Buren.

11 I have two small children. And so,
12 underscoring what some others have said, you know,
13 there is a desperate need in D.C. of quality early
14 child education, which is what we feel like we get.
15 And so, that's why me and my wife support this.

16 And then the only other point that I felt
17 like was worth raising, the point about the doubling
18 of the children. I just thought it would be worth
19 mentioning, my understanding historically is that
20 there have been many families that have sent more
21 than one child to Rose at a time. And so, I think
22 that would probably be the case going forward, I
23 assume. And so, just doubling the number of
24 children doesn't necessarily double the number of
25 pickups and drop offs is my only point. If a family

1 is bringing more than one child, then obviously you
2 know, you don't have that double number. And so,
3 thank you for your time.

4 CHAIRPERSON POURCIAU: Thank you, Mr.
5 Skaggs. I think that those boots on the ground
6 comments were very helpful.

7 Any questions from Board Members for -- no?
8 Okay. We'll go on to then Mara van den Bold?

9 MS. VAN DEN BOLD: Yep. Can you hear me?

10 CHAIRPERSON POURCIAU: Thank you. Yes,
11 your name and address for the record, please. And
12 you have three minutes. Thank you.

13 MS. VAN DEN BOLD: Thank you so much. My
14 name is Mara van den Bold. I live at 6005 4th
15 Street Northwest. We have been with CFS since 2021.
16 We've had two kids go through this amazing daycare,
17 the second of who is almost four years old and has
18 been there since nine months. And to Rory's point
19 just now, they overlapped for one year. So, it's
20 just, you know, we're dropping two kids, but with
21 one car or one stroller or one bike.

22 So, I strongly support the application. I
23 think Child's First Step provides a critical service
24 to the community, particularly considering the high
25 demand for daycare spots in our neighborhood and the

1 challenge of finding a daycare that's of such high
2 quality. My family lives about a 15-minute walk or
3 5-minute drive from the facility, or a 5-minute bike
4 ride. We use a combination of driving, biking,
5 walking.

6 There have never been, and I don't really
7 envision, also to what Rory pointed to, there to be
8 any parking issues because temporary parking is
9 widely available in the area and drop off doesn't
10 take very long at all. And a lot of the families at
11 CFS also walk or bike because it is a neighborhood
12 daycare.

13 I also want to emphasize, as some of the
14 other parents have, or all the other parents have,
15 that CFS is widely known as one of the best daycares
16 in the neighborhood. They have kids from young
17 babies to preschool kids. They have a ton of space,
18 as was mentioned, indoor and outdoor space that
19 would facilitate even beyond 20 children, but also
20 goes much beyond what most in home daycares would
21 offer in the community. And they work on,
22 obviously, education, preschool preparation, gross
23 and fine motor skills, social and emotional skills.
24 The teachers are exceptional.

25 My kids have really flourished, and also

1 picked up a lot of Spanish as well. They've learned
2 a ton. Many families in the community are friends
3 years after their kids finish the program, which
4 just shows how Rose and Francisco have really
5 fostered a sense of community.

6 And so, I think being able to expand their
7 capacity will really be a really great service to
8 the young families in the community and therefore
9 the community at large. Yeah. And so, that's it.
10 Strongly support.

11 CHAIRPERSON POURCIAU: Thank you so much.
12 Any questions from the Board? And I think we'll
13 hear from the last presenter. And again, please
14 give your name and address for the record. And you
15 have three minutes.

16 MR. GERHARDT: Good morning. My name is
17 Brian Gerhardt. I live at 605 Van Buren Street
18 Northwest, just around the corner from Rose and
19 Child First Step. Everything I'm going to say is
20 going to sound like an echo because you can see
21 already that parents see this as an extreme value to
22 our community. You know, I kept seeing, or hearing,
23 mention of adversity to the neighborhood. I can't
24 see any way in which expanding Rose's care is not of
25 extreme value to an over impacted neighborhood and

1 city when it comes to childcare.

2 But beyond that, incredible childcare. To
3 call it a basement facility sounds condescending for
4 what Rose and Francisco have built out. It's an
5 incredible center that's on par with any, frankly,
6 of the kind of preschools we've been touring, as my
7 son, who started in 2023, gets ready for 3K in the
8 fall.

9 On that note, you know, when we were
10 touring schools in D.C. for the lottery, which any
11 parent who's gone through it, my condolences, they
12 kept talking about well, here's the goals for the
13 end of 3k and 4k. Our son's already met all those
14 goals. It has nothing to do with my wife and I.
15 It's really all in Rose's hands. He comes home from
16 school and we go, where did he learn to do that?
17 And I call it school, reflexively, because it really
18 does feel like a place where he's getting this
19 incredible emotional and sort of intellectual
20 education.

21 You know, when you take your little baby
22 child and you hand them to a stranger you've only
23 met once or twice, it feels terrifying and scary and
24 all of that. We have a second child now, and we're
25 just like, please, Rose, take her, when can we give

1 her to you, because we've seen what incredible work
2 she's done for our son.

3 The first time we met Rose and toured her
4 facility happened to be the day she was having,
5 like, an alumni party. And when she walked out into
6 her yard to all of these children after talking to
7 us, it was like -- there might as well have been
8 walk-on music. It was like a celebrity. People
9 were cheering and kids were running up to her to hug
10 her. She's had such an immense impact on both the
11 kids and parents in this neighborhood.

12 It's already been said, but the parking's
13 never been an issue in a city where it is always an
14 issue. The only time we really drive is on extreme
15 weather days. I'm from Southern California, so
16 pretty much anything outside of, you know, 65 to 80
17 is an extreme weather day. But anytime we show up,
18 I always comment to my wife, how is this the only
19 street in D.C. that has no parking issues? So,
20 parking's not an issue.

21 Trash, I play a game with my son, do you
22 want to walk through the street or the alley? He
23 kind of switches it off. When we go through the
24 alley, it's not something I've noticed, despite, you
25 know, many alleys in our neighborhood kind of being

1 impacted.

2 Suffice to say, we adore Rose. We know
3 that every kid who's going to benefit from this
4 expansion will feel the same. And thank you,
5 everyone, for your support of this expansion.

6 CHAIRPERSON POURCIAU: Thank you so much.
7 I'd like to -- are there any questions from the
8 Board for the last presenter?

9 Does the applicant have anything they'd
10 like to ask or comment on from the witnesses that
11 just presented?

12 MS. DAVIS: I personally just want to thank
13 everybody who showed up because I had no idea so
14 many people were signed up to testify and I just
15 think that's lovely. I'm a mom of four, so, yes, I
16 know how hard it is to get childcare. So I have
17 been very supportive of, you know, my clients, but
18 also, I love to hear it from other people too, so.

19 MS. RIBEIRO: I just wanted to thank you
20 all. I get very emotional to hear all those kind of
21 comments right now, of course. And I believe that
22 what I have to say, it is I love to work with the
23 kids, and I always do my best to keep them safe and
24 to improve the learning. It's not only about
25 learning in knowledge, but learning in all the

1 aspects. That's -- it's my plan.

2 And I really wanted to say thank you, you
3 all. I just want to say thank you. And if I can
4 help that community of who I need, I'm always going
5 to be here to help. And I'm going to always going
6 to be grateful for all of those people is around me.

7 CHAIRPERSON POURCIAU: Thank you for that.

8 And so, I believe we have covered everyone who was
9 here to testify.

10 With that, I'd like to ask the applicant if
11 they have any closing remarks.

12 MS. DAVIS: I believe my action item is to
13 get the supplemental DDOT report. So I will handle
14 that as soon as we are off of the call. And if
15 there's any additional information or items that you
16 need for us to provide, I would just say feel free
17 to ask. I'm happy to do whatever needs doing.

18 CHAIRPERSON POURCIAU: Any questions from
19 any discussion with the applicant now from any Board
20 Members?

21 VICE CHAIR GOLDSTEIN: I think the only
22 other thing -- and thank you so much. And again, I
23 just want to echo, the testimony today has been
24 incredible. We really appreciate everyone coming
25 out and giving us their experience, and the

1 positivity is amazing.

2 I do want to ask of the applicant one other
3 item I would kind of like to see. Since we're
4 already asking for one thing. I would like just a
5 submission about the approach to trash and what your
6 expectation, and how you're going to handle that in
7 the future. I'd love to see -- I've heard a lot of
8 thoughts and a lot of talking about it. But I'd
9 love to see something put into the record about how
10 you plan to approach it in the future.

11 MS. DAVIS: Absolutely.

12 VICE CHAIR GOLDSTEIN: Otherwise, I think
13 the applicant has really done a terrific and
14 thorough job here.

15 MS. DAVIS: Something that we did for
16 another client was we created kind of a three-step
17 approach, which was, like, if the trash meets this
18 threshold, then we'll jump to the next thing, to the
19 next thing. And the first was, you know, you start
20 with the usage of city trash, then you do the two
21 times a week pickup, and then you move to a possible
22 daily pickup, and you get contract proposals for
23 each of those things. And then -- would something
24 like that be what you're looking for?

25 VICE CHAIR GOLDSTEIN: I kind of leave it

1 up to you. I mean, it sounds like you have
2 experience in how you've done this in other cases.
3 I'm not looking for a lengthy report. But I would
4 like something --

5 MS. DAVIS: One more thing to read.

6 VICE CHAIR GOLDSTEIN: Yeah. I would like
7 something into the record that shows for the
8 thoughtfulness of how this will be approached and
9 how the use will remain a good neighbor going into
10 the future.

11 MS. DAVIS: Absolutely. Okay. So I'll put
12 that on my list of items to put into the record
13 along with requesting the DDOT report.

14 MR. CORREA: Yeah. And I just want to
15 emphasize that about the trash a little bit more.
16 On the worst case scenario which I do sometime --
17 sometimes I see people, they leave things on the
18 alleyway and all that. Since that I am a builder, I
19 have my trucks. What I do, like refrigerator, like
20 bed mattress -- I mean, sometimes people, they just
21 dump things on the alley. I just pick them up, and
22 I stick them on my truck and I go to the (audio
23 interference) and I just dump them there.

24 And with the trash, I believe that we can -
25 - I would say start with a city pickup because they

1 come every Monday because they pick up the regular
2 trash from the properties. And also, twice a week I
3 can hire this company that I already spoke with for
4 twice pickup as well. And if I see that that's not
5 enough, I can step in on my own with my own truck,
6 pick them up, dump them off. They are right on
7 (audio interference) I don't have no problem doing
8 that.

9 VICE CHAIR GOLDSTEIN: Okay.

10 MS. DAVIS: We'll formalize that into
11 something for the record.

12 VICE CHAIR GOLDSTEIN: That'd be great.
13 And you sound like a very thoughtful owner, property
14 owner, business owner. I suspect it'll operate
15 well. But I really would like something into the
16 record that --

17 MR. CORREA: Well, the best --

18 VICE CHAIR GOLDSTEIN: -- provides a little
19 bit more structure, you know, into the record for
20 it.

21 MR. CORREA: Well --

22 MS. DAVIS: Yeah. We'll take -- oh, go
23 ahead. Sorry.

24 MR. CORREA: Sorry. The only way we can
25 make a better world, a better community, is helping

1 one another. That's my philosophy.

2 CHAIRPERSON POURCIAU: Commissioner --

3 VICE CHAIR GOLDSTEIN: That's a good
4 philosophy.

5 CHAIRPERSON POURCIAU: Yes, I agree.

6 Commissioner Stidham, did you have any
7 additional questions?

8 COMMISSIONER STIDHAM: No, other than the
9 DDOT report. And I would also recommend something
10 on the record related to trash.

11 MS. DAVIS: Not a problem.

12 COMMISSIONER STIDHAM: But other than that,
13 I think we've covered it.

14 CHAIRPERSON POURCIAU: Very good. I agree
15 with the additional request. I would like to see
16 the DDOT report be a little more robust than the way
17 you described what they said. So, if you can
18 communicate that to them, as well.

19 I believe the items that the residents'
20 observations -- I mean, the residents and people who
21 utilize the facility, their observations were pretty
22 comprehensive and very useful. And so, I think it
23 would be good if we could get that in the report.

24 And so I think we should leave the record
25 open and move this to a -- I think it's a decision

1 item on a -- well, see, now I'm a little -- is a
2 decision item on a future agenda once we receive the
3 report?

4 Madam Secretary, can you assist with that,
5 please?

6 MS. MEHLERT: Absolutely. So I would
7 recommend if the applicant could submit this, the
8 requested information, as well as DDOT by next
9 Wednesday. The Board can come back on July 15th,
10 for a decision, unless you feel that more time is
11 needed.

12 VICE CHAIR GOLDSTEIN: I just wonder, is
13 that enough? I want to make sure we set ourselves
14 up for success. Is that enough time to get those
15 submissions in? I don't know if Ms. Davis has any
16 thoughts on that.

17 MS. DAVIS: On our end --

18 CHAIRPERSON POURCIAU: Yeah, given the
19 holiday.

20 MS. DAVIS: Yeah. So on our end, I know we
21 can pull something together for the trash, just
22 because this is not the first time that I've dealt
23 with this. So, I do have some templated plans, and
24 I can pull some specific information. This client
25 is a high priority because they've been waiting

1 because of the, you know, all of the Board turnover
2 and everything. So, they are a high priority for
3 us.

4 So, I know I can get our paperwork in by
5 Friday, but I will communicate to DDOT that we're
6 looking to have that in the record by the 8th. I
7 don't see that being a problem because they were
8 very, very supportive, and we had an incredibly
9 detailed conversation yesterday.

10 CHAIRPERSON POURCIAU: I'm a little
11 concerned about the 8th, given that we're in the
12 Fourth of July holiday. Like I said, I really would
13 like to see a -- I'd like to see a report from DDOT
14 that, you know, addresses this. Yeah.

15 So if you wouldn't mind --

16 MS. MEHLERT: You could give them until --
17 I was going to say you could give them until, you
18 know, the day before, like the 14th, as well, if you
19 -- if you wanted to just give them that full time.
20 I don't know if you wanted --

21 MS. DAVIS: Would you like me to reach out
22 and find out what they think they can do, and then I
23 can communicate that to the secretary?

24 MS. MEHLERT: We can also follow up with
25 DDOT, as well.

1 MS. DAVIS: Not a problem. I have an email
2 open and started to them, so no worries. I can also
3 copy you on it, as well.

4 CHAIRPERSON POURCIAU: So I'd say let's go
5 with the 8th, and then let's see what happens. If
6 we need to, you know, if we need to move it again.
7 I hope we don't. But let's go with the 8th. Okay.
8 Great. Thank you.

9 MS. DAVIS: Thank you for your time.

10 CHAIRPERSON POURCIAU: You're welcome.
11 Thank you for everybody's participation. And it was
12 a joy seeing the members of your community come out,
13 as well. So thank you for that.

14 We have one more item on our agenda.

15 MR. CORREA: Thank you very much.

16 CHAIRPERSON POURCIAU: You're welcome.
17 Thank you.

18 I'd just like to take a five-minute break
19 before we go to that item. Is that good for
20 everybody? Okay. All right. See you in five
21 minutes.

22 (Whereupon, the above-entitled matter went
23 off the record at 11:26 a.m. and resumed at 11:32
24 a.m.)

25 CHAIRPERSON POURCIAU: Application No.

1 21453.

2 Madam Secretary, would you introduce the
3 case, please.

4 MS. MEHLERT: Yes. Petition No. 21453,
5 2222 Q Street Owner, LLC. This is a self-certified
6 application pursuant to Subtitle X, Section 1002,
7 for use variances from Subtitle C, Section 204.1, to
8 allow the expansion of a non-conforming use; and
9 from Subtitle U, Section 201.1, and Subtitle U,
10 Section 202.1, to allow for additional dwelling
11 units in the cellar of an existing 20-unit apartment
12 house.

13 The project is located in the R-3 zone at
14 2222 Q Street, N.W., Square 2510, Lot 38. And as
15 for preliminary matters, the applicant has brought
16 in an expert witness, Jack Devilbiss, an expert in
17 architecture, his resume is Exhibit 28.

18 And the applicant also filed a motion
19 requesting a waiver of the deadline to submit an
20 updated surveyor plat of Exhibit 22A.

21 CHAIRPERSON POURCIAU: Thank you.

22 I see Cary Kadlecek and Lawrence Ferris are
23 on, the agents for the applicant.

24 Are you ready to provide your presentation?

25 MR. FERRIS: We are.

1 CHAIRPERSON POURCIAU: All right. Please
2 proceed. Thank you.

3 MR. FERRIS: Great. Thank you and good
4 morning, Chair Pourciau and members of the board.

5 Again, I'm Lawrence Ferris with the law
6 firm of Goulston & Storrs. Also with me is my
7 colleague Cary Kadlecek, also with Goulston; as well
8 as Jeff Certosimo from Urban Investment Partners,
9 which is the applicant in this case; and again Jack
10 Devilbiss, the project architect.

11 We did want to have him designated as an
12 expert witness, if the board sees fit. His updated
13 resume was filed in the record. The only update to
14 it was that Jack has joined a new firm, McClellan --
15 excuse me, McClennan Architects.

16 So, if the board would consider Mr.
17 Devilbiss as an expert, we would appreciate that.

18 CHAIRPERSON POURCIAU: That review has been
19 done and it is accepted. Thank you.

20 MR. FERRIS: Okay, thank you.

21 And, Mr. Young, if you are able to pull up
22 our presentation when you have a moment.

23 So, we are here today for the proposed
24 renovation of an existing apartment building located
25 mid-block on the 22nd block of Q Street, N.W., in

1 the Dupont Circle/Sheridan Circle neighborhood.

2 The property is one block south of Sheridan
3 Circle and Embassy Row, and just east of Rock Creek
4 Park and -- Rock Creek and Potomac Parkway, excuse
5 me, as you see there on the aerial image.

6 The existing 5-story apartment building was
7 originally constructed in the 1920s and is
8 considered a contributing structure in the Sheridan
9 Kalorama Historic District. And the property is
10 also subject to review by the Commission of Fine
11 Arts under the Shipstead-Luce Act.

12 The property is zoned R-3, and is a legal
13 non-conforming apartment house with 20 units
14 currently.

15 As we detailed in our submissions in the
16 record, we also discuss further today the property
17 is currently just in a significant state of
18 disrepair, with decades worth of deferred
19 maintenance. And there is a tremendous amount of
20 rehabilitation and restoration work, as well as just
21 general updates to the critical building systems,
22 and several environmental conditions that need to be
23 addressed in the building to bring the property up
24 to current modern living standards and life safety
25 requirements, which we'll go into more today.

1 The applicant acquired the property earlier
2 this year and is proposing a comprehensive
3 rehabilitation and restoration of the building to
4 bring it into its next chapter as a fully
5 revitalized compliant energy efficient building
6 that will, the applicant anticipates, contribute to
7 the overall character and vibrancy of this
8 neighborhood and the historic district.

9 To provide the necessary additional revenue
10 to support all this work, the applicant is proposing
11 to build out the existing cellar in the building,
12 and devote a portion of that cellar to add four new
13 units to the existing 20 units in the building,
14 specifically, three 2-bedroom units, and one 3-
15 bedroom unit in the cellar.

16 Given the property's status as a legal non-
17 conforming, multi-family use, use variance relief is
18 required from Section U, 201.2; U, 202.1; and C,
19 204.1, to allow the four new cellar units at the
20 existing apartment use.

21 So, before we dive into the meat of our
22 presentation I will just note that we do have a
23 report in support from the Office of Planning.
24 That's at Exhibit 25. OP's report also includes a
25 note that DDOT has no objection to the request for

1 relief.

2 We also presented the project and
3 application to ANC 2D earlier this spring. And the
4 ANC voted unanimously to support the application.
5 And their report is at Exhibit 19.

6 With that, I'll hand it over briefly to
7 Jeff Certosimo to give a little bit of background on
8 the project and the applicant's vision for the site.

9 MR. CERTOSIMO: Hi. Good morning, Board.
10 My name is Jeff Certosimo. I'm a VP at UIP
11 Companies. We're a 25-year-old local apartment
12 owner and developer with in-house property
13 management and general construction companies.

14 We are headquartered in NoMa area of D.C.
15 We own and operate roughly 3,500 apartments, mostly
16 in the District, a few in Virginia and Maryland.
17 We've renovated over 50 apartments to date.

18 I've been with UIP for about 6 years. And
19 I've completed 10 similar renovations. Our most
20 comparable is the Barlow in historic Adams Morgan.

21 We believe this is a win-win for the
22 community, and for housing, and for us. And we
23 truly hope that you believe this is. I'll turn it
24 back over to Lawrence.

25 Thank you.

1 MR. FERRIS: Great. Thanks, Jeff. Next
2 slide, please, Mr. Young.

3 So, here you just see the zoning for the
4 property and the surrounding area. As you can see,
5 the property is within the R-3 zoned area and falls
6 just outside that large swath of Dupont to the east
7 that is otherwise mapped in RA and MU zone
8 designations that, from that multi-family use as a
9 matter of right.

10 So, as we discussed in our statement, the
11 property's unique position here is one of the
12 factors we believe contributes to the exceptional
13 condition affecting the property under the variance
14 test.

15 Essentially, while the property was rezoned
16 to a single family zone that doesn't allow
17 apartments after the building was constructed in the
18 Twenties, it has to compete directly with other
19 nearby multi-family buildings in this area that
20 have, again, an apartment use permitted as a matter
21 of right.

22 And so, we have a lot more flexibility to
23 add more units and tap new revenue sources to
24 support the required maintenance and restoration
25 across the life of the building. That, you know, we

1 face the challenges with this building not having
2 that flexibility.

3 Next slide, please. So, here we have just
4 some photos of the existing building that we
5 included in our submissions showing the current
6 state of the structure and the various repairs and
7 restoration work that needs to be done on the
8 building.

9 As you see, the existing roof needs a full
10 replacement and extensive waterproofing measures.
11 Right now there's an amount of water intrusion from
12 the roof into the fifth floor that's causing a great
13 deal of damage and needs to be addressed.

14 The building's historic limestone facade
15 also needs to be cleaned, repaired, and restored.

16 There are damaged premises throughout the
17 building that need to be repaired and updated. The
18 building's electrical and plumbing systems need
19 significant upgrades throughout the building. And
20 the building also needs a new HVAC system.

21 The applicant is proposing to install new,
22 efficient plumbing, and light fixtures, and update
23 appliances throughout the building.

24 And then you see on the bottom right-hand
25 corner of the slide the building's existing

1 ventilation shaft has significant water damage as
2 well and needs to be repaired.

3 Next slide, please. So, as you see here,
4 there's an outdated gas burning furnace and hazarded
5 -- hazardous diesel storage tank, both of which need
6 to be removed from the existing cellar space, and
7 were flagged by the Phase 1 Environmental Site
8 Report for the property, which was one of the items
9 we, we filed in the record.

10 You can also get a sense of, from these
11 photos, of the vertical clear height of the cellar
12 space which, as we discussed in our written
13 submissions, places limitations on just the types of
14 uses that the space can be adapted to.

15 Specifically, the team looked, as an
16 alternative, to adding new units, the team looked at
17 converting the cellar space to create a new building
18 amenity for the residents. But the height at 7.5
19 feet is just not sufficient for amenity space when
20 you factor in additional structural beam locations,
21 mechanical and plumbing duct work, and the
22 additional space you'd need for electrical and
23 lighting needs in order to make a common amenity
24 space work here.

25 Next slide, please. Again, more photos of

1 the building. You see there are interior partition
2 walls that have significant water damage and mold
3 and need to be demolished and removed.

4 We also discussed in our written
5 submissions and addressed in the environmental
6 reports we filed that there are hazardous materials
7 conditions, specifically lead-based paint and
8 asbestos throughout the building that need to be
9 removed and ameliorated.

10 You can really get a sense in these photos,
11 I think, just the dilapidated state of the building
12 and its current condition. It's not a building that
13 just needs a few minor repairs and cleaning up, and
14 a few updated finishes and appliances. Though, the
15 applicant is also proposing all of that.

16 The building, I mean it has, has great
17 bones. It's a great building. But it currently
18 just has a -- just currently in a really bad state.

19 Next slide, please. Here are just more
20 views of the deteriorating conditions on the roof,
21 as well as other just poorly maintained features and
22 significant growth around the building exterior,
23 which just illustrates the general lack of
24 maintenance that this building has been experiencing
25 over the years prior to our applicant acquiring it

1 this year.

2 Next slide, please. More photos just
3 showing the generally poorly maintained condition
4 and overgrowth around the historic facade. There's
5 also exposed wiring currently on the building
6 exterior that's obviously a hazard.

7 The current building entrance, as you can
8 see, is also just very dated, not particularly
9 attractive or inviting. And the applicant is
10 proposing upgrades to the entrance as part of the
11 project to add a new awning and just improve the
12 building's overall street presence and contribution
13 to the block.

14 We also note in our submissions that the
15 existing windows you see here, windows throughout
16 the building are in a bad condition and need to be
17 replaced with new energy efficient windows. Those
18 windows, obviously, have to meet historic
19 preservation and CFA specifications, which is part
20 of what the applicant is proposing.

21 Next slide, please. Here again you see the
22 building's just dated and undersized electrical and
23 metering system that's located in the cellar. The
24 applicant, as part of the project, is proposing an
25 increase in the building's electrical system

1 capacity. That would be a huge improvement for the
2 building. As well as replacing the existing dated
3 furnace heating system, which is what currently
4 heats the building through radiators in the units.
5 They want to replace that with just a modern energy
6 efficient HVAC system throughout the building.

7 And then you'll see the photos on the
8 bottom, the existing elevator systems which is 100
9 years old, needs to be significantly updated.

10 Next slide, please. Here again you just
11 see the general data, the rundown condition of the
12 interior, entrance, and corridors, and units in the
13 building.

14 Again, the new HVAC system the applicant is
15 proposing to implement throughout the building would
16 replace currently there's window units in the units
17 to serve as A/C and radiator heating, which again is
18 just not up to modern standards. And the applicant
19 is also proposing just all new modern finishes and
20 appliances throughout the building that are just
21 more consistent with modern living standards.

22 Next slide. Here, just briefly, is just
23 the site plan for the project. You see the building
24 outline existing. We're not expanding or extending
25 the building or current structure.

1 Next slide. Again briefly, just the floor
2 plan of the existing cellar space as it exists
3 today, primarily just used for building storage.

4 Next slide, please. And here is the floor
5 plan for the cellar space showing the proposed
6 additional units and all the other updates we're
7 proposing for that space, including a bike storage
8 room and an all new trash and recycling system that
9 the current building does not have.

10 Next slide. Here just for reference we've
11 included a summary of the proposed repairs,
12 restoration work, system upgrades, environmental
13 conditions being addressed as part of the project.
14 We have detailed all of this, obviously, in our
15 submissions and reviewed again just now. Just a
16 scope of the work that is needed to rehabilitate the
17 building and bring it up to modern living and life
18 safety requirements.

19 The magnitude of the work I, I cannot
20 stress enough. Hopefully, the photos have conveyed
21 it. But this is not your typical run-of-the-mill
22 renovation but, really, it's a lot more extensive
23 and involved than what you would typically see, even
24 for a building of this age.

25 Next slide, please. Here, just a summary

1 of how we believe we're meeting the three prongs of
2 the variance standard. It's also, as we outlined in
3 detail in our written submissions, we have several
4 factors that create an exceptional condition
5 affecting the property.

6 First, as I touched on earlier, the
7 property is the only R zoned, large, multi-family
8 building in this area, and was constructed at a time
9 prior to the 1958 zoning regulations being adopted
10 when apartment houses were permitted on the site.
11 But it has to compete with nearby buildings that
12 have been able to maintain RA or MU zoning
13 designations that allow multi-family use.

14 And, again, like I said, they have a lot
15 more flexibility to add units to support maintenance
16 and renovation work across the lifespan of the
17 building.

18 So, in contrast, as we just reviewed, the
19 existing building is in a severe state of disrepair,
20 including outdated physical building systems, and
21 hazardous environmental conditions that need to be
22 addressed.

23 And the condition of the building and the
24 work that needs to be done, significantly exceeds
25 the scope of a typical renovation and general

1 building upgrades.

2 And then, lastly, a factor contributing to
3 the exceptional condition affecting the property is
4 the location within the historic district and the
5 CFA jurisdiction under the Shipstead-Luce Act which
6 just adds another layer of complexity to make any
7 necessary repairs and updates to the building.

8 Second, as we've discussed in detail, we
9 believe there is a clear case here for an undue
10 hardship under the use variance standard, and that
11 the cellar cannot be put to a different conforming
12 use that would provide a comparable fair and
13 reasonable return just to support the significant
14 investment the applicant needs to make to
15 rehabilitate the property. And the result is a
16 direct economic impact to the applicant if the
17 variance is not granted to allow the additional
18 units in the cellar.

19 Again, there is a tremendous scope of work
20 here just to bring the building up to modern
21 standards and address the various conditions on the
22 site. And because the property's non-conforming
23 status limits the matter of uses there, the
24 opportunity to create a necessary value-add to
25 support that work is just not available without a

1 use variance in this case.

2 I think it's relatively straightforward to
3 trace a direct line from the building's non-
4 conforming status to the current state of the
5 building.

6 The other historic, multi-family buildings
7 in this area that are still mapped RA and MU zones
8 retain that ability to add units or reconfigure
9 existing space to increase the number of units,
10 which enables those owners of those buildings to
11 create a value add and a new revenue source to
12 support renovations and just general maintenance and
13 system upgrades the historic buildings like this
14 rely on to remain in condition.

15 And by contrast, the applicant here has to
16 compete with those buildings, but without the same
17 ability to create a new revenue source or value-add.

18 So, the outgrowth of that is that the building
19 today has decades of deferred maintenance.

20 And, essentially, while other nearby
21 buildings continue to thrive and attract investment
22 from one market cycle to another, this building by
23 contrast suffers from significant disrepair,
24 obsolete building systems, and outdated finishes
25 that prevent it from providing the highest quality

1 housing, and limits its ability to effectively
2 compete in the market with other house buyers
3 nearby.

4 Obviously, from a big picture perspective -
5 - and this is worth stressing -- the District, as
6 you are all likely aware, is experiencing an
7 extremely challenging financing environment, a very
8 constrained financing environmental, particularly
9 for multi-family developments like this. The board
10 can see evidence of this and the number of time
11 extensions that the board and the Zoning Commission
12 have been processing for projects that have all the
13 necessary approval but are still struggling to
14 secure the necessary construction financing to move
15 their project forward.

16 The applicant here was fortunate enough to
17 secure financing already. But the only option was
18 one option from one lender. So, the applicant
19 really had very limited control over the terms of
20 the financing.

21 And as we discussed in our supplemental
22 submission, the financing the applicant was able to
23 get basically is structured so that the loan will
24 shrink, it will shrink by over 27 percent,
25 essentially, if the new four cellar units are not

1 achievable. So, losing the four proposed units out
2 of the 24 proposed, obviously has an outsized
3 impact.

4 We also discussed in that submission that
5 the applicant would have to significantly reduce the
6 scope of work and eliminate much of the required
7 repairs and updates, and the restoration work. We
8 detailed that in our written submissions.

9 The result, the outgrowth of that is just a
10 lower qual building after the project is complete
11 which, obviously will have a direct impact on the
12 applicant's ability to command rent levels needed to
13 support the building long term and compete with,
14 again, other nearby multi-family buildings in the
15 neighborhood.

16 The result of this is that the applicant
17 estimates that the internal rate of return on the
18 project would be reduced by an estimated 37 percent
19 if the variance is denied. So, under the use
20 variance standard the economic impact to the
21 applicant creates, obviously, an undue hardship that
22 is, in short, immediate and significant.

23 Finally, granting the variance will not
24 result in any substantial detriment to the public
25 good or impairment of the zone plan. The requested

1 variance will just allow the creation of four new
2 housing units in a very high demand area, an area
3 that has a very high demand for new housing.

4 The additional units will help support all
5 the important restoration upgrades to rehabilitate
6 the building. And it is fully aligned with the
7 stated goals of the R zones to reinforce the
8 existing neighborhood character and walkable
9 neighborhoods, and to preserve the District's
10 existing housing stock, and support environmental
11 improvements.

12 So, in sum, we believe we meet all of the
13 standards for the use variance in this case. As
14 previously noted, we have the support of Office of
15 Planning. ANC 2D, and DDOT have no objection to the
16 application. So, we would rest the board's
17 approval.

18 With that, I'll conclude our presentation,
19 with apologies for running over on time. But I
20 appreciate the board's indulgence. And we're happy
21 to answer any questions.

22 CHAIRPERSON POURCIAU: Thank you, Mr.
23 Ferris.

24 I was getting ready to ask for you to wrap
25 it up. It's good the way you just continued talking

1 there, so wasn't a break there for me to jump in.

2 I'd like to ask Vice Chair Goldstein if he
3 has any questions for the applicant?

4 VICE CHAIR GOLDSTEIN: Thank you. I do
5 have some questions.

6 I just want to start by saying I appreciate
7 the presentation. You always do a thorough job.
8 This is no exception today. So, thank you.

9 I just want to start by saying I think it's
10 terrific to invest in this building. I mean, I
11 think you've made that very clear that this is a
12 building that needs a lot of work and investment in.

13 And I think it's terrific that the applicant wants
14 to undertake that and improve the property. And
15 it's a terrific location.

16 So, use variances are a high hurdle. And I
17 just kind of want to talk about this a little bit.

18 First, just from a technical question,
19 you've applied for both 204 relief as a use
20 variance, and then the 201. I might have the
21 numbers wrong.

22 I understand the C 204, is it typical to
23 apply, in your experience, both for the expansion of
24 a non-conforming use and the relief from the
25 underlying rule? I'm just curious. It feels a

1 little doubled standards here, and I just want to
2 kind of ask you about that approach.

3 MR. FERRIS: No, that's a good question.
4 And we had a discussion. We went back and forth
5 about this specific issue. And it is very belt and
6 suspenders I think is ultimately what we landed on.

7 I think the board's practice as far as what
8 relief they would anticipate or see as necessary for
9 this type of use variance over the years has
10 shifted. I believe that more recently the board has
11 looked for relief both from the permitted uses in
12 the zone, which is U 201.1, U 202.1, and from the
13 restriction on expanding a non-conforming use, which
14 is C 204.1.

15 Obviously, if the board sees fit that only
16 one area is needed, we're happy to retract the
17 other. But that was where we landed.

18 VICE CHAIR GOLDSTEIN: Okay. Well, I don't
19 quite know the right result. But I can understand,
20 sir, the more conservative approach of applying for
21 those. And the analysis is generally the same. So,
22 I don't object to it. It just it was a question in
23 my mind.

24 So, to the undue hardship, I just want to
25 first say from my perspective I think there is a

1 confluence of factors creating an exceptional
2 condition here. And I think you've outlined them
3 well. It almost feels like a property that's just
4 not zoned correctly now. And it's lingered in that
5 state for a very long time.

6 For the undue hardship I think I just have
7 questions about how we got to this place. The
8 property, we saw your reports that are a year old
9 about the asbestos and the other environmental
10 features. The property was purchased in February.
11 You know, there must have been some understanding of
12 the amount of renovation needed in this project at
13 that time.

14 Now, we're being told that these four units
15 must be approved, these additional, in order to make
16 the project have all the needed investment. And I'm
17 just a little concerned about this argument that if
18 we don't approve, all these list of improvements go
19 away. And you haven't owned the property very long.

20 Did something change? Am I -- you've
21 mentioned a thing about how hard financing is. But
22 was something unexpected that happened here?

23 MR. FERRIS: No. That's a good question.
24 And I think if I follow your line correctly, it's
25 worry about potentially a sort of self-inflicted

1 hardship is, you know, a concern that the board
2 often sees and wants to make sure is not part of the
3 equation for a variance request.

4 And, essentially, you know, the applicant
5 has been looking at this site for since last year,
6 as you saw in those reports. And working with the
7 existing property -- or the prior, excuse me, owner
8 on just working out an effective deal, and then also
9 seeking out financing.

10 None of that really changes the existing
11 conditions of the building, none of which the
12 applicant created. There's not really a scenario,
13 right, where the applicant could somehow eliminate a
14 certain amount of the work that the building needs
15 in order to reach modern standards.

16 Now, if the variance is denied and the
17 financing reduction is triggered, obviously a lot of
18 the work would have to be eliminated. But that
19 wouldn't eliminate the need for that work, if that
20 makes any sense. But it would just result in a
21 building that is a lesser condition, is not
22 providing as high quality of housing for the
23 residents, in addition to the direct economic
24 impacts on the applicant.

25 So, in terms of there being a self-created

1 hardship, because what's driving the hardship here
2 is really the conditions of the building and the
3 zoning history of the building, I don't see that as,
4 you know, it's hard to say that that is something
5 that the applicant himself has created.

6 VICE CHAIR GOLDSTEIN: I hear that. But,
7 you know, the property was purchased with all of
8 these conditions knowable; right? Unless there's
9 something that changed.

10 So, in my mind, wasn't that all factored
11 into the purchase price just from 6 months ago or,
12 or less?

13 Was the expectation you always needed more
14 units when you bought it or did something change?

15 MR. FERRIS: So, the applicant essentially
16 was able -- and again, the structure of the
17 financing recognizes that there's a possibility that
18 they wouldn't be able to add the four units. And
19 that has, you know, its own scenario and as it plays
20 out as far as what the return to the applicant would
21 be on the site and how that would affect the
22 building overall.

23 So, it's not that the applicant did not
24 anticipate a situation where the additional units
25 could be added in the cellar. It's just that the

1 applicant understood and was hopeful that we have a
2 very strong, I think, case for an undue hardship
3 because of the conditions of the building that
4 really, again, far exceed what you would typically
5 see for a standard building renovation, even for a
6 building that's 100 years old. Right? Which the
7 District has many of.

8 The environmental conditions, the water
9 damage throughout, the lack of any modern finishes
10 or appliance, just the sheer combination of all
11 those things is just a lot more, obviously,
12 involved.

13 So, while all that was anticipated when the
14 applicant acquired the site and was working out the
15 deal with the property owner, it doesn't change that
16 there's a limit to how much work the applicant is
17 able to do on the building absent the relief that's
18 requested, absent having the full allotment of
19 financing that the lender would be willing to
20 allocate if the four additional units are added in
21 the cellar. That would, essentially, just provide a
22 small amount of additional housing in this area of
23 Dupont.

24 I don't know if that's helpful.

25 VICE CHAIR GOLDSTEIN: No, it is helpful.

1 You know, one thing I didn't see in the record is
2 what these four additional units do for the
3 financing of this project.

4 There's some conclusory statements in the
5 application that these four units are the meaningful
6 value add. You know, it's hard, you know, we can't
7 guarantee returns for you all. You know, that's
8 just kind of not our purpose.

9 But I didn't see much in the record about
10 that would support that these four units are what
11 gets you all these better investments. And
12 intuitively I understand you would get more return.

13 But I wasn't able, I couldn't see the direct link
14 between the two. I mean --

15 MR. FERRIS: So, in addition -- Sorry, go
16 ahead.

17 VICE CHAIR GOLDSTEIN: No, that's it.
18 Thank you.

19 MR. FERRIS: No, and I appreciate that,
20 that question.

21 So, you know, in addition to, obviously,
22 the applicant has its own, you know, they've done a
23 lot of projects in the District over the years.
24 Like Jeff said, I think 50 different apartment
25 developments in the District. So, they have a very

1 firm sense of how the numbers work from a pro forma
2 sense in terms of their return.

3 And the use variance test does look
4 directly at the undue hardship in terms of economic
5 impact to the applicant. You know, you can see that
6 in some of the cases that we've cited in our written
7 submissions. The Oakland Condominium case is one
8 that you could look at to see an example of how the
9 court has treated economic impact under the undue
10 hardship standard.

11 In terms of the financing, you know, and we
12 did provide this in the supplemental submission.
13 We're happy to provide kind of more details. You
14 know, we have a limit to what we can put on a public
15 record in terms of proprietary information. But we
16 tried to put actual firm details in our submission.

17 And we'd be happy to supplement that.

18 I don't know, Jeff, if we'd be able to
19 maybe get something in writing from the lender to
20 put a little more evidentiary weight to that
21 statement.

22 But, essentially, the loan reduces by over
23 27 percent. You know, it goes from I believe it's
24 6.4 to 4.6 million dollars is the loan. I would
25 have to double check the number. Whatever we

1 provided in our written statement would be -- yeah,
2 6.6 to 4.8 million dollars. So it's, it is a
3 significant change in what the lender sees as viable
4 and reasonable.

5 So, it's both, both the applicant's own
6 internal calculations pro forma, running the
7 numbers. Again, they have extensive experience in
8 doing this. And the lender also running their own
9 sets of numbers of what they think is a value in the
10 return and the, you know, the strengths of the
11 project from their balance sheet.

12 But, you know, if it would be helpful for
13 us to get something from the lender that, again,
14 just provides a little more evidentiary weight to
15 those statements, I'd be happy to work on that.

16 VICE CHAIR GOLDSTEIN: I think I would
17 appreciate that. And certainly, as you said,
18 mindful of providing too much. But I think it could
19 use a little bit more from my perspective. But I
20 can let other board members comments on that.

21 Madam Chair, I do have a couple more
22 questions, but I'm happy to pause if anyone else
23 wants to jump in. Otherwise I'll just kind of keep,
24 keep running through my list.

25 CHAIRPERSON POURCIAU: Commissioner

1 Stidham, did you want to jump in or would you like
2 Mr. Goldstein to continue?

3 COMMISSIONER STIDHAM: He can. Just one
4 question before he continues.

5 Correct me, is the building inhabited now?
6 There's a list of residents provided, but the
7 pictures seem to look like it's not being occupied.
8 Is the building occupied at the moment?

9 MR. FERRIS: So, the building is not fully
10 occupied. There are several residents there today,
11 but it's not the whole building.

12 And there have been agreements reached with
13 all the residents that are moving out, basically,
14 before construction starts.

15 COMMISSIONER STIDHAM: And what, what are
16 the details of that agreement? Because I didn't --
17 Was that in the record? If it is, you can just
18 point me to the exhibit. But I didn't see it.

19 MR. FERRIS: Sure. That was actually one
20 of the items that Office of Planning requested.
21 It's in our supplemental submission. That is at
22 Exhibit 24, I believe. So, that's in our
23 supplemental statement. It's an opportunity to
24 purchase, TOPA agreements with the existing tenants
25 for move-outs.

1 COMMISSIONER STIDHAM: Okay. Does that
2 also, does that exhibit also reference are you
3 assisting with relocation or is there an agreement
4 associated with that? Or are they on their own?
5 What does the relocation plan licensed operators
6 look like?

7 MR. CERTOSIMO: They all took buy-out
8 payments. So, upon delivery of keys they get their,
9 their buy-out payment from a tenant attorney.

10 COMMISSIONER STIDHAM: Okay. And you said
11 it's not fully inhabited.

12 MR. CERTOSIMO: No.

13 COMMISSIONER STIDHAM: So, out of the 20
14 units, how many of the units are being used
15 currently?

16 MR. CERTOSIMO: The last one moves out
17 today.

18 COMMISSIONER STIDHAM: Oh, okay. Okay.
19 How many residents were in the building beforehand?

20 MR. CERTOSIMO: Eighteen units of the 20.

21 COMMISSIONER STIDHAM: Okay. Vice Chair,
22 please continue.

23 VICE CHAIR GOLDSTEIN: Thank you. And good
24 questions.

25 Mr. Ferris, I wanted to ask you about the

1 7.5 feet height. I guess implicit in this is that,
2 that ceiling height works better for residential
3 units than it does for amenity space? Could you
4 just explain that a bit?

5 MR. FERRIS: Yeah. And, Jack, you're
6 probably best equipped to speak to this, it's your
7 area of expertise.

8 But, essentially, it just doesn't work for
9 amenity space, for a common amenity space to have
10 ceiling heights that low, given the various other
11 elements that you need to account for: the
12 electrical and plumbing duct systems.

13 But, yeah, but, Jeff -- or excuse me, Jack,
14 you could probably speak to that in more detail than
15 I can.

16 You're muted, Jack.

17 MR. DEVILBISS: Certainly. It's a very
18 good question. We have used areas like this as
19 amenity spaces when there's a higher ceiling height
20 available. The challenging item with a 7.5 foot
21 ceiling height for an amenity area is that many of
22 the typical common elements of an amenity area, such
23 as suspended ceiling lights, its own duct work. To
24 serve that you need space to hang much lower, that
25 meant ceiling height. So, we would end up with an

1 effective ceiling height of 6 feet, not legally
2 habitable space.

3 However, with use as a apartment or
4 dwelling unit that stacks with units above, all of
5 the building systems that run down through the
6 stacks of units above run down through that basement
7 unit as well. So, it fits nicely. All those
8 systems work together. And we can maintain as high
9 of a ceiling height as possible to meet the legal
10 requirements for habitation.

11 VICE CHAIR GOLDSTEIN: Thank you for the
12 explanation. I do want to ask, I've got I think
13 maybe two more questions. One is the IZ unit offer.
14 And I'm a little bit curious if you can explain
15 this. I don't see a request for voluntary IZ
16 special exception relief in the record. Is this
17 something that they're still intending?

18 Are you suggesting that was a condition of
19 any approval or are you just suggesting that this is
20 your goal in the future to provide the four units?

21 MR. FERRIS: No, those are good questions.
22 It really is just something that the applicant is
23 proposing that they would like to do as part of the
24 building. We are not proffering it as a condition.
25 Obviously this is not a proffer process. But if

1 the board would see fit that it needs to be a
2 condition in the order, we would have no objection
3 to that.

4 It is worth noting that we had some
5 additional outreach with the Office of Zoning
6 Administrator who also looped in DHCD to discuss
7 this voluntary IZ unit.

8 And, essentially, DHCD's preference because
9 it places each, you know, new IZ unit places a
10 certain amount of administrative burden on DHCD to
11 administer. Because this building would only have
12 one new IZ unit their, DHCD's preference was for us
13 to, rather than providing, if you will, two IZ unit
14 administered DHCD under the IZ program and lottery
15 system, that we would instead, DHCD's preference --
16 and I was a little surprised by this -- but that it
17 would be a self-administered affordable unit, that
18 the applicant would essentially self-administer the
19 affordability requirement.

20 So, again, we're happy to provide more
21 detail to that as far as how the applicant would
22 propose to implement that.

23 I think in terms of the overall relevance
24 to the variance standard, we think it's kind of a
25 cherry on top for the public good, and no detriment

1 to the public good under this third prong. I don't
2 know if it's a driving factor in the board's
3 decision.

4 But, again, it is still something that the
5 applicant is proposing. And we're happy to provide
6 more detailed information if the board would find
7 that helpful and to the extent thinks that condition
8 in the order would be appropriate that we have issue
9 with that.

10 MR. FERRIS: Thank you. That is surprising
11 to hear. Because I think we see lots of projects
12 with single IZ units in apartment buildings.

13 You know, intuitively it almost cuts a
14 little bit against some of what I've been hearing
15 that, you know, the financing, rate of return, you
16 know, this is -- this would depress, I think, your
17 rate of return a little bit.

18 But I guess maybe in the full mix it would
19 potentially work. I think the goal is terrific.
20 And, you know, who wouldn't be supportive of that?
21 I'm having a little trouble understanding maybe the
22 nexus of that to the relief that you're requesting.

23 And that's something that's a little on my mind,
24 like, could this even be a condition. I'm not sure.
25 I'm not sure it could for this variance.

1 But appreciate you explaining that. So, I
2 think, actually, that may be -- oh, just last
3 question. Are you currently seeking a building
4 permit? Is there a pending building permit for this
5 project?

6 MR. FERRIS: Yes. So, the development team
7 has filed a building permit application just for the
8 20 units to try and accelerate some of the work that
9 can be done on the building until this BZA process
10 is complete. But, yes, that is true.

11 VICE CHAIR GOLDSTEIN: Okay. And in that
12 building permit it's just shown as storage in the
13 cellar for now, pending the potential to get
14 approval for units?

15 MR. FERRIS: That's my understanding.

16 Jack, is that correct?

17 MR. DEVILBISS: That's correct.

18 Essentially, it's leaving the basement alone.

19 VICE CHAIR GOLDSTEIN: Okay. Thank you. I
20 don't have any other questions at this time.

21 CHAIRPERSON POURCIAU: Thank you, Vice
22 Chair.

23 Commissioner Stidham, did you have any
24 additional questions?

25 COMMISSIONER STIDHAM: I did. I'm sort of

1 struggling in the same place as the vice chair is in
2 understanding how this is not, you know, self-
3 inflicted harm because the building was purchased
4 with all of these problems and without the use of a
5 basement.

6 I get the competitive nature of housing,
7 especially in this situation. I understand that.
8 You talked about that the financing would be reduced
9 by 27 percent. But if you weren't doing the units,
10 the four units in the basement wouldn't your actual
11 needs for financing also decrease?

12 MR. FERRIS: Right. So, that takes that
13 into account. But in addition to just converting
14 the cellar space there would be -- and we put this
15 in our supplemental submission detail -- there will
16 be a lot of other work that the applicant would have
17 to either eliminate or just significantly reduce the
18 scope of, you know, of powering the electrical
19 system, implementing a new trash and recycling
20 system that the building doesn't have an existing
21 comprehensive trash and recycling.

22 Which is something the applicant would
23 really like to do, particularly given sort of an
24 ongoing rodent issue in the rear ally which we think
25 could be helped by doing that.

1 Just the list is in that submission. But
2 there's a lot of work that would have to be taken
3 off the table, either partially or completely.

4 I would, as far as to touch more on the
5 self-inflicted hardship question, because obviously
6 that's a reasonable concern for the board to have.
7 But, you know, simply having prior knowledge of a
8 building's condition and state does not itself
9 constitute a self-inflicted hardship.

10 Essentially, what creates the hardship here
11 is the condition of the building, which the
12 applicant did not create. Obviously, the financing
13 market that the applicant and the rest of the
14 development community in the District is currently
15 experiencing is not something the applicant created
16 or can control. And that places significant limits.

17 And it's worth underscoring that, that the
18 applicant was, you know, for all of the work they
19 did kind of touching on the financing market to try
20 and see what available options they had. They came
21 back -- first they had to pivot from a traditional
22 local regional lending market that would be more
23 typical for a building project of this size and
24 scale, they had to pivot.

25 Basically, those lenders haven't been

1 lending at all since last year. And so, they had to
2 pivot to an alternative market for financing,
3 working with their broker. And even with that
4 additional kind of new opportunity they only came
5 back with, with one offer from one lender. And that
6 was kind of them's the breaks, if you will. And
7 this is what that lender was willing to put down.

8 So, again, the fact that the applicant was
9 aware of the condition of the building does not
10 itself create the hardship. You know, the condition
11 of the building is a hardship.

12 And I think you see that, that impact of
13 that hardship simply in the state of the building.
14 The fact that the prior owner, that over the course
15 of the building's 100-year history that these
16 improvements, kind of maintenance, general
17 maintenance and other, you know, significant and not
18 significant upgrades have not been implemented over
19 the course of the building's lifespan.

20 That's the impact of, like, the inability
21 to add additional units that other buildings nearby
22 have that capability. Right? And they're able to,
23 basically, implement, every general market cycle
24 implement updates that keep those buildings in a
25 wonderfully restored, pristine condition, or at

1 least a solid market condition.

2 And this building, by contrast, has just
3 further and further suffered as the years have
4 passed because of the inability to make improvements
5 that create a new revenue source that would support
6 just the general maintenance and restoration work
7 that a building, an historic building like this
8 requires to stay in good condition over its
9 lifespan.

10 And, again, that's, that's not something
11 that the applicant created. And the applicant
12 cannot control the financing market and what's
13 available to, to bring this building up to modern
14 standards. It's the applicant is just trying to
15 make the best of the cards that the building has at
16 this point in time.

17 COMMISSIONER STIDHAM: Thank you. I
18 understand that. I guess I'm just not completely
19 getting your argument here for undue hardship. And
20 I, I have -- you know, Paul is not -- First of all,
21 I should take a step back.

22 Your applicant should be commended for
23 taking such an historic structure and looking to
24 renovate it, frankly. It is a beautiful building
25 and can be even more beautiful with restoration

1 activity. And the fact that they're even thinking
2 about doing that instead of doing something else
3 should be commended on the top, first of all.

4 Not enough of this happens and we just need
5 to recognize that point.

6 And I have seen, I sit on the Zoning
7 Commission here, an inordinate amount of cases where
8 financing is an issue, across the board, no doubt.
9 So, I understand that perspective as well.

10 I guess it's just your argument that I'm
11 having trouble. I'm not convinced with your
12 argument that this is a hardship.

13 The building is in bad shape. The previous
14 owner let it become in the situation it is. But you
15 walked into it eyes wide open and knowing that there
16 are 20 units and how would -- and certainly had to
17 play into the deal that you made and moving forward.

18 So, I'm just not quite buying the hardship
19 argument.

20 I do believe that you've met other prongs
21 related to there is no effects to neighboring
22 properties. In fact, the improvement to this
23 property would be of benefit to the neighboring
24 properties. I'm just not buying the hardship
25 argument that you're making.

1 MR. FERRIS: Well, I appreciate that.

2 For what it's worth, you know, I think it's
3 a direct line, right, between, again, the building's
4 condition. The prior owner couldn't make the
5 updates, as I was just saying.

6 Essentially, if this variance is denied the
7 restoration work that we would all like to see done
8 on the building doesn't happen. There are certain
9 things that can be done in the building. Certain
10 appliances can be replaced, certain finishes can be
11 touched up. But, you know, replacing the historic
12 windows with historic NCFA-compliant windows will
13 not happen without the necessary additional funding.

14 Work repointing the masonry of the historic
15 limestone facade will not happen without the
16 additional financing. It simply can't be done. It
17 would be limited to just cleaning up the facade.
18 But additional work could not happen.

19 Addressing the roof condition in a full and
20 comprehensive way, that would be the best practices
21 way to deal with this, will not happen. You know,
22 the applicant will be limited to being able to make
23 kind of a just small scope repairs to the roof. But
24 a full replacement of the roof is just something
25 that could not be funded with a smaller financing

1 amount.

2 Again, the prior owner wasn't able to do
3 any of that work for the same reason, because this
4 building, despite being constructed at a time when
5 it was allowed to be an apartment use, can't do
6 anything to expand or create new units in order to
7 support.

8 Again, these historic buildings require a
9 great deal of upkeep, a great deal of work from
10 lifecycle to life cycle. And if you're not able to
11 create new revenue to support that work, and you
12 have to compete with other buildings, a whole market
13 of buildings in the Dupont area that are also
14 historic buildings that have a lot of the same
15 conditions except that they are zoned to still allow
16 multi-family use. They've all, you know, the
17 building was built at a time when it was permitted,
18 but then rezoned, by no fault of the owner or the
19 building itself, certainly.

20 But the rest of the buildings that it has
21 to compete with, larger multi-family buildings in
22 the area, have an RA or MU zoning, been able to
23 maintain that. Again, not in their control either.

24 But they had the flexibility to invest in the
25 building and have a return that justifies that

1 investment, and that supports directly that
2 investment.

3 And that's the investment that our
4 applicant would like to do here, but it will not be
5 able to do that without the use variance. Which I
6 think is really the nexus with undue hardship is the
7 funding for the work, the restoration work that
8 needs to be done in the building simply will not be
9 there. And so, the work itself will not happen.

10 COMMISSIONER STIDHAM: Okay, that part of
11 your argument I totally get, completely. So, thank
12 you.

13 I don't have any other questions.

14 CHAIRPERSON POURCIAU: Thank you,
15 Commissioner.

16 I just wanted to note, I thought I saw at
17 the time of filing of the item in the record
18 regarding the tenants, I thought I saw that 10
19 tenants were in the building at that time. Which I
20 assumed to be the case today.

21 So, you're saying on the record that 9 of
22 those 10 have moved since the time that item was
23 entered in the record? Or would you like to
24 otherwise correct?

25 MR. CERTOSIMO: I can confirm that.

1 There's only remaining tenant and they're moving out
2 today.

3 CHAIRPERSON POURCIAU: And so, just for --
4 we look at these documents in preparation, and they
5 support you or not. By not updating that, your
6 record doesn't support you as well as it could in
7 this case; right?

8 So, but thank you for that clarification.

9 At this point I think we'd like to move on
10 to the report from the Office of Planning. I see
11 Ms. Myers is here.

12 Thank you for being here, Ms. Myers. Could
13 you please present your report?

14 MS. MYERS: Hello, Commissioners. Crystal
15 Myers, Office of Planning.

16 Office of Planning is in support of this
17 case. I can go over some of the highlights from our
18 report.

19 We felt that the use variance does meet the
20 exceptional situation argument or criteria. That's
21 because the contributing structure, the building is
22 a contributing structure in the historic district.
23 And this designation means that the building cannot
24 be demolished or replaced.

25 It's in a substantial state of disrepair,

1 which Mr. Ferris has already discussed here. And
2 the cellar ceiling is too low to accommodate
3 equipment so that the cellar space cannot be
4 converted into an amenity space.

5 And the resulting hardship, the costs
6 associated with repairing the building will be
7 particularly high, especially because these repairs
8 would have to comply with the historic preservation
9 requirements.

10 The four units are necessary to secure full
11 financing to pay for the extensive work that needs
12 to be done. And while some repairs could be
13 completed without these additional units, the
14 building would ultimately be of a lower quality
15 because full rehabilitation would not be financial
16 feasible and would limit the owner's ability to
17 compete effectively in the local multi-family
18 market.

19 The costs associated with the
20 rehabilitation of the building and the inability to
21 use the cellar for a permitted use that would
22 generate the funds to assist the renovation of the
23 building is a hardship to the applicant.

24 As for no substantial detriment to the
25 public good, I think we all can agree they are

1 meeting that criteria. Primarily, you know, more
2 housing is always a great asset to the public. And
3 the surrounding area would not be negatively
4 impacted. There's no addition being proposed.

5 And the applicant is providing potentially
6 it sounds like an IZ unit or something similar to an
7 IZ unit. And the adjacent properties, again, would
8 not be negatively impacted by on street parking, et
9 cetera. This is a very well supported area in terms
10 of public transit. It's only about a quarter mile
11 from the Dupont Metro Station.

12 Impairment to the zoning regulations, there
13 would be none.

14 Granting this relief would not impair the
15 zoning regulations. The regulations allow full non-
16 conforming uses to legally continue. And creating
17 this addition, the additional four units in the
18 existing space would not introduce a new non-
19 residential use in the building.

20 So, we thought that approving the relief
21 would enable a full renovation of this century old
22 historic building and helping to ensure its long-
23 term viability and continued contribution to the
24 historic district and historic character of the
25 area.

1 Another thing I will note is I heard in the
2 questions about the zoning. I will, and OP has also
3 considered this, this does not reach the variance
4 test, but we did look at, you know, is there
5 potential for possibly rezoning the site?

6 At the time, at this current time there is
7 not. The future land use does not support rezoning.
8 It's zoned for low density residential.

9 And with that, I will conclude the OP's
10 presentation. But, of course, I'm here for
11 questions.

12 Thank you.

13 CHAIRPERSON POURCIAU: Thank you, Ms.
14 Myers. That was a very comprehensive report.

15 Any questions from the board for OP? No?

16 VICE CHAIR GOLDSTEIN: Oh, I'm sorry. One
17 question.

18 And I apologize, I don't have your report
19 in front of me. But regarding the IZ unit, did you
20 all condition your approval on it or just say you
21 support it and it would be great if there is an
22 affordable unit in this project?

23 I just want to make sure on that point?

24 MS. MYERS: We did not. We did not
25 recommend any conditions.

1 We noted that the IZ unit is a -- is
2 another factor for its public good. But it's not a
3 requirement. And the fact that they are providing
4 housing we also thought met the public good
5 requirement and that they're not impacting the
6 adjacent neighbors.

7 But we think, you know, affordable housing
8 or an actual voluntary IZ unit would be great. But,
9 again, not a condition for our recommendation.

10 VICE CHAIR GOLDSTEIN: Okay. So, your
11 recommendation does not hang on the offer. Okay.

12 MS. MYERS: Exactly.

13 VICE CHAIR GOLDSTEIN: Okay. Thank you
14 very much.

15 CHAIRPERSON POURCIAU: Thank you.

16 What about tenant relocation. I don't
17 recall hearing OP's analysis or comments on that.
18 Did you have any?

19 MS. MYERS: I believe the applicant has a
20 TOPA agreement with all of the tenants that were on
21 the property. And so, OP was satisfied with that.

22 CHAIRPERSON POURCIAU: Thank you.

23 Does the applicant have any questions of
24 Office of Planning?

25 MR. FERRIS: No questions. Thank you.

1 CHAIRPERSON POURCIAU: Thank you.

2 So, at this point there are not any other
3 District government agencies present.

4 There was, there was a report submitted by
5 the ANC. They did not object. But they are not
6 present.

7 There are no parties here to testify.

8 But I believe there is an undeclared public
9 witness. Mr. Young, is the public witness available
10 to present now?

11 MR. YOUNG: Yes. I just brought her in.

12 CHAIRPERSON POURCIAU: Thank you.

13 Thank you, Ms. Ponds. Thank you for
14 joining us. Could you please give your full name
15 and address for the record? And you have 3 minutes
16 for your presentation.

17 MS. PONDS: All right. Good afternoon. My
18 name is Loren Ponds. I live at 2206 Q Street, which
19 is two doors down from the apartment building in
20 question.

21 I am not opposed in general to providing
22 more house or the apartment building itself.

23 I am concerned about trash disposal and
24 parking, two issues that I have had with the
25 building since I bought this house in 2022.

1 Currently when tenants vacate the property they
2 routinely leave bulk trash items on the sidewalk or
3 in the alley where residential trash is picked up.

4 There are also issues with parking. So,
5 all of the row homes on this, this block, we all
6 have garages either abutting our properties, as my
7 neighbor's garage does, or in the alley behind the
8 apartment building.

9 However, we also have street sweeping
10 Monday mornings, and cars are routinely parked on Q
11 Street impeding the city's ability to clean the
12 street.

13 So, these are more, you know, some of the
14 static issues. But also I would like to understand
15 better how the owner plans to deal with trash in the
16 future, particularly as it seems through testimony
17 that that disposal is conditioned upon, or upgrading
18 the system is conditioned upon some additional
19 financing which may or may not be available. That
20 seems to me to be an essential that needs to be
21 dealt with, regardless of what happens with the
22 zoning variance.

23 CHAIRPERSON POURCIAU: Thank you, Ms.
24 Ponds.

25 Do board members have any questions for Ms.

1 Ponds? No?

2 VICE CHAIR GOLDSTEIN: Thank you.

3 I would just -- I'm sure, Madam Chair, you
4 were headed this way. I'd love to hear the
5 applicant respond to the points that were made.

6 Thank you very much for testifying today.

7 MS. PONDS: Thanks for the opportunity. I
8 appreciate it.

9 CHAIRPERSON POURCIAU: Thank you, Vice
10 Chair Goldstein.

11 Would the applicant like to respond at this
12 time to Ms. Ponds' presentation?

13 MR. FERRIS: Yes, absolutely.

14 But Jeff Certosimo from our team somehow
15 got bumped from the panel. If we could have him
16 brought back in so that he can also address this in
17 better detail than I will?

18 But to clarify, the applicant would still
19 have a trash management plan, would still have a
20 plan for dealing with trash on the property. Just
21 that the building doesn't currently have any
22 internal system for trash processing or recycling.
23 And the applicant would like to install trash and
24 recycling chutes throughout the building to, to make
25 that easier functionally, particularly for the

1 residents.

2 But, obviously, the applicant does have a
3 plan for managing trash.

4 Jeff, do you want to speak to that as well
5 as just general construction management, parking?

6 MR. CERTOSIMO: Yeah. Thank you for
7 letting me back in.

8 We've heard this trash element before. The
9 Galls, our direct abutting neighbor, their -- I
10 think they caught 40 rats I think last summer in
11 their backyard. And they were very supportive of us
12 bringing all the trash bins within our building
13 where we would keep and then bring out on a weekly
14 basis for the trash disposal trucks to remove. They
15 loved and supported the idea.

16 That's kind of triggered us to do that.

17 That's all kind of on the notion of us
18 renovating the lower cellar level. That's where the
19 trash system would be. That's where the two chutes,
20 the recycling and the trash chutes would end. And
21 we would be ramping up and out the back.

22 And so, that's why we really need this
23 comprehensive renovation to do all the elements that
24 the community, and the tenants, and the building
25 really needs.

1 In absence of, in an absence of renovating
2 the downstairs we would be improving the tub system.

3 A lot of them have, a lot of the bins have holes
4 that rats have chewed through and gotten into our
5 tubs. And so, we would certainly improve on that
6 system but it would be somewhat similar to what it
7 is, but just we would certainly improve the status
8 quo, though.

9 MS. PONDS: But what about bulk trash
10 management? Currently there is a chest of doors
11 sitting on Q Street.

12 MR. CERTOSIMO: Yeah. This week six, six
13 of the tenants have moved out. And so we've ready,
14 we're sending over a person to pick up all the stuff
15 right now. That's just four, four tenants moving
16 out, to be totally honest.

17 But we --

18 MS. PONDS: Yeah. But that happens, that
19 happens at the end of every month. It's more trash
20 on the sidewalk this month. Every month when people
21 move out at the end of the month there is bulk trash
22 either on the sidewalk. I appreciate that people
23 want to do recycle but, you know, it looks like a
24 swap meet.

25 MR. CERTOSIMO: Well, I would say that

1 that's probably due to the management. It was
2 family owned for X many years.

3 We're a professionally managed property
4 management organization. We have some 30 buildings,
5 40 buildings in D.C. We have professional contracts
6 with trash vendors. We have reoccurring systems in
7 place. And that's not what's happened over the last
8 X many years with the building.

9 And that's what we will also be
10 implementing with our construction and operational
11 elements of the property.

12 CHAIRPERSON POURCIAU: Thank you.

13 Is that something you'd be willing to
14 condition in your application?

15 MR. FERRIS: Absolutely.

16 MR. CERTOSIMO: Yeah, certainly.

17 CHAIRPERSON POURCIAU: And Ms. Ponds also
18 spoke of parking concerns. And I know that you I
19 think give them parking relief because of your
20 proximity to transit.

21 Can you address that, please?

22 MR. CERTOSIMO: Lawrence, do you want to
23 start or?

24 MR. FERRIS: Yeah, I will.

25 Yes, as you noted, Chair Pourciau, is that

1 there's no parking requirement under zoning because
2 it's an historic existing building. And you would
3 only trigger additional parking if there was an
4 addition of 50 percent of the GFA or more of the
5 building.

6 So, there's no, no parking required under
7 zoning.

8 As far as how parking will be managed, and
9 particularly I think the issue was with move-ins and
10 move-outs, Jeff, do you want to speak to how you all
11 work with residents when they anticipate move-ins,
12 move-outs, and just making sure that there aren't
13 issues with obstructing the right-of-way? And then
14 as well as street cleaning?

15 MR. CERTOSIMO: Well, this building is very
16 comparable to a lot of buildings we have in historic
17 other areas, Adams Morgan, et cetera, where there's
18 very limited space. Our property management team
19 helps obtain the parking postings needed for move-
20 ins.

21 And for long-term parking we have reached
22 out to structured parking facilities in the
23 immediate area and we have, like, a preferred vendor
24 list with agreements in place that we share onto any
25 residents renting to help facilitate that.

1 But they know there's no parking there to
2 begin with. That's very common in a lot of our
3 other buildings. But we reach out and pre-tee up
4 parking agreements with local structured parking
5 facilities in advance to help alleviate any undue
6 hardship.

7 MR. FERRIS: I think, essentially, in sum,
8 you know, historically the building sounds like it
9 has not had particularly involved building
10 management. And the applicant's commitment is that
11 it, you know, it has a lot of experience managing
12 buildings throughout the District, and it will be a
13 much better steward of the site and a much better
14 neighbor to make sure that there are not parking
15 impacts for move-ins, move-outs, that street
16 cleaning can occur when it needs to occur.

17 Hopefully that, that helps clarify.

18 CHAIRPERSON POURCIAU: Thank you, Ms.
19 Ponds.

20 MR. FERRIS: And we're happy to continue to
21 work with Ms. Ponds and any other neighbor resident.

22 Obviously, the applicant plans on being a neighbor
23 for years to come. So, hopefully, we would like to
24 establish a strong relationship.

25 MR. CERTOSIMO: Certainly.

1 CHAIRPERSON POURCIAU: Thank you, Ms.
2 Ferris.

3 If there is no more discussion with Ms.
4 Ponds, I want to thank you for participating today
5 and bringing those issues up. And the board will
6 take those into consideration during our
7 deliberation.

8 MS. PONDS: Thank you. Looking forward to
9 working with the management team.

10 Thank you.

11 CHAIRPERSON POURCIAU: you're welcome.

12 Hearing no, there's no further entities to
13 present, I'd like to ask the applicant if they'd
14 like to make any closing remarks?

15 MR. FERRIS: Thank you.

16 Without a full closing, I would just
17 underscore for the board that we do believe we meet
18 the standards for a use variance in this case. In
19 particular, the undue hardship, we put a lot of
20 information in the record already. We're happy to
21 put more information to whatever the board would
22 like to see in order to be able to reach a decision
23 on the case.

24 I would emphasize that simply being aware
25 of the building's condition prior to acquiring the

1 site does not contradict that there is also an undue
2 hardship for the property. The property has an
3 exceptional condition that creates an undue
4 hardship.

5 And to some extent it, you know, it makes
6 sense that, it really makes sense that that would be
7 the case because if you think about what the result
8 would be, if simply being aware of a building's
9 condition meant that you couldn't have an undue
10 hardship, that would mean that there would never be
11 relief for a building like this; right?

12 A new owner of a building will always be,
13 you know, looking at the site, studying the site
14 before it makes a purchasing decision. And the
15 result, then, would be if you could never get relief
16 simply because a new owner was aware of the
17 condition of the building and the investment that
18 would be needed to bring it up to standards, that
19 new owners would simply never invest in those
20 buildings. They would never buy and restore a
21 building the way that the applicant is proposing
22 today.

23 And, you know, I think the results of the
24 property's exceptional condition is fully borne out
25 by its current condition, that it has not had the

1 ability to make the necessary repairs and
2 maintenance over the years. And that is the result
3 now is a building in a very poor state, does not
4 provide a high quality of housing as it should, as
5 the District would like to see in this area and
6 across the District the preservation of housing and
7 the best, high quality of condition.

8 And so, the applicant's proposal that
9 requires the additional units to support really
10 fully restoring this building is fully in line with,
11 I think, what the District wants to see: new
12 housing, preservation of existing housing stock to
13 strengthen the city. Despite, broadly, just a
14 really challenging real estate development and
15 financing market, I'm hoping the board sees the
16 impact of that every day.

17 Bu that is also just a really important
18 factor for we would like the board to consider.
19 That there really are strict limitations. And our
20 city has lived through many eras. And when we came
21 out of an era in prior years where there was a great
22 deal of excited, eager investment in the city from
23 various lenders and financing. And the current
24 environment simply is that's not that. That's not
25 where we are today.

1 And so, the applicant is trying to do the
2 best that it can for the District with what it has,
3 and the best for this building and for the residents
4 that will live in it after the project is complete.

5 So, with that, I'll conclude my remarks.
6 And, again, we're happy to provide any additional
7 materials on the record that the board would see
8 appropriate.

9 Thank you for your time.

10 CHAIRPERSON POURCIAU: Thank you. I think
11 the record is pretty full.

12 Board members, are there additional, are
13 there additional items you'd like to discuss or
14 request prior to going into deliberations?

15 VICE CHAIR GOLDSTEIN: Yeah. I just want
16 to say that I agree with the vast majority of what
17 you just said, Mr. Ferris. I think this space could
18 be much better used as residential than it currently
19 is for storage. I think it is unique. I don't
20 think there's any harm to the public good.

21 I think there's a lot of benefit in getting
22 more units here.

23 I do think I would like to see a little bit
24 more on the undue hardship. I know you put a lot in
25 the record. I think I kind of said earlier I'd love

1 just a little bit more about the nexus of what these
2 four units accomplish for you. And if you can
3 provide some more, I would appreciate it.

4 And, generally, you've fully briefed. And
5 this is a property that needs a lot of work. And
6 there's a lot of constraints on it. But I'd just,
7 I'd like a little more to chew on and support the
8 undue hardship standard.

9 That's what I'd be looking for. But I
10 think you're, I think you're well on your way in my
11 view in this argument. I just need a little bit
12 more.

13 Thank you, Madam Chair.

14 COMMISSIONER STIDHAM: Madam Chair, I
15 would, I would be requesting the same. I need
16 something more to hang my hat on the undue hardship
17 argument and how these four units, when you already
18 have 20 units, come into play. And maybe understand
19 why the finances are so contingent on these four
20 units coming into play. I think that would help
21 understand.

22 There's no doubt that the building needs
23 help, needs a lot of love. And it's expensive. And
24 these aren't great times for looking for financing.

25 So, I, I get all of those pieces.

1 But I also get that this was purchased not
2 long ago. The needs are self-evident. So, I just
3 need a bit more information.

4 CHAIRPERSON POURCIAU: Thank you. And I
5 would like to see more on the -- in addition to what
6 you all have requested -- how move-in, move-out will
7 be managed, and bulk trash, and parking. And it
8 sounds like the management company has a history and
9 process for dealing with these. And I would like to
10 see that in the record

11 Given that, are we, are we ready to move
12 this to a decision meeting, you know, with that
13 additional information placed in the file?

14 I see Vice Chair Goldstein nodding yes.
15 Commissioner Stidham, you agree as well.
16 Okay.

17 So, I'd like to ask Madam Secretary if she
18 could let us know how we might, how or when we might
19 act on this at a decision meeting, and when the
20 additional information should be submitted.

21 MS. MEHLERT: So, the board could schedule
22 this for a decision on July 22nd.

23 And the applicant can submit their
24 information by July 15th, if that works for them.

25 MR. FERRIS: Definitely. Thank you.

1 MR. CERTOSIMO: Yes.

2 CHAIRPERSON POURCIAU: Thank you.

3 So, we will move this case to a decision
4 meeting on July 22nd, assuming that we receive all
5 information by July 15th. And I'm emphasizing that
6 because we're a new board and, you know, there has
7 been some urgency on cases because the board hasn't
8 had a quorum for a while.

9 But this will be a case where I will decide
10 not to see the case July 22nd if we do not have the
11 information on July 15th. And we will then have to
12 move it to another date. All right?

13 Just because we have so many late
14 submissions. And we really take our review and
15 preparation very serious for these cases. And not
16 only does it disadvantage us, it disadvantages you
17 as well.

18 So, with that, we will proceed to the dates
19 as recommended by the Secretary.

20 Thank you all for coming in and for your
21 extensive presentation and preparation. We really
22 appreciate that. And for what you're doing to add
23 housing to the D.C. market, and good housing in this
24 area.

25 So, thank you so much for that.

1 MR. FERRIS: Thank you all for your time.

2 MR. CERTOSIMO: Thank you. Much appreciated.

3 CHAIRPERSON POURCIAU: So, that was our
4 last case for the day.

5 Madam Secretary, is there anything else we
6 need to do at our board meeting today?

7 MS. MEHLERT: No, nothing else from staff.

8 CHAIRPERSON POURCIAU: All right. I want
9 to thank you all for being here. And enjoy time off
10 next week. Enjoy your holiday. And we'll see each
11 other in about two weeks.

12 Thank you to staff, as always, for all your
13 hard work. Have a good day.

14 (Whereupon, the above-entitled matter went
15 off the record at 12:51 p.m.)

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1 C E R T I F I C A T E

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

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19 Eric Carpenter

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