



June 28, 2019

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

**Re: BZA Case No. 20073
Applicant's Prehearing Statement**

Chairperson Hill and Honorable Members of the Board:

On behalf of Applicant Oxbridge Development QOZB at Fourth Street NE LLC, please find enclosed the Prehearing Statement for the above-referenced case. We look forward to presenting the application to the Board of Zoning Adjustment on July 24, 2019.

Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read "MM", written over a horizontal line.

BY: Meridith H. Moldenhauer

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of June, 2019 a copy of the foregoing Prehearing Statement was served, via electronic mail, on the following:

District of Columbia Office of Planning
c/o Jonathan Kirschenbaum
1100 4th Street SW, Suite E650
Washington, DC 20024
Jonathan.Kirschenbaum@dc.gov

Advisory Neighborhood Commission 5E
c/o Patricia Williams, SMD Commissioner
5E02@anc.dc.gov



Meridith H. Moldenhauer

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
OXBRIDGE DEVELOPMENT
QOZB AT FOURTH STREET NE LLC**

BZA CASE NO. 20073

APPLICANT'S PREHEARING STATEMENT

I. EXECUTIVE SUMMARY AND NATURE OF RELIEF SOUGHT

This Prehearing Statement is submitted on behalf of Applicant Oxbridge Development QOZB at Fourth Street NE LLC (the "Applicant"), regarding the property located at 2637 4th Street NE (Square 3634, Lot 803) (the "Property") in support of this application for special exception relief, pursuant to 11 DCMR Subtitle X § 901.2, from the requirements for lot width (Subtitle E § 201.1) in order to subdivide the Property into three lots and construct three flats in the RF-1 zone (the "Project").

Since filing the initial application, the Applicant has revised the architectural plans for the Project. As part of the revised plans, the Applicant no longer seeks relief from the requirements for terraced retaining walls under Subtitle C § 1401.7, which is described in detail below. Accordingly, the Applicant attaches an updated Form 135 at **Tab A**.

II. REVISED ARCHITECTURAL PLANS

The revised architectural plans (the "Revised Plans") propose minor changes to the Project design and provide additional detailing on the unit layout as well as Project renderings. A copy of the revised architectural plans are attached at **Tab B**. As set forth in the initial application statement, the Applicant proposes three flats, with one unit in the cellar of each flat and a second unit occupying the ground level through the third level. The Project's cellar units will have two bedrooms and one bath each, and the upper floor units will have six bedrooms and 3.5 bathrooms each. One of the two bedroom/one bathroom units will be set aside as an inclusionary zoning unit, as required under the special exception for reduced lot width in the RF-

1 zone. The Project's footprint is 890 sq. ft. per flat, which results in a lot occupancy of 46.5%,¹ although the size of the units, including the IZ unit, may vary based on final floorplan layout. See **Tab B**, Sheet 8.

To obviate the need for a tiered retaining wall, the Revised Plans propose to push the Project's front façade farther back from the street frontage on 4th Street NE. See **Tab B**, Sheet 8. As depicted in the site plan, the Project remains within the range of existing front setbacks on the eastern side of 4th Street NE. See **Tab B**, Sheet 8. Instead of tiered retaining walls, the Revised Plans incorporate stairs on the northern edge of the Property to provide access from 4th Street NE to the proposed flats. See **Tab B**, Sheets 8-9. The areaway to the proposed cellar level is four feet in width, as measured from the building face. See **Tab B**, Sheet 12. Therefore, the areaway qualifies as an "exception to grade" and is not included in the calculation of building height. See Subtitle B § 308.2.

III. COMMUNITY OUTREACH

On April 5, 2019, the Applicant met with SMD Commissioner Williams to discuss the proposal for the Property.² After filing the application, the Applicant attended two meetings of Advisory Neighborhood Commission 5E (the "ANC"). On May 21, 2019, the Applicant attended the ANC's meeting to introduce the Project to the community. On June 18, 2019, the Applicant attended a second ANC meeting, where the ANC voted unanimously to support the application and the relief requested. A copy of the ANC's written report is in the record at Ex. No. 26.

¹ On the Revised Plans, the lot occupancy is rounded up to 47%. The lot coverage was increased slightly from the original application due to the site grading and proposed building location.

² SMD Commissioner Williams also held a meeting on April 20, 2019 to discuss the Project with community members, although the Applicant was not present at that meeting.

IV. EXPERT WITNESSES

Will Teass, the Project architect, will testify in support of the application as an expert witness. Mr. Teass was identified in the initial application (Ex. No. 11), and a copy of his resume is attached at **Tab C**.

V. CONCLUSION

For the reasons stated above, and for the reasons enumerated in the Applicant's prior filings as well as the reasons discussed at the Board's hearing, the Applicant submits that the application meets the requirements for special exception relief from the lot width requirements. Accordingly, the Applicant respectfully requests that the Board approve the application on July 24, 2019.

Respectfully submitted,
COZEN O'CONNOR



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