



July 3, 2019

Meridith Moldenhauer

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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 Cover Letter with Updated Self-Certification**

Chairperson Hill and Honorable Members of the Board:

On behalf of Applicant Oxbridge Development QOZB at Fourth Street NE LLC (“Applicant”), please find enclosed an updated self-certification form attached at **Tab A**. The Applicant is adding special exception relief from the Inclusionary Zoning (“IZ”) requirements of Subtitle C § 1001.2(e).¹ This relief is added in response to the Office of Planning’s request that the Applicant incorporate relief from the IZ subchapter in addition to the lot width relief under the RF zone subchapter.

The updated zoning relief relates to the Applicant’s existing request for lot width relief in the RF-1 zone. Specifically, the Applicant is seeking relief from Subtitle E § 201.1 for a lot width of 16 feet in order to construct three flats at the subject property. Under Subtitle E § 201.1, lot width relief in the RF-1 zone is permitted by special exception if there is an IZ unit in the development.

Similarly, under Subtitle C § 1001.2(e), a property that will be developed with “any semi-detached, **flat**, or multiple dwelling” building can voluntarily “opt-in” to the Inclusionary Zoning program provided three conditions are met. Pursuant to Subtitle C § 1001.2(e)(1), the square footage set aside must achieve a minimum of one IZ unit. As stated in the initial application and the prehearing statement, the Applicant will set aside one of the six proposed units for IZ. *See* Ex. No. 2, 27.

Under Subtitle C § 1001.2(e)(2), residential developments located in specific zones set forth in Subtitle C § 1001.5(a) cannot benefit from IZ bonus modifications to height, lot

¹ The enclosed self-certification form supersedes the previously revised self-certification form at Ex. No. 28. The Applicant withdrew its request for retaining wall relief. Since the Applicant has already paid the filing fee for two special exceptions, no additional fee is required for the new relief.

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occupancy or minimum lot area or width. The RF-1 zone is not included in Subtitle C § 1001.5(a) and, therefore, this condition is not applicable to the Property.

Finally, Subtitle C § 1001.2(e)(3) dictates that the use of bonus density in the RF-1 zone shall require special exception approval pursuant to Subtitle X, Chapter 9. The Applicant is requesting special exception approval for lot width enumerated under Subtitle E § 201.1 and Subtitle C § 1002.2. The Applicant has detailed that it meets the special exception standard for lot width relief and, for the same reasons, qualifies for special exception relief under Subtitle C § 1002.2. *See Ex. 2, 27.*

Thank you for your attention to this matter, and we look forward to the Board's consideration of this application on July 24, 2019.

Sincerely,

COZEN O'CONNOR



BY: Meredith H. Moldenhauer

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of July, 2019 a copy of the foregoing Cover Letter 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

Tab A



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



FORM 135 – ZONING SELF-CERTIFICATION

<i>Project Address(es)</i>	<i>Square</i>	<i>Lot(s)</i>	<i>Zone District(s)</i>
2637 4th Street NE	3634	803	RF-1
Single-Member Advisory Neighborhood Commission District(s):		5E02	

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	<input type="checkbox"/>	X § 1000.1 - Use Variance	<input type="checkbox"/>	X § 1002.1 - Area Variance	<input checked="" type="checkbox"/>	X § 901.1-Special Exception
Pursuant to Subsections					E-201.1; C-1001.2(e)	

Pursuant to 11 DCMR Y § 300.6, the undersigned agent certifies that:

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.



The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner’s behalf in this matter.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22 2405)

 <i>Owner's Signature</i>		<i>Owner's Name (Please Print)</i> Oxbridge Development QOZB at Fourth Street NE LLC				
 <i>Agent's Signature</i>		<i>Agent's Name (Please Print)</i> Meridith Moldenhauer				
Date	7/3/19	D.C. Bar No.	494695	or	Architect Registration No.	

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

- All self-certification applications shall be made on this form. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.
- Complete one self-certification form for each application filed. Present this form with the Form 120 - Application for Variance/Special - Exception to the Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	5,750 sq. ft.	1,500 sq. ft.			-
Lot Width (ft. to the tenth)	50 ft.	16 ft.		16 ft. 8 in.	IZ Special Exception
Lot Occupancy (building area/lot area)			60%	47%	-
Floor Area Ratio (FAR) (floor area/lot area)	N/A		N/A		-
Parking Spaces (number)	0	3		3	-
Loading Berths (number and size in ft.)	N/A	N/A		N/A	-
Front Yard (ft. to the tenth)		Within range of existing structures on block		Within range of existing structures on block	-
Rear Yard (ft. to the tenth)		20 ft.		28' 6"	-
Side Yard (ft. to the tenth)		0		0	-
Court, Open (width by depth in ft.)	N/A	N/A		N/A	-
Court, Closed (width by depth in ft.)	N/A	N/A		N/A	-
Height (ft. to the tenth)			35 ft.	35 ft.	-

If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

