

October 27, 2021

D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 200S
Washington, D.C. 20001

Re: **BZA Case No. 20568 - 1801 MD Ave LLC – Special Exception Application for 1801-1805 Maryland Avenue NE (Square 4488, Lots 36 and 37) (the “Property”) – Pre-Hearing Submission**

Dear Members of the Board:

Please accept for filing the enclosed twenty-one (21) day pre-hearing statement by the Applicant. By the instant application, the Applicant is requesting special exception relief to shift the zone boundary line at the Property by up to 35 feet to extend the MU-7 Zoning into the Property’s current RA-2 Zone area to create a 30-unit apartment building (the “**Project**”). More specifically, the Applicant is seeking a special exception pursuant to 11-A DCMR §207.2 to shift the MU-7 Zone boundary line current bisecting Lot 36 to that lot’s shared property line with Lot 37, which would shift the MU-7 Zone to the mid-point of the Property.

Set forth below is (1) a description of updates to the drawings and a discussion of the related changes to requested relief; (2) information regarding community outreach and input; and (3) an expert witness resume and outlines of testimony.

I. Updated Drawings and Relief Requested

Attached as Exhibit A are updated plans (the “**Plans**”) refining the Project’s design. Most importantly, the Applicant has revised the west façade of the Project to completely cover the balconies. Therefore, the request for court relief detailed in the initial application is no longer necessary and has been removed from the application, as there are no courts on this façade of the Project. The revised design provides the needed light, air, and windows for each unit of the Project while enhancing outdoor recreational opportunities, without creating a non-compliant court.

Additionally, the Applicant has refined the Plans to add balconies, adjust the overall unit configuration, update the facades to reflect these updates, and modify the roof structures to comply with the program needs and the penthouse setback requirements. The updated floor plans allowed

the creation of two additional units, bringing the Project total to 30 units. Beyond obviating the need for court relief, the Plans have not changed in any substantial way to affect the zoning relief requested.

II. Community Outreach and Input

Since submitting the application on July 28, 2021, the Applicant has continued its community outreach, including maintaining its dialogue with Advisory Neighborhood Commission (“ANC”) 5E, to discuss the Project. The Applicant presented at the ANC’s Planning and Zoning Committee meeting on September 16, 2021. The Applicant also presented to the full ANC 5E meeting on October 12, 2021. At each of the meetings, the Applicant addressed questions regarding the Project, largely regarding communal recreational space for residents and the parking proposed. The Applicant is scheduled to present at the ANC’s November 9th meeting for a vote on the requested relief for the Project.

The Applicant also notes that comments have been filed in the record from the landlord and tenant at 1002 18th Street, NE (Exhibits 36 and 37). Upon their filing of this correspondence, the Applicant reached out to these individuals to discuss the concerns raised and also offered to meet. As of the filing of this letter, they have not wanted to meet although the Applicant would welcome the opportunity to do so if possible. No other opposition or concern regarding the Project or the requested relief has been raised on the record or during the Applicant’s community outreach.

The Applicant remains committed to coordinating with the community and is open to the opportunity to discuss the Project with all interested individuals.

III. Expert Witness Submissions

By this filing, the Applicant is also submitting the resume of Ron Schneck of Square 134 Architects, the project architect, as Exhibit B in order to qualify him as an expert in the field of design and architecture by the Board. He has previously testified before the Board, most recently in BZA Case 20297. The Applicant is also filing its outlines of witness testimony as Exhibit C.

IV. Conclusion

We look forward to presenting this case to the Board on November 17, 2021. If you have any questions, please do not hesitate to contact Jeff at (202) 721-1132 or Meghan at (202) 721-1138. Thank you for your attention to this application.

Sincerely,

_____/s/
Jeff C. Utz
Meghan Hottel-Cox

Enclosures

