GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

August 24, 2000

APPLICATION NUMBER 16603:
TO WHOM IT MAY CONCERN:

Notice is hereby given that the Board of Zoning Adjustment will hold a public hearing in Suite 220, 441 4th Street, N.W., Washington, D.C., 20001 on Tuesday, October 3, 2000. Your attention is invited to the following application:

> **Application of Fidelity Limited Liability Co., (CG Investments Contract Purchaser).**, pursuant to 11 DCMR 3103, for variances to construct an apartment house with possible ground floor retail under Section 1706 and Subsections 773.3 and 774.1 from the floor area ratio, residential recreation space and rear yard setback requirements in a HR/SP-2, (potential rezoning to DD/C-2-C) District at premises 466-480 Massachusetts Avenue, N.W. and 809-817 5th Street, N.W. (Square 517, Lot 50).

At the public hearing, all interested persons will be given an opportunity to express their views. However, you may submit written views about this case. All written views should be sent to the address below, and must be received by the Board before the hearing on the case is concluded. Individuals and organizations wishing party status in any case before the Board must request that status in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application. The request for party status must contain all the information required by 11 DCMR 3106.2. Section 3106 is enclosed for your information.

This case is in Advisory Neighborhood Commission 2C. Cases in this area will be heard between 1:00 p.m. and 6:00 p.m. Cases will be heard in the order listed on the Board's hearing agenda.

If you have any questions about this application, you may call the Office of Zoning on (202) 727-6311, or come to 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

PLEASE USE THE APPLICATION NUMBER WHEN YOU WRITE OR CALL ABOUT THIS CASE.

BZA
Case No. 16603
Exhibit No. 38

Sincerely,

JERRILY R. KRESS, FAIA
Director

(SEE REVERSED SIDE)

Board of Zoning Adjustment
District of Columbia
CASE NO.16603
EXHIBIT NO.38

EXCERPT FROM TITLE 11 DCMR, "ZONING"

3106 APPEARANCE AND REPRESENTATION

3106.1 In a proceeding before the Board, any person or party may appear on his or her own behalf. Any person or party may be represented by any other person duly authorized in writing to do so. The authorization shall state specifically that the authorization includes the power of the agent or representation to bind the person in the case before the Board.

3106.2 Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Board, any affected person shall file with the Board, not less than fourteen (14) days prior to the date set for the hearing, the following information.

(a) The person's name and address;
(b) A request to appear and participate as a party;
(c) Whether the person will appear as a proponent or opponent of the application or appeal;
(d) Whether the person will appear through legal counsel and, if so, the name and address of such legal counsel; and
(e) A written statement setting forth why the person should be granted party status, including reference to the following:

(1) The property owned or occupied by such person, or in which such person has an interest, that will be affected by the action requested of the Board;
(2) The legal interest such person has in such property, such as owner, tenant, trustee or mortgagee;
(3) The distance between such person's property and the property that is the subject of the application or appeal before the Board;
(4) The environmental, economic or social impacts that are likely to affect such person and/or such person's property if the action requested of the Board is approved or denied; and
(5) Any other relevant matters that demonstrate how such person likely will be affected or aggrieved if the action requested of the Board is approved or denied.

3106.3 In considering any request for party status pursuant to Subsection 3106.2, the Board shall grant party status only if the person has clearly demonstrated that his or her interests will be more significantly, distinctively or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

3106.4 No member of the Board or the Zoning Commission shall represent any person before the Board other than himself or herself while he or she is a member of the Board or the Zoning Commission.

3106.5 No former member of the Board or the Zoning Commission shall represent any person before the Board other than himself or herself for a period of six (6) months after the date that the member's service on the Board of Zoning Commission terminates.

3106.6 No former member of the Board or former employee of the Government of the District of Columbia shall represent any person other than himself or herself in a particular matter for which the member or employee had a substantial responsibility while he or she was a member of the Board or an employee of the District.

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