

**ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

RE: Application of Stonebridge Associates,)
5401, LLC, on behalf of 5401 Western)
Avenue Associates, LLC, and the Louise) Z.C. Case. No. 02-17
Lisner Home for Aged Women, for)
Approval of a Consolidated Planned Unit)
Unit Development and Zoning Map)
Amendment for Property at Western Ave,)
N.W., and Military Road, N.W.)
Square 1663, Lots 7 and 805.)
)

**MOTION OF FRIENDSHIP HEIGHTS ORGANIZATION FOR RESPONSIBLE
DEVELOPMENT TO POSTPONE HEARING**

Introduction

Friendship Heights Organization for Responsible Development (“FHORD”), a neighborhood association with over 78 members, hereby moves for postponement of the hearing on the above-captioned application by Stonebridge Associates 5401, LLC, on behalf of 5401 Western Avenue Associates, LLP, and the Abraham and Louise Lisner Home for Aged Women (collectively, “Applicants”) to this Commission for approval of a Consolidated Planned Unit Development (“PUD”) and Map Amendment, presently scheduled for November 14, 2002, due to the substantial modification of the application made by the Applicants on October 25, 2002.

FHORD further requests that this motion to postpone be addressed as a preliminary matter prior to the hearing scheduled for November 14, 2002. FHORD intends to appear as a party in opposition to the application, and requires a postponement in order for its experts to review the revised materials.¹ A decision by this Commission prior to November 14, 2002, will

¹ FHORD’s motion to appear as a party will be filed on or before October 31, 2002, as required by 11 DCMR § 3022.3. However, due to the urgency in securing preliminary action by this

conserve the resources of all the parties, including members of the public such as FHORD who intend to participate in the hearing as parties in opposition, whose witnesses, members, and supporters would otherwise have to appear on November 14th and be prepared, however inadequately, to present their case.

This motion for a postponement is joined by the following individual members of FHORD who reside within 200 feet of the project site: Hazel F. Rebolt, Stephen and Betsy Kuhn, and Jackie L. Braitman. These individual members have today filed letters requesting that they be accorded status as individual parties in opposition to this application. These letters demonstrate that these individuals will be adversely affected and aggrieved more significantly, distinctively, and uniquely affected in character and kind by the proposed zoning action than other persons in the general public. FHORD intends to present its case in opposition jointly with these individual parties.

Discussion

FHORD (address: Post Office Box 5624, Washington DC, 20016) is an unincorporated community-based organization of Friendship Heights DC citizens dedicated to preserving the quality of residential life in our neighborhood and evaluating proposed developments to ensure that they serve local and citywide public interests. FHORD members and supporters include two hundred ninety-nine local residents who have signed a petition opposing the upzoning of this site as requested by Stonebridge. FHORD's paid membership currently includes 78 people, including eleven individuals who reside within 200 feet of the project site, four of whom have requested

Commission, FHORD is filing this motion to postpone now, so that this motion might be addressed by the Commission prior to the hearing set for November 14, 2002.

status as individual parties in opposition to this application.

Since the original application was filed on March 22, 2002, FHORD has been actively involved in reviewing the proposed project, which proposed to re-zone a 58,540 square foot site located on Square 1663 to R-5-D, in order to construct a rental apartment building consisting of 185 to 215 units. According to the original application filed with the Zoning Commission, the area proposed by the Applicant for re-zoning consists of Lot 805, currently zoned R-5-B, and a portion of Lot 7, currently zoned R-2. The moderate-density residential zoning for Lot 805 was adopted by the Zoning Commission in 1974 as part of a deliberate effort to ensure the transitional nature of this site between the high-density commercial zone on Wisconsin Avenue and the low-density surrounding neighborhoods, and was the result of a 17-month planning effort that fully reflects the site's proximity to the Friendship Heights Metrorail station. It has been the consistent position advocated by FHORD and other neighborhood groups since March 2002 that there is no reason to dismantle the moderate-density zoning duly adopted through a considered planning process, simply to accommodate a developer's desire for maximizing profits, where matter-of-right development on the site as presently zoned would afford a superior development and benefits to both the immediate neighborhood and the District of Columbia as a whole.

Nonetheless, the Zoning Commission set down a hearing based on the original application, proposing to re-zone the site to high-density residential (R-5-D), and the official notice of the hearing was published in the D.C. Register and mailed to abutting property owners. This notice, as subsequently revised, stated that the Applicant is seeking "to rezone the entire site to R-5-D," in order "to construct a new apartment house consisting of 185 to 215 units with retail use (7,200 feet) on the ground floor level" and 224 parking spaces in a below-grade garage accessed from

Western Avenue, as well as 1,075 feet to “be used for a day care center.” The revised hearing notice reflected the changes made in the Applicant’s August 19, 2002 pre-hearing submission (such as the inclusion of a day care center within the proposed development), which the Applicant was required to file no later than 60 days prior to the scheduled hearing.

On October 25, 2002, barely 20 days prior to the scheduled November 14th hearing, the Applicant submitted a “revised pre-hearing submission.” However, a review of this submission makes clear that this is not simply a revised pre-hearing submission; it is a substantial revision to the application itself. As we now describe, the changes are so substantial that they render the prior hearing notice, published in the D.C. Register, as well as other required public notices, wholly inadequate to inform the public about the nature of the proposed development or the extent of its impacts.

First, contrary to the published notice, the Applicant is now seeking to re-zone lot 805 to R-5-C rather than R-5-D, and is no longer seeking to re-zone Lot 7 at all, but will incorporate this lot in the proposed PUD retaining its current R-2 zoning. Further, the Applicant now proposes to build 125 condominium units on re-zoned Lot 805, rather than 185 to 215 units previously proposed for both lots, and identified in the published hearing notice. The change from rental to condominium units will completely alter the analysis of the project’s economic impacts, previously undertaken by FHORD based on the development described in the duly noticed application, which analysis will now have to be completely revised.

Contrary to the hearing notice, the revised proposal will only include 141 parking spaces rather than the 224 parking spaces stated in the published notice. While the hearing notice stated that the project would include retail space and 1,075 square feet for use as a day care center, the

revised submission now calls for 3,000 square feet devoted to a child development center. While the hearing notice stated that the building will contain approximately 235,360 square feet and a maximum FAR of 4.0, the substantially reconfigured building will consist of a maximum of 182,200 square feet, with a maximum FAR of 4.2.

These changes are substantial and will significantly affect the nature and extent of the project's impacts on the neighborhood. For example, the day care center will no longer be located on the first floor of the residential building on the Lot 805, which would have been rezoned to R-5-D. A child development center for less than 25 persons would have been matter of right in an R-5-D zone. See 11 DCMR § 350.4(g). Instead, the child development center will be located on Lot 7, which will now retain its R-2 zoning. A child development center can be located in an R-2 zone only subject to approval as a special exception, and based on a finding that it will not create an objectionable traffic condition, and includes sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors. Id. §§ 205, 302.1.

Moreover, the proposal to retain the R-2 zoning for Lot 7, while at the same time including a portion of this lot within the area for the Planned Unit Development, is improper. The Zoning Regulations governing PUDs specifically require that the minimum area included within the proposed PUD development shall be a total of two (2) acres for a development to be located in any R-2 area. 11 DCMR § 2401.1(a). The subject site is less than two (2) acres. And yet, the Applicant proposes to include the child development center within the PUD area as an “amenity,” by which means the Applicant presumably also intends to circumvent both the required approval by the Board of Zoning Adjustment (“BZA”) as well as the special exception standards that would normally be applied by the BZA, and which are intended to protect residential

neighborhoods from being excessively burdened by traffic impacts associated with child development centers and other institutional uses. Id. §§ 2405.7, 2405.8. Nothing in the revised hearing notice states or suggests that the Application includes a request for a waiver of the required minimum area for PUDs that are located in an R-2 zone, yet such a waiver is implicit in the fact that the PUD site now includes an area that is, and will continue to be zoned R-2.

Likewise, the analysis of traffic impacts will substantially change as a result of the changes in the number of units in the residential building, and the change from rental to condominium units. A new curb cut to provide loading access and access to the new at-grade parking area from Western Avenue for the day care center has been added, with virtually no analysis of the resulting impact on traffic circulation on Western Avenue. The changed location of the child development center, on the portion of the site farthest from the Friendship Heights metro and within an area zoned for single-family housing, will likely result in a severe impact on the residential neighborhood. The revised proposal includes no plan for addressing the drop-off and pick up of the 44 children who will be enrolled in the day care center, which is likely to significant add to peak hour congestion and encroach on neighborhood parking. The report prepared by the D.C. Department of Transportation on October 8, 2002, does not take into account the traffic impacts associated with these substantial changes in the project.

Finally, the revised proposal is vague and generalized, and lacks the information required by the Zoning Regulations to be included in the Applicant's pre-hearing submission. For example, the Zoning Regulations require the submission of an "annotated table that shows . . . [t]he extent to which the proposed development would comply with the standards and requirements that would apply to a matter of right development *under the zone district classification of the site at*

the time the application is filed,” “[t]he specific relief that the applicant requests from the matter of right standards and requirements,” and, if a map amendment is also requested, “the matter of right standards and requirements of development under conventional zoning.” 11 DCMR § 2403.11 (emphasis added). However, the table attached to the revised pre-hearing statement filed on October 25, 2002, fails to provide any comparisons for matter-of-right zoning under the current, R-5-B zoning. See Letter from Marilyn Simon, attached as Exhibit 1. Moreover, a new “amenity” proposed in the October 25th pre-hearing submission – the so-called “affordable housing” component of the new condominium building – is completely devoid of any of the required details (including the rents that will be charged for these units, or indeed, whether these units will be sold or leased as “affordable housing”) that would enable the public to determine whether this so-called “amenity” satisfies the standards set forth in the zoning regulations.

The purpose of the detailed public hearing notice required by the Zoning Regulations is to provide the public with an adequate opportunity to become informed about a proposed development in advance of the public hearing on the matter, to study the proposal and analyze its impacts. The regulations entitle the public to 40 days advance notice via publication in the D.C. Register (and via personal notice, in the case of persons residing within 200 feet of the site), which then allows them to obtain the materials on file with the Zoning Commission. See 11 DCMR §§ 3014.1(a), 3015.3(a). FHORD and other persons seeking party status undertook to prepare for their participation in the November 14, 2002 hearing based on the original proposal, described in the revised hearing notice and the pre-hearing submission dated August 19, 2002, including review and analysis by FHORD’s traffic, planning, and economic experts. The Applicant, by substantially modifying its proposed development a mere 20 days prior to the

hearing, has eliminated more than half the advance notice that the public and abutting property owners are entitled to receive.²

The Applicant appears to be of the view that such a wholesale and substantial change in the nature of a proposed development can be made at any time (including, by logical extension, the very day of the hearing itself), where the Applicant chooses to characterize the substantial changes in the development as representing “reductions in the parameters advertized for the hearing.” This argument is wrong as both a matter of fact and a matter of policy.

First, the Applicant’s view that the changes will somehow be more acceptable to the neighborhood is highly subjective and wrong. This view is particularly troubling as it pertains to the inclusion of a day care center as a PUD “amenity” in a residential neighborhood already beset by extraordinary traffic problems generated by the intensive development at Friendship Heights, and to thereby strip the neighbors of the protections that would otherwise be afforded by the special exception standards that, absent the PUD, would have been applied as part of the review of the child development center. FHORD and its members continue to oppose the revised application because it is incompatible with the character of the neighborhood and the D.C. Comprehensive Plan, which seeks to protect Ward 3’s “low density, stable residential neighborhood,” does not meet the applicable PUD standards, and will have severe adverse affects

² Even apart from the substantial revision to the project, the public notice afforded by the Applicant was inadequate. Numerous difficulties were encountered with respect to the public notice posted by the Applicant on the subject site, required by the Zoning Regulations. See 11 DCMR § 3015.4. For example, the Zoning regulations require that notice of a PUD be placed upon the Applicant’s property “in plain view of the public at each street frontage on the property and on the front of each existing building located on the subject property.” Id § 3015.4. However, despite repeated complaints by FHORD members to the Office of Zoning, the Applicant failed to post *any* notice on the Lisner building or Lisner site (Lot 7), and also made no attempt to post *any* notice on the Military Road frontage of the Washington Clinic site, which site has frontages on both Military Road and Western Avenue. See Letters attached as Exhibit 2.

due to inadequate management of traffic and parking. As the Office of Planning pointed out, the site “is 150 feet or less from a neighborhood of single family houses, that is already experiencing traffic and parking congestion, and can expect considerably more from the approximately 2 million square feet of new development that will be built in the Maryland section of Friendship Heights.” The proposed PUD, even as revised, simply does not provide a development that is superior to what is likely to happen on the property under matter-of-right development, which would permit 78,912 square feet of residential development, a density three and one-half times that of the existing Washington Clinic building, or even special exception development. as noted above, many of the changes to the application cannot be characterized as a “reduction of parameters” of the development (such as the increased FAR of the project and the access onto Western Avenue).

As a factual matter, the impacts resulting from many of the “reductions” are equally if not more severe than the originally noticed proposal, such as the reduced on-site parking, and the relocation of the child development center to an area that is zoned R-2, with the attendant impacts on traffic circulation and residential parking in an already congested area. Moreover, as noted above, many of the changes to the application cannot be characterized as a “reduction of parameters” of the development at all (such as the increased FAR of the project and the access onto Western Avenue).

Most importantly, as a matter of policy, there is absolutely no support for the notion that substantial changes in the very nature of a proposed application can be made without adequate (or indeed, by the Applicant’s logic, without any) public notice, even where the changes genuinely represent a reduction in density and impact over the duly noticed application. The public is still

entitled to adequate notice of the revised application, regardless of any modest decrease in density or impact attempted thereby. Failing to postpone the hearing to afford the public an adequate time to become familiar with the proposal will severely prejudice parties who may still wish to appear in opposition to the revised application (including parties such as FHORD who have retained experts who will now not have an adequate amount of time to review the proposal). At the same time, allowing the hearing to go forward notwithstanding this very substantial change in the project will give the green light to unscrupulous developers to defer filing formal revisions to their duly-noticed applications as a means of obtaining a tactical advantage over their perceived opponents at the public hearing.

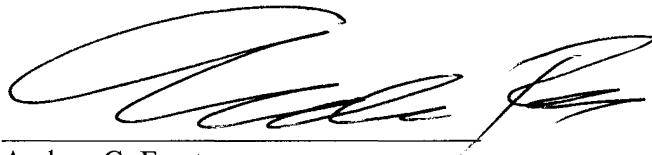
Here, the Applicant was well aware of the very substantial community opposition to the original application that was noticed for public hearing, as well as the specific grounds for this opposition, and was aware of this opposition long before the filing of its pre-hearing submission on August 19, 2002. For whatever reason, the Applicant allowed the public hearing notice to be published based on an application that the Applicant knew or should have known would be substantially revised prior to the public hearing in order to gain any measure of acceptance from the community. Having intentionally chosen to defer the filing of this substantial revision until a scant 20 days prior to the noticed public hearing, the Applicant cannot complain when the public and abutting property owners insist on their rights to have the minimum notice of the application afforded by the zoning regulations.

Conclusion

FHORD respectfully requests that the November 14th hearing on the above-referenced application be postponed so that proper notice can be provided to the general public, and to

enable FHORD and other persons seeking party status and their respective experts to review and evaluate the revised proposal.

Respectfully submitted:



Andrea C. Ferster
Cornish F. Hitchcock
1100 17th Street, N.W. 10th Fl.
Washington, D.C. 20036
(202) 974-5142

Counsel for FHORD, Hazel F. Rebold, Stephen and Betsy Kuhn, and Jackie L. Braitman

October 28, 2002

CERTIFICATE OF SERVICE

I hereby certify that, on October 28, 2002, a copy of the foregoing Motion to Postpone was served by first-class mail on:

Whayne Quin
Holland and Knight
2099 Pennsylvania Ave., N.W. suite 100
Washington, D.C. 20006

Andrew Altman, Director
Office of Planning
801 North Capitol Street, N.W. Suite 4000
Washington, D.C. 20002

Jill Diskan, Chair
ANC 3E
P.O. Box 9953
Friendship Station
Washington, D.C. 20016



Andrea C. Ferster

EXHIBIT 1

5241 43rd Street, NW
Washington, D.C. 20015
October 27, 2002

Carol Mitten, Chairman
Zoning Commission
District of Columbia Office of Zoning
441 Fourth Street, NW, Suite 210-S
Washington, D.C. 20001

RE: ZC # 02-17 (STONEBRIDGE ASSOCIATES)

I am a D.C. homeowner, residing at 5241 43rd Street, N.W., about a block and a half from the proposed development. The primary purpose of this letter is to highlight the inadequacy of the zoning tabulation submitted by the Applicant on October 25, 2002. The Zoning Regulations clearly require that the Applicant submit a tabulation comparing the proposal with matter of right standards and requirements under current zoning. This comparison was not included in this submission or in any of the earlier submissions. Given the inadequacy of the Application and the misleading nature of the tabulations included in the submissions, I ask that the submission be returned to the Applicants as incomplete and that the November 14 Hearing be rescheduled.

Chapter 24 of the Title 11, Zoning Regulations, states:

2403.11 To assist the Commission in applying the evaluation standards of this section, the application shall prepare and submit to the record of the case an annotated table that shows the following:

- (a) The extent to which the proposed development would comply with the standards and requirements that would apply to a matter of right development under the zone district classification of the site at the time the application is filed;
- (b) The specific relief that the applicant requests from the matter of right standards and requirements; and
- (c) If the applicant requests a map amendment, the extent of compliance with, and the requested relief from, the matter of right standards and requirements of development under conventional zoning.

While the Applicants included a short description of matter of right development under existing zoning in their March 22 submission, they did not submit an annotated table, and all submitted zoning tabulations compared Matter of Right under the requested zoning with that submission, the Prehearing Statement or in the October 25 submission. In the October 25 submission, they included a retabulation comparing the proposed development with R-5-C matter of right and to the PUD Guidelines under R-5-C including a five percent increase in height and FAR those limits¹. Clearly, these are not the comparisons required in the Zoning Regulations and are not relevant to evaluation of the proposal.

¹ According to the Zoning Regulations, the assumed five percent increase in height and FAR is limited:

2405.3 The Commission may authorize an increase of not more than five percent (5%) in the maximum height or floor area ratio; Provided, that the increase is essential to the successful functioning of the project and is consistent with the purpose and evaluation standards of the planned unit development regulations.

No such showing has been made.

The following table provides a tabulation of the relevant development data, as required in 11 DCMR § 2403.11:

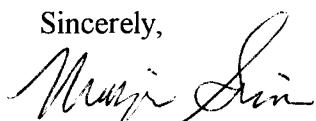
	R-2 AND R-5-B MATTER OF RIGHT	R-2 AND R-5-B PUD GUIDELINES	PROJECT
Gross Floor Area	R-2: none given, but constrained by maximum of 3 floors and other restrictions R-5-B: 78,912 s.f.	137,520 s.f. (maximum)	182,000 s.f. for residential on Clinic [R-5-B] site 3,000 s.f. for CCPCC on Lisner land
FAR	R-2: none given R-5-B: 1.8 11 DCMR §402	3.0 on Clinic Site 0.4 on Lisner land Combined: 2.34 11 DCMR §2405.2	4.15 on Clinic property 0.4 on Lisner property Combined: 3.14
Height	R-2: 40 feet R-5-B: 50 feet 11 DCMR §400	60 feet 11 DCMR §2405.1	78.75 feet
Lot Occupancy	R-2: 40% R-5-B: 60% 11 DCMR §403	55% 11 DCMR §2405.4	53%
Parking	Apartments: one for each two units Child Development Center: one for each 4 teachers and other employees 11 DCMR §2101.1	Apartments: one for each two units * 11 DCMR §2405.6 Child Development Center: one for each 4 teachers and other employees	1.1 spaces per unit, including 8 visitor spaces Of those, 17 spaces are shown as tandem spaces and flexibility to allow up to 25% of the spaces as tandem and 40% as compact car spaces is requested.
Penthouse Height		18' 6"	18' 5"

Notes to Tabulation:

* While the PUD Guidelines recommend one space for each two dwelling units, the Zoning Commission in comparable locations has required one fully accessible parking space per unit and stated that those spaces must be used by the owner or occupant of the apartment and cannot later be rented or conveyed separately.

I hope that you find the corrected table helpful in reviewing both the merits and the adequacy of the Applicant's submission.

Sincerely,



Marilyn J. Simon

EXHIBIT 2

10-27-02

Carol Mitten, Chairman
Zoning Commission
District of Columbia Office of Zoning
441 4th Street, NW, Suite 210-S
Washington, DC 20001

RE: #ZC 02-17 (Stonebridge Associates)

I am requesting that this hearing be postponed until such time as notice to the neighborhood can be given in full accordance with the regulations, at least 40 days prior to any new date set for hearing this case.

The posting on the subject site to inform the public of this hearing is totally inadequate, and I do not understand how it can go forward on November 14 when this requirement is being so blatantly ignored by the Applicant. I live directly across Military Rd. from the subject site and observe it daily.

The regulations state:

3015.5 The notice required by §3015.4 to be placed upon applicant's property shall be posted in plain view of the public at each street frontage on the property and on the front of each existing building located on the subject property.

I am enclosing photographs that I took today, 18 days before the hearing.

I have photographed the entire street frontage of the site along Military Rd., so that you may see the one poster there. It is certainly well out of "plain view of the public" (behind a bush), and considerably removed from "the street frontage," almost 60 feet from the sidewalk.

There are no notices on the front of either of the 2 buildings involved (the Washington Clinic and the Lisner Home), and there is no notice anywhere on the Lisner part of this site. The involvement of any portion of Lisner's land in this development is extremely important, yet there is nothing to indicate this to anyone looking at any part of the Lisner property.

According to 3015.7, Stonebridge was required to submit a sworn affidavit with photos of each sign posted, 30 days prior to the hearing. I cannot imagine how they could have satisfactorily done this.

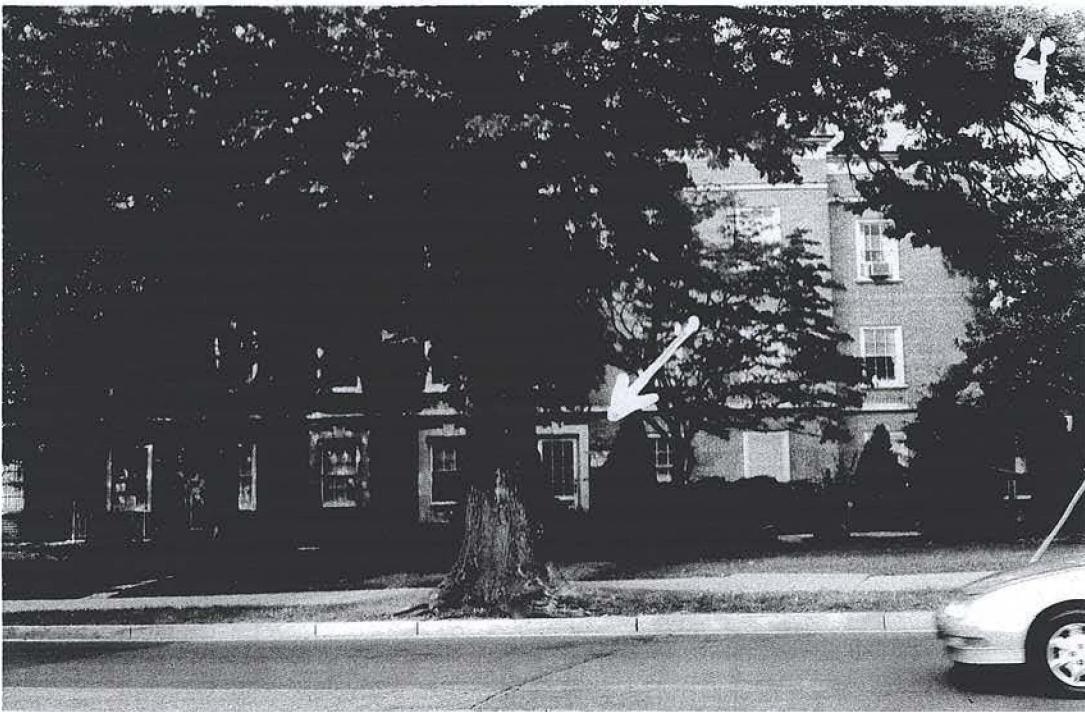
Please delay this hearing so that proper notice can be given to all interested parties.



Hazel F. Rebولد
4228 Military Rd., NW
Washington, DC 20015-2933

All of these photos were taken 10-27-02, which is 18 days before the hearing scheduled for case ZC 02-17 (Stonebridge Associates). The series shows the entire Military Rd. frontage of the subject site. It begins at the eastern end, which is currently part of the Lisner Home (this is directly across from my house).





This shows the only poster visible from Military Rd. It is almost 60 feet from the sidewalk, behind a bush. (It is next to a seldom used side door to the Washington Clinic)



5241 43rd Street, NW
Washington, D.C. 20015
October 22, 2002

Carol Mitten, Chairman
Zoning Commission
District of Columbia Office of Zoning
441 Fourth Street, NW, Suite 210-S
Washington, D.C. 20001

RE: ZC # 02-17 (STONEBRIDGE ASSOCIATES)

I am writing to present documentation showing that the Applicant has not posted the required revised notices of the Application and Hearing on the Clinic and Lisner properties. I am attaching copies of photographs that were taken on October 17, 2002 between 3:00 and 3:30 pm. If it would be helpful, color copies as JPEG files, each picture approximately 90 kilobytes can be provided.

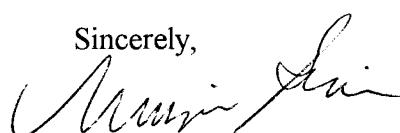
It is my understanding that the Applicant is required to post the revised notices in 6 locations:

1. the street frontage of the Washington Clinic on Military Road
2. the street frontage of the Lisner Home on Military Road
3. the Street frontage of the Washington Clinic on Western Avenue
4. the street frontage of the Lisner Home on Western Avenue
5. the front of the Washington Clinic building, and
6. the front of the Lisner Home building.

As you can see from the attached photos, on October 17, 2002, there was one notice posted on the street frontage of the Washington Clinic on Western Avenue. Another notice on the street frontage of the Washington Clinic on Western Avenue had fallen down. There were no notices on the street frontage of the Lisner Home on either Military Road or Western Avenue, and there were no notices on the front of the Washington Clinic building. I did not walk up the hill to photograph the front of the Lisner Home building. In addition, if someone had happened to see the original posting, they are unlikely to notice that the information had been revised.

I hope this information is useful in determining whether the Applicants have posted the required notices as provided for in §3015.

Sincerely,

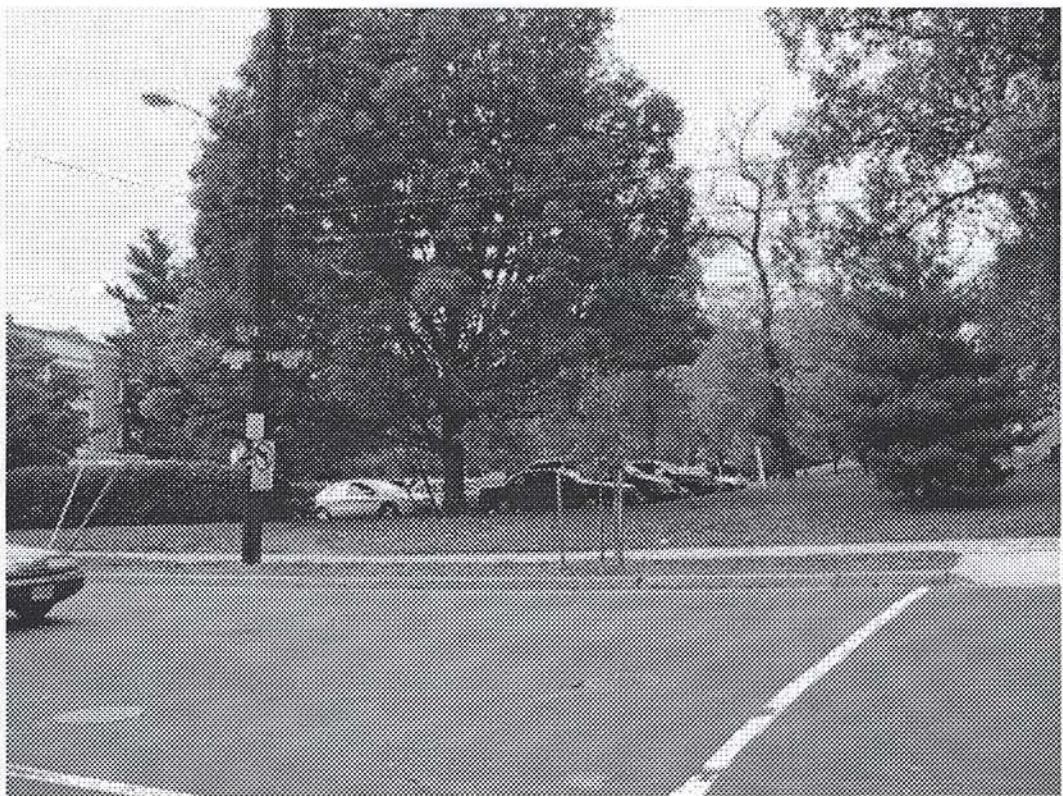


Marilyn J. Simon

October 17, 2002, 3:00 pm
No notices on Military Road frontage of Lisner or Clinic properties

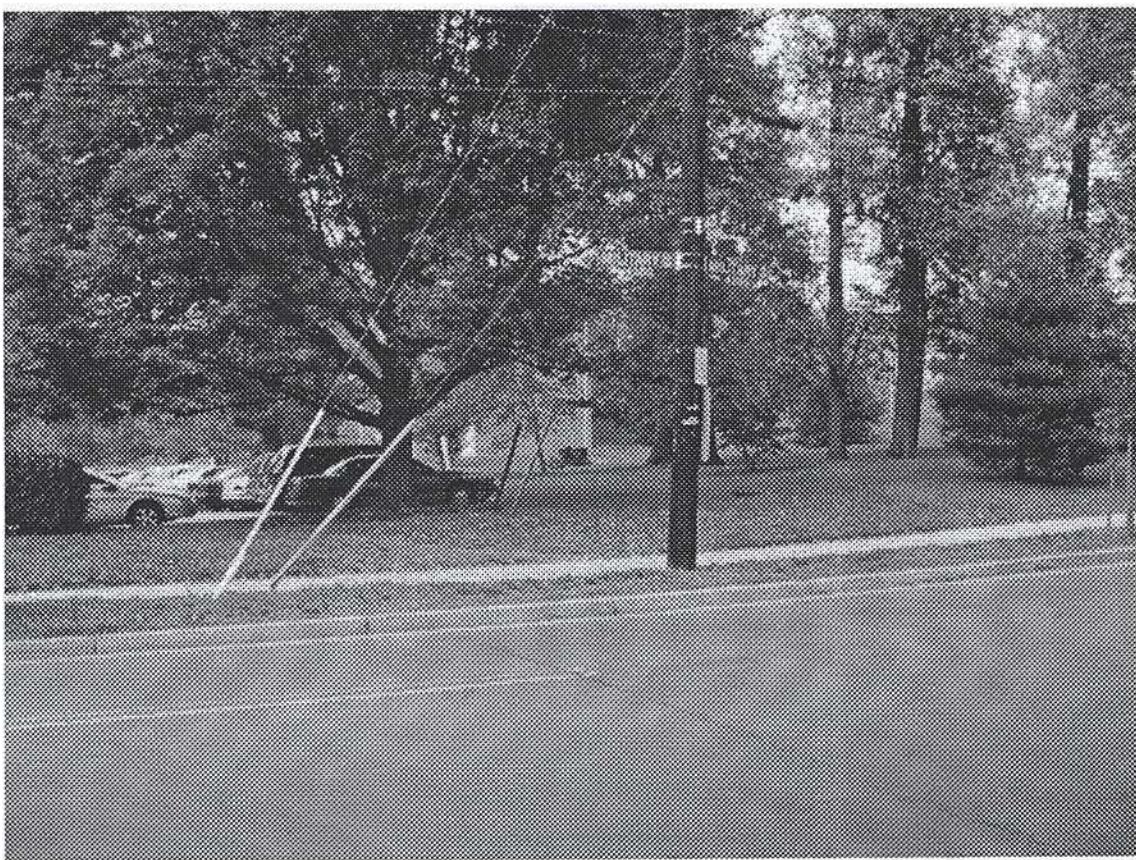


Military Road frontage of Lisner property



Military Road frontage of Lisner and Clinic properties

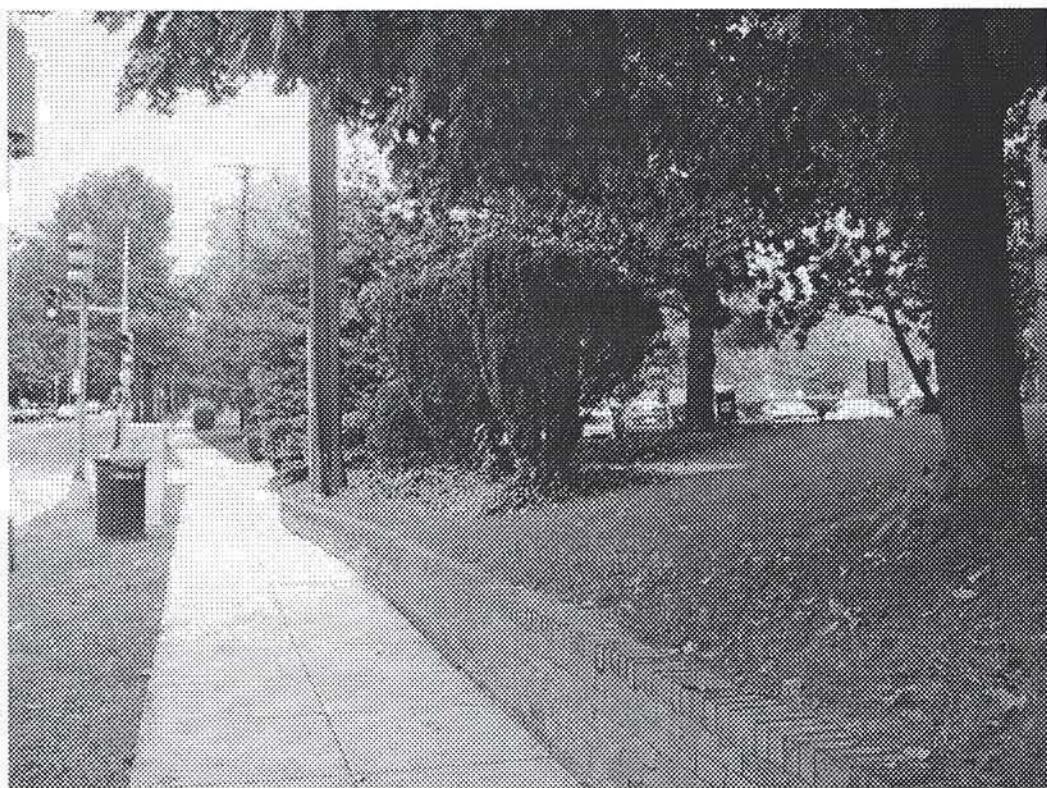
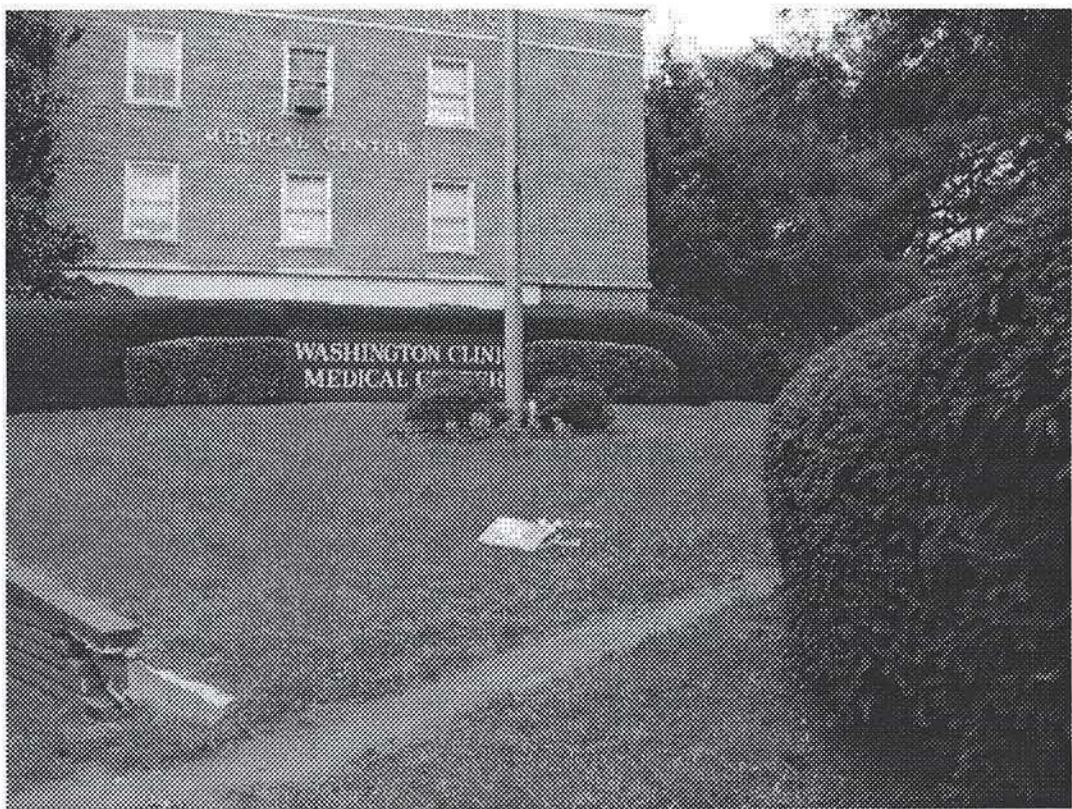
October 17, 2002: 3:00 pm
No Notices on Military Road frontage of the Clinic property



October 17, 2002: 3:00 pm
No Notices on Military Road frontage of the Clinic property



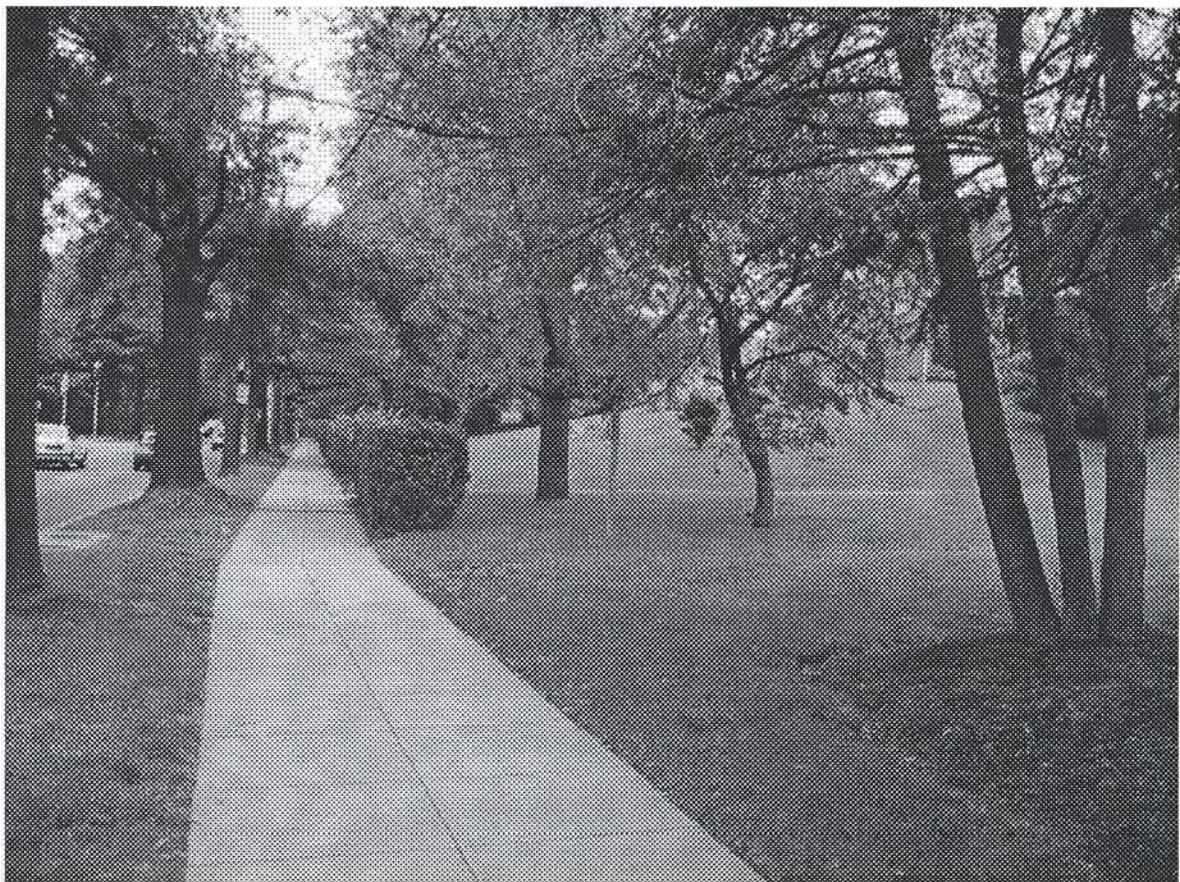
October 17, 2002, 3:00 pm
Western Avenue: One Notice on Clinic Frontage, None on Lisner



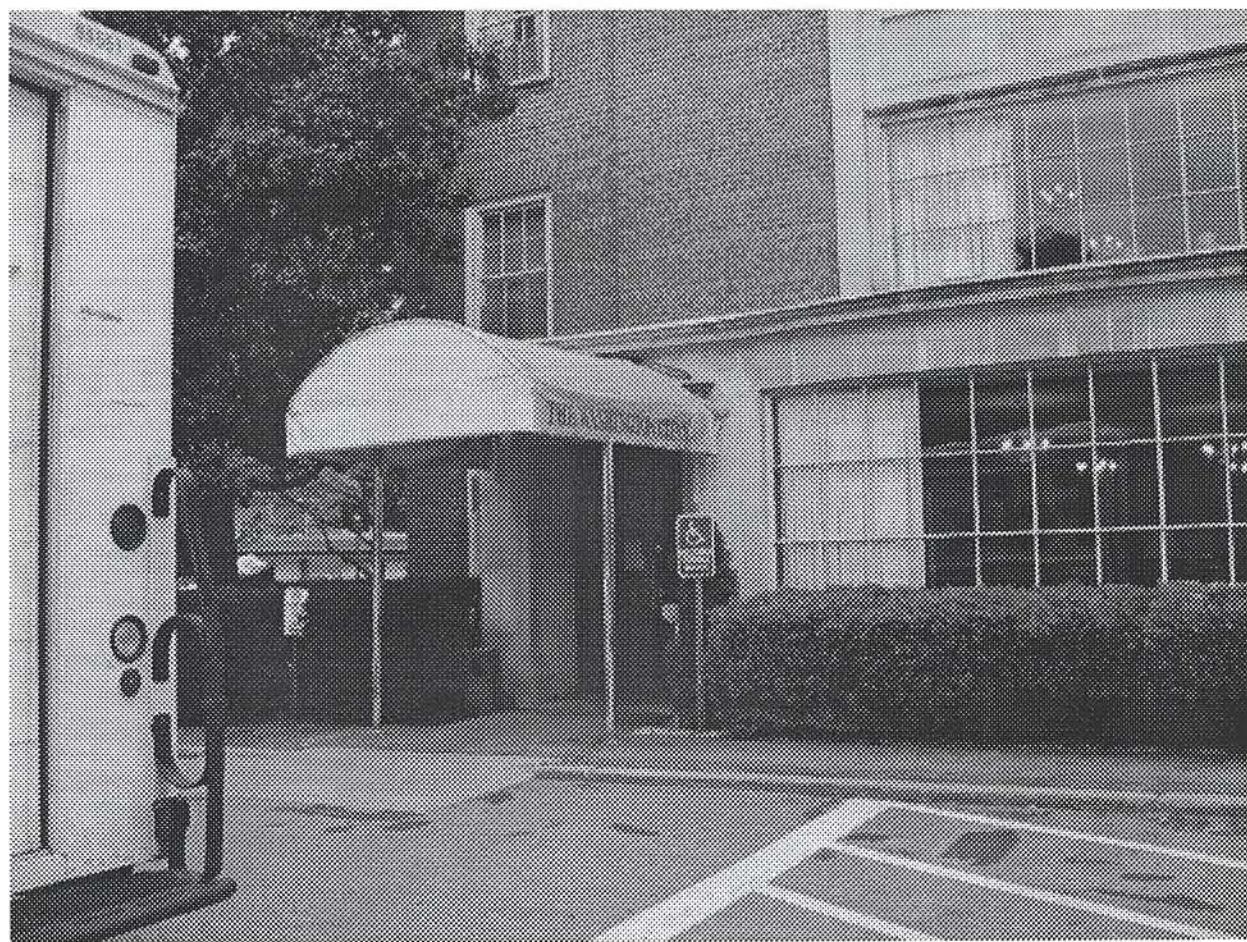
October 17, 2002, 3:00 pm
Western Avenue: One Notice on Clinic Frontage, None on Lisner



October 17, 2002, 3:00 pm
Western Avenue: One Notice on Clinic Frontage, None on Lisner



October 17, 2002, 3:00 pm
No Notices on the Front of the Washington Clinic



5241 43rd Street, NW
Washington, D.C. 20015
October 22, 2002

Carol Mitten, Chairman
Zoning Commission
District of Columbia Office of Zoning
441 Fourth Street, NW, Suite 210-S
Washington, D.C. 20001

RE: ZC # 02-17 (STONEBRIDGE ASSOCIATES)

I am writing to present documentation showing that the Applicant has not posted the required revised notices of the Application and Hearing on the Clinic and Lisner properties. I am attaching copies of photographs that were taken on October 17, 2002 between 3:00 and 3:30 pm. If it would be helpful, color copies as JPEG files, each picture approximately 90 kilobytes can be provided.

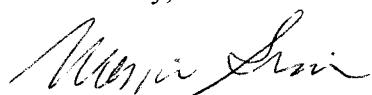
It is my understanding that the Applicant is required to post the revised notices in 6 locations:

1. the street frontage of the Washington Clinic on Military Road
2. the street frontage of the Lisner Home on Military Road
3. the Street frontage of the Washington Clinic on Western Avenue
4. the street frontage of the Lisner Home on Western Avenue
5. the front of the Washington Clinic building, and
6. the front of the Lisner Home building.

As you can see from the attached photos, on October 17, 2002, there was one notice posted on the street frontage of the Washington Clinic on Western Avenue. Another notice on the street frontage of the Washington Clinic on Western Avenue had fallen down. There were no notices on the street frontage of the Lisner Home on either Military Road or Western Avenue, and there were no notices on the front of the Washington Clinic building. I did not walk up the hill to photograph the front of the Lisner Home building. In addition, if someone had happened to see the original posting, they are unlikely to notice that the information had been revised.

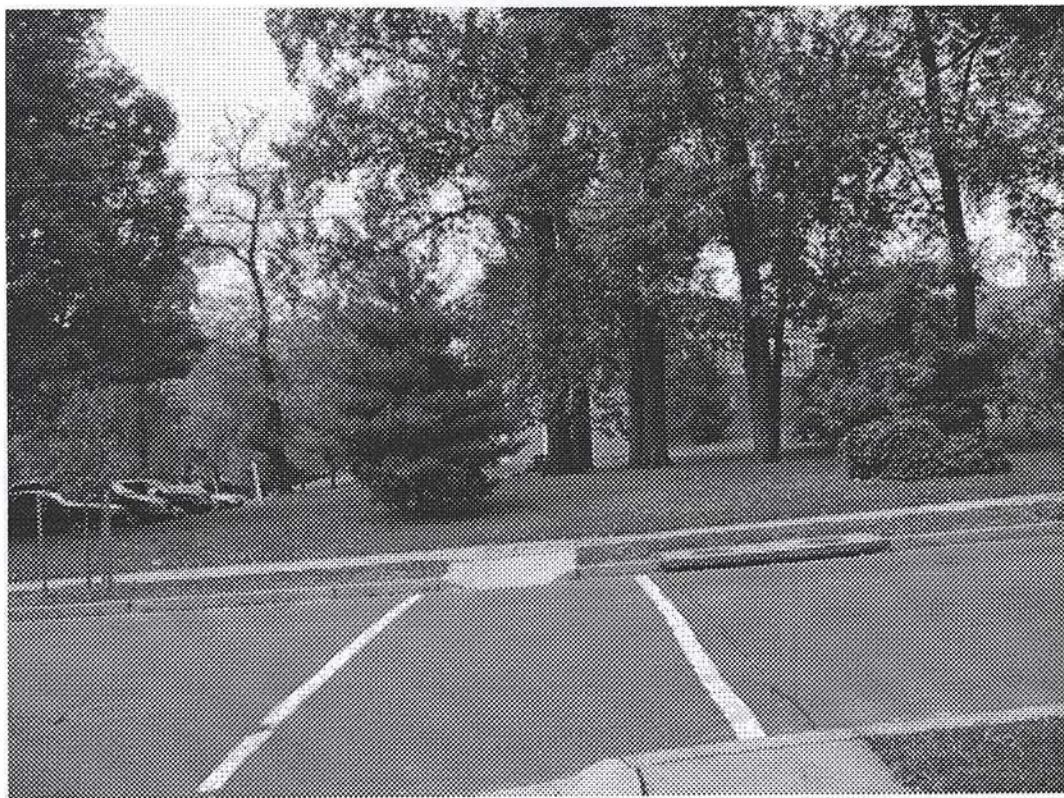
I hope this information is useful in determining whether the Applicants have posted the required notices as provided for in §3015.

Sincerely,

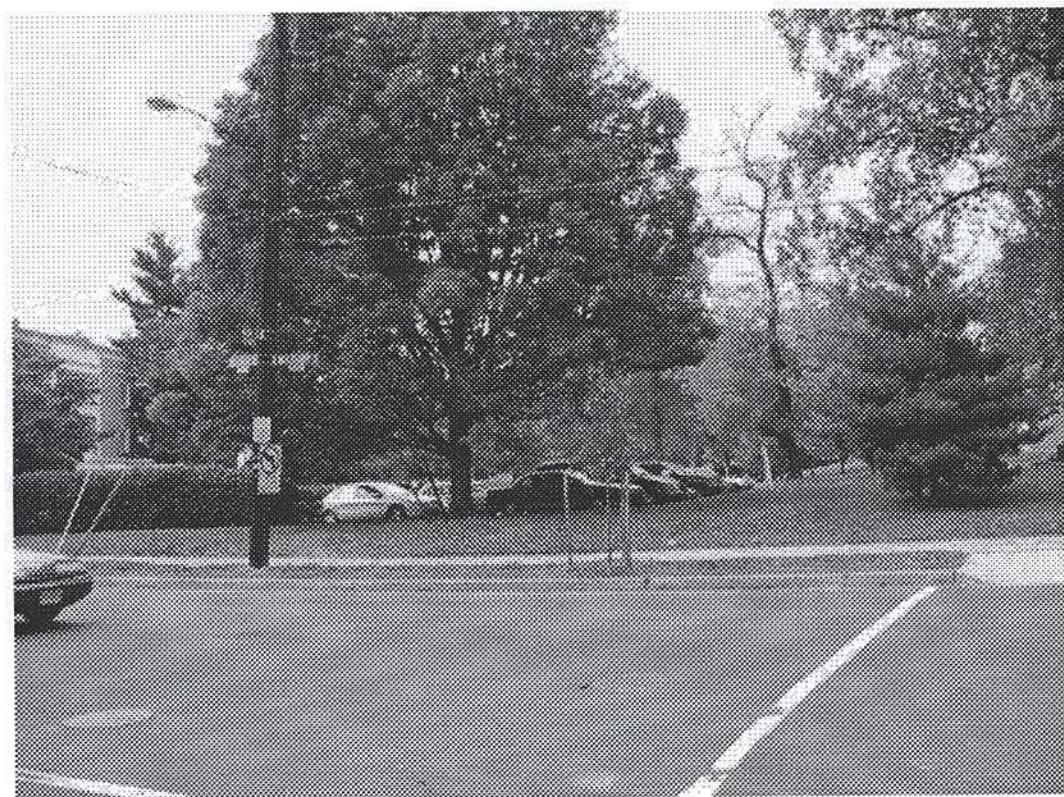


Marilyn J. Simon

October 17, 2002, 3:00 pm
No notices on Military Road frontage of Lisner or Clinic properties



Military Road frontage of Lisner property

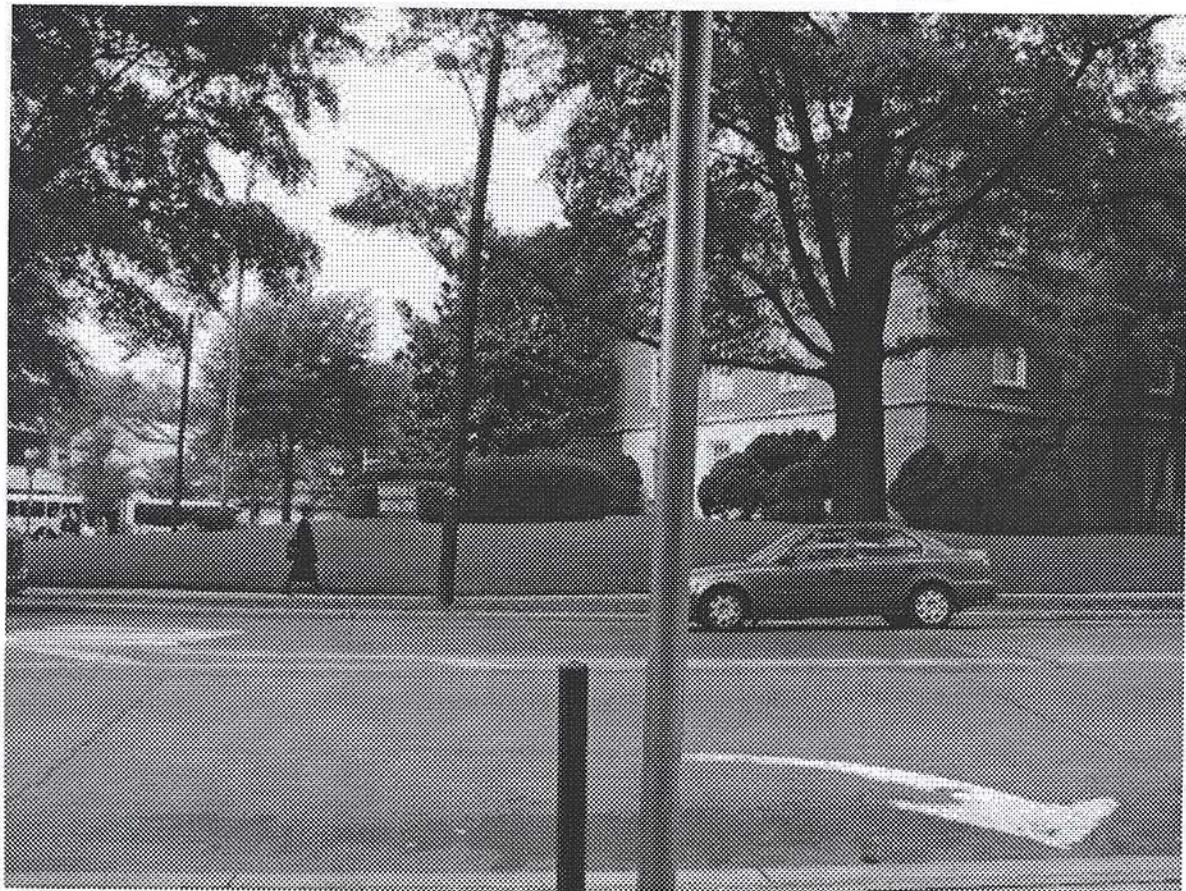


Military Road frontage of Lisner and Clinic properties

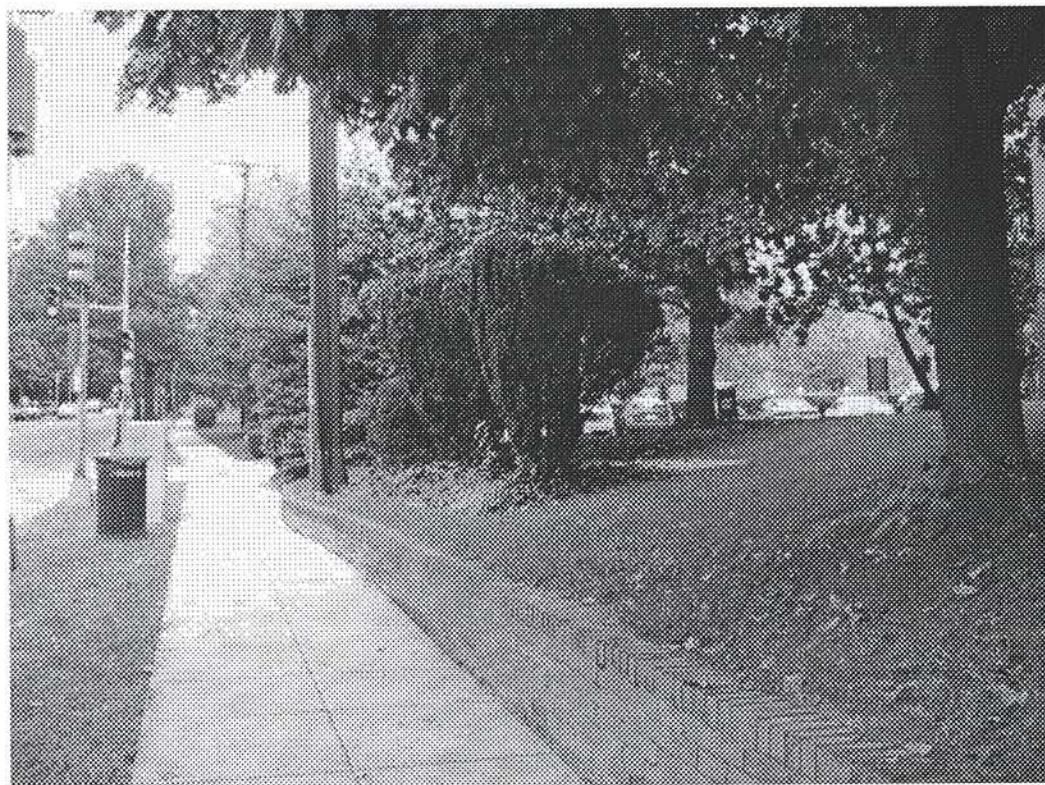
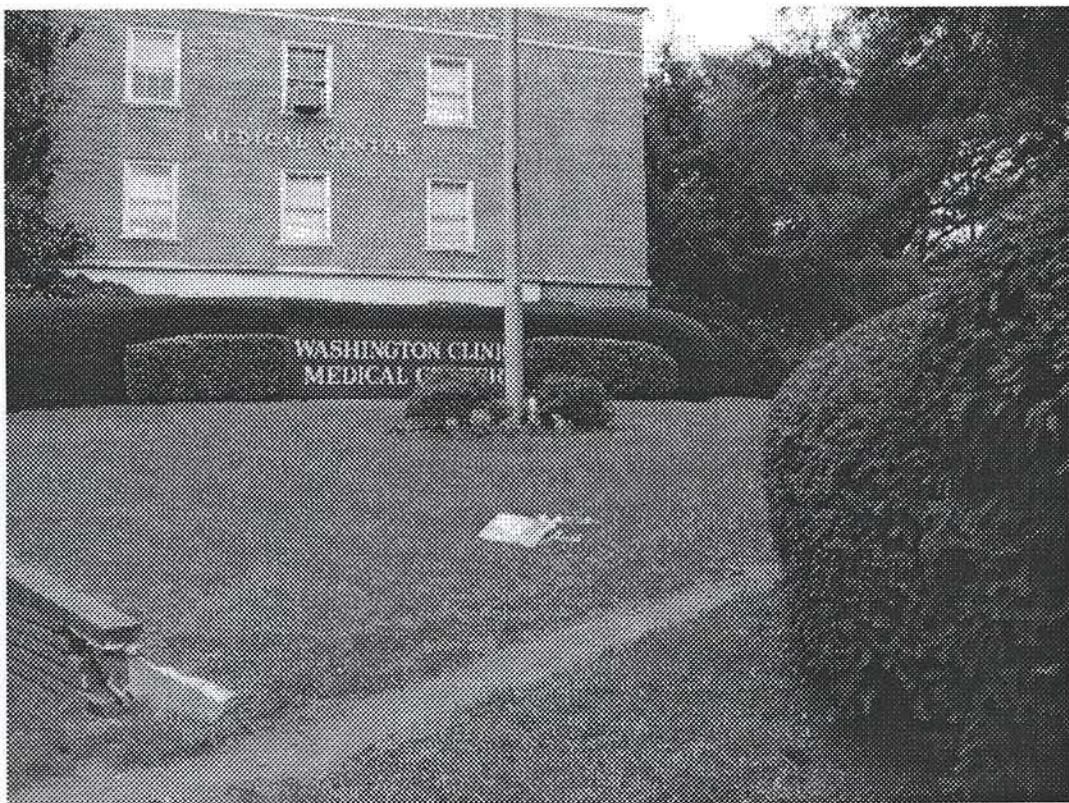
October 17, 2002: 3:00 pm
No Notices on Military Road frontage of the Clinic property



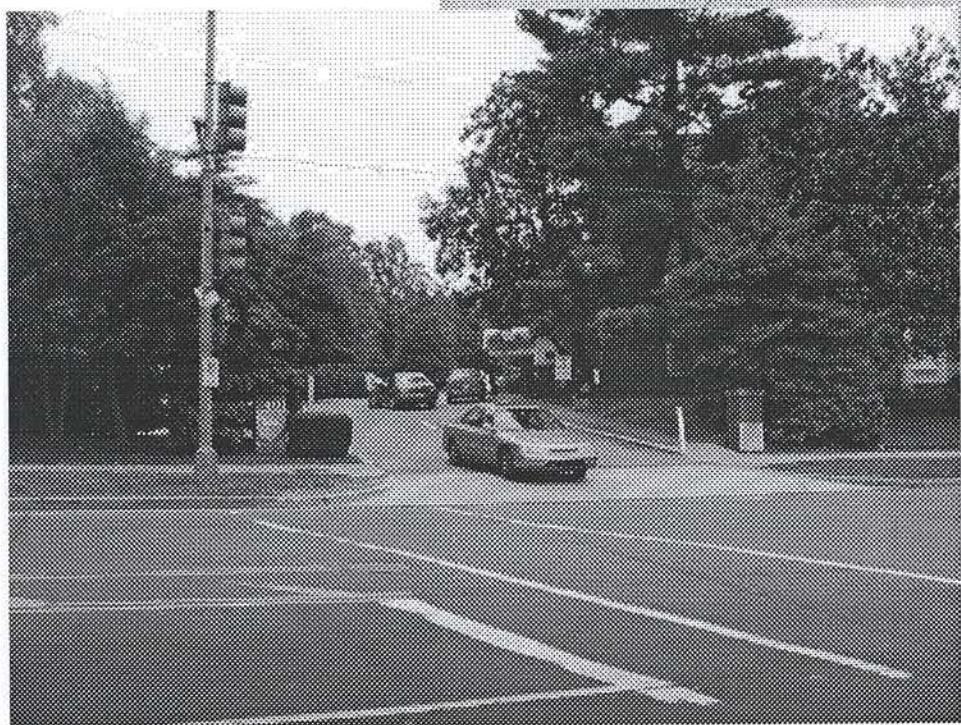
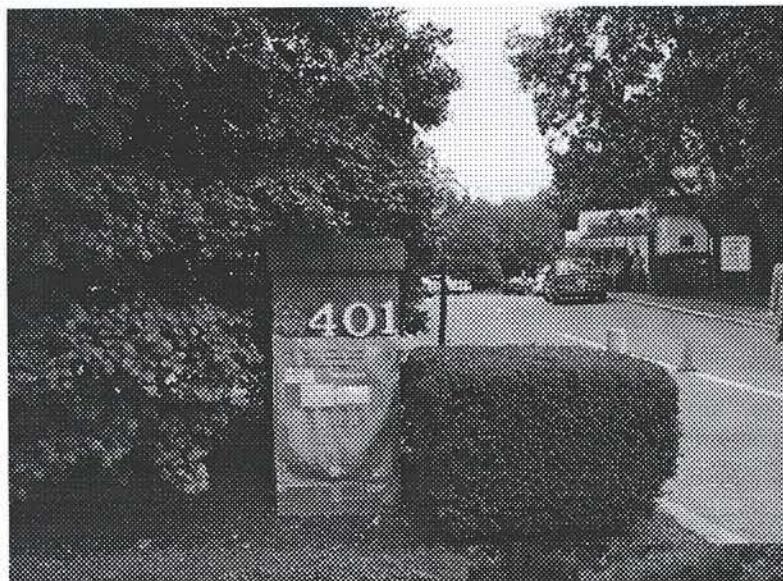
October 17, 2002: 3:00 pm
No Notices on Military Road frontage of the Clinic property



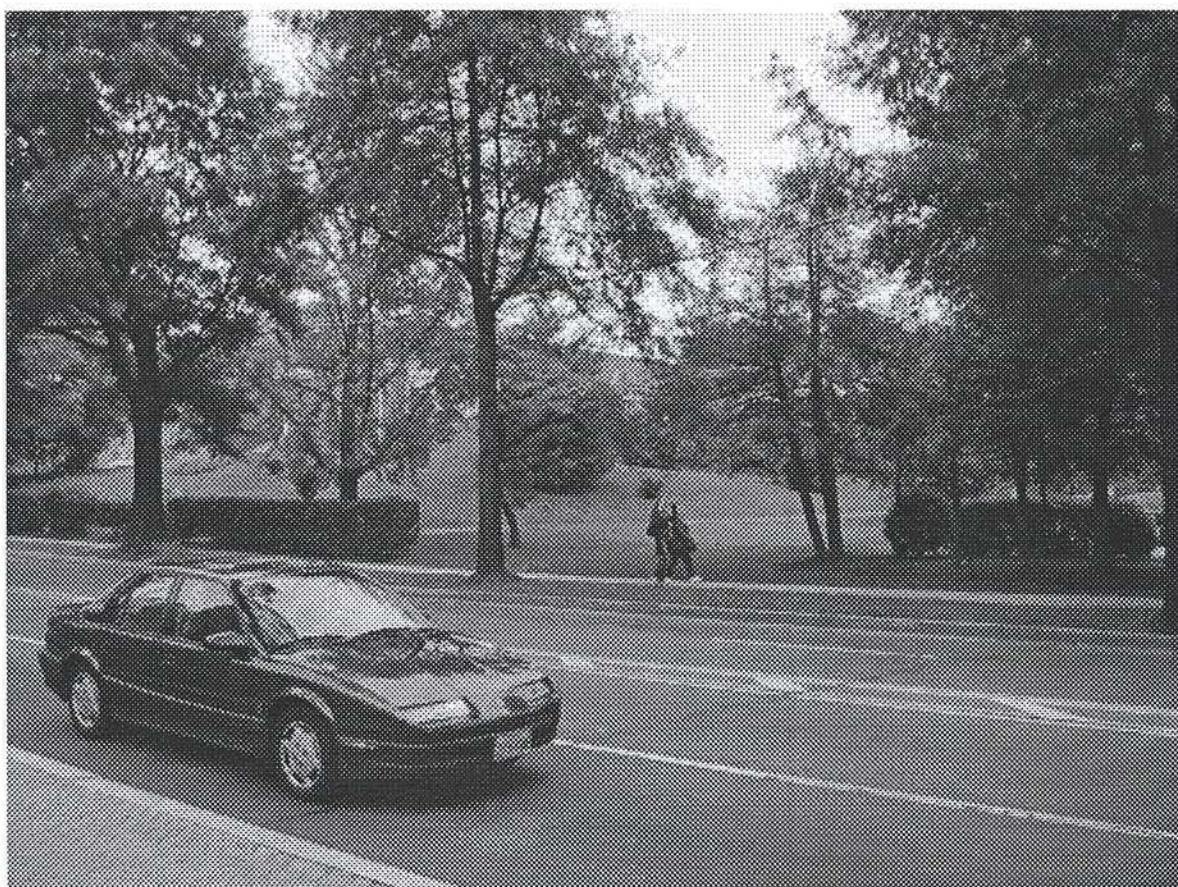
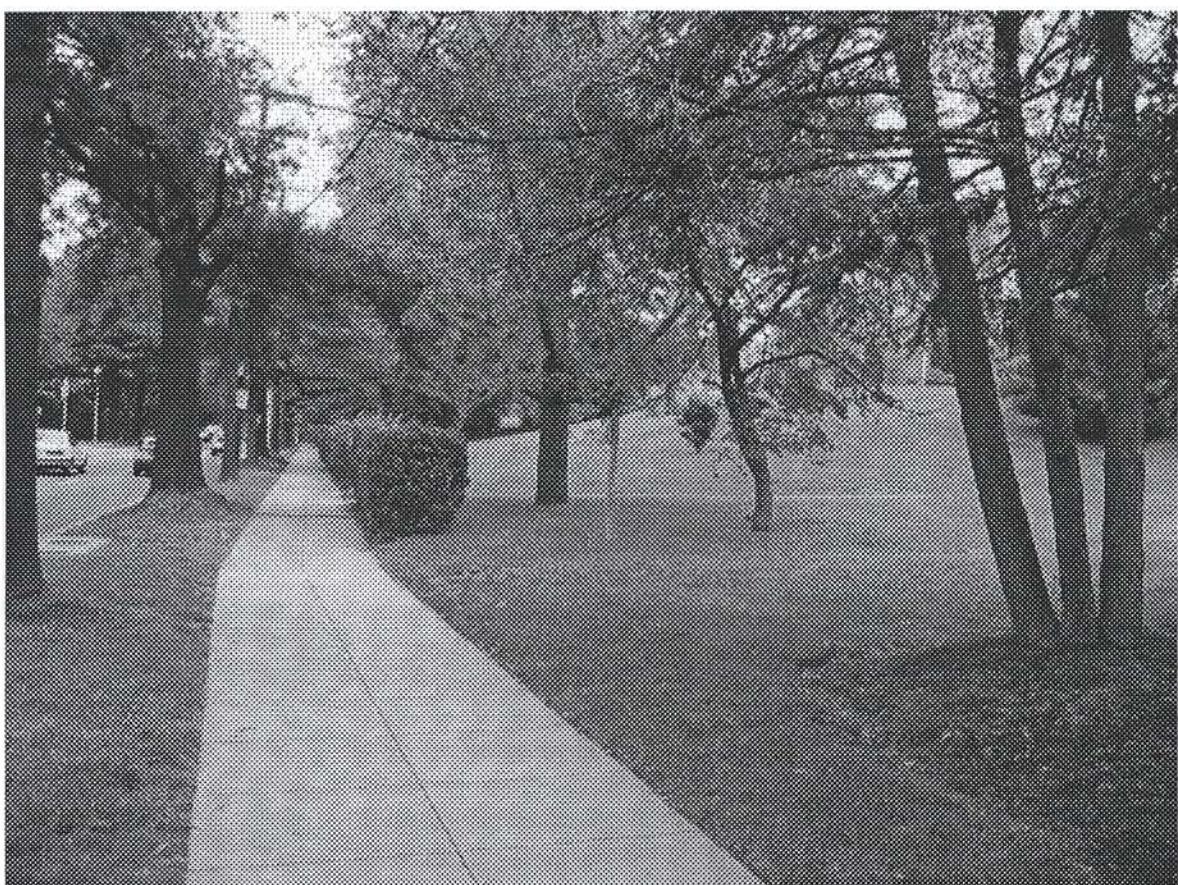
October 17, 2002, 3:00 pm
Western Avenue: One Notice on Clinic Frontage, None on Lisner



October 17, 2002, 3:00 pm
Western Avenue: One Notice on Clinic Frontage, None on Lisner



October 17, 2002, 3:00 pm
Western Avenue: One Notice on Clinic Frontage, None on Lisner



October 17, 2002, 3:00 pm
No Notices on the Front of the Washington Clinic

