

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:

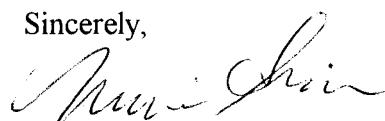
	R-2 AND R-5-B MATTER OF RIGHT	R-2 AND R-5-B PUD GUIDELINES	PROJECT
Gross Floor Area	R-2: none given, but constrained by maximum of 3 floors and other restrictions R-5-B: 78, 912 s.f.	137,520 s.f. (maximum)	182,000 s.f. for residential on Clinic [R-5-B] site 3,000 s.f. for CCPCC on Lisner land
FAR	R-2: 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