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April 14, 2003

BY FAX

D.C. Zoning Commission
Suite 210
441 4th Street, N.W.
Washington D.C. 20001

WHAYNE S. QUIN
202-668-7274
Internet Address:
wquin@hklaw.com

D.C. DEPARTMENT OF ZONING
RECEIVED
2003 APR 14 AM 10:49

Re: Zoning Commission Case No. 02-17C
5401 Western Avenue
Applicant's Response to FHORD's Motion to Strike

Dear Members of the Commission:

The Applicant in the above-referenced case, Stonebridge Associates 5401, LLC, hereby responds to the letter filed with the Zoning Commission on April 8, 2003, by the Friendship Heights Organization for Responsible Development (FHORD), served by first class mail and not received by the Applicant's counsel until Friday, April 11, 2003. The Applicant respectfully urges that the FHORD's motion to strike be denied and that FHORD's additional material not be accepted into the record.

As the grounds for this position, the Applicant states as follows:

- At its meeting held on February 24, 2003, the Commission requested the Applicant and the District Department of Transportation (DDOT) each to respond to certain questions by March 24, 2003. Parties were given until April 4, 2003, to respond to any submissions made by the Applicant and DDOT. The Applicant filed its material on March 24, 2003, responding to the specific questions posed of it by the Commission and DDOT filed a memorandum on March 21, 2003, responding to the specific questions posed of it. The Applicant, by definition (11 DCMR § 3099.1) a party to the application, filed a short response, concurring in the Office of Planning's memo and supporting the DDOT memo, with supplemental date on one of the

ZONING COMMISSION
District of Columbia
Case 02-17C
Exhibit 228

ZONING COMMISSION
District of Columbia
CASE NO.02-17
EXHIBIT NO.228

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D.C. Zoning Commission
April 14, 2003
Page 2

issues addressed by DDOT. That response was filed within the time period specified by the Commission. There is no basis to strike the Applicant's response to DDOT's report.

2. The additional submission accompanying FHORD's letter of April 8, 2003, is not provided for in the rules. The Commission provided for submissions and responses, not for additional responses to the responses. Just as the Applicant did not have the opportunity to submit anything further after review of FHORD's response to the DDOT report, FHORD no longer has the opportunity to submit further information. The record must close at some point, and that point was on April 4, 2003.

For the above specified reasons, the Applicant respectfully urges that the FHORD's motion to strike be denied and that FHORD's additional material not be accepted into the record.

Very truly yours,


Whayne S. Quin


Christy Moseley Shiker

PROOF OF SERVICE

I hereby certify that on April 14, 2003, a copy of the foregoing Applicant's Response to FHORD's Motion to Strike was served on the following persons or organizations as stated below:

Advisory Neighborhood Commission 3E (Via Facsimile)
PO Box 9953
Washington, D.C. 20016
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Counsel for the following parties:

- Friendship Heights Organization for Responsible Development*
- Hazel Rebold*
- Steve and Betsey Kuhn*
- Jackie Braitman*
- Martin Rojas*

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FACSIMILE

TO:

Name: Alberto Bastida
 Company: D.C. Office of Zoning
 City: Washington, D.C.

Fax Number 727-6072

FROM:

CHRISTY MOSELEY SHIKER. 202-457-7167 4 pages

NAME	TELEPHONE	TOTAL PAGES (Including Cover Sheet)
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MESSAGE:

FOR THE RECORD:

DATE: April 14, 2003 URGENCY: SUPER RUSH RUSH REGULAR

FAXED BY: FILE #: 078998.00001 CLIENT NAME: Stonebridge Associates

CONFIRMED: YES NO NAME: TIME:

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