


Government of the District of Columbia
OFFICE OF ZONING

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MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Alberto P. Bastida, AICP 
Secretary to the Zoning Commission

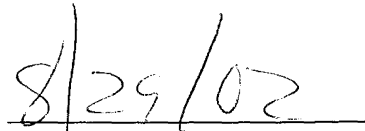
DATE: August 28, 2002

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on September 6, 2002:

1. Z.C. Notice of Public Hearing (Z.C. Case No. 01-28TE); and
2. Z.C. Notice of Public Hearing (Z.C. Case No. 02-17).


Received By


Date

Attachments

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, November 14, 2002, @ 6:30 P.M.**
Office of Zoning Hearing Room
441 4th Street, N.W., - Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

**CASE NO. 02-17 (PUD and Map Amendment @ Square 1163, Lot 805 and a Portion of Lot
7 – 5401 Western Avenue, N.W.)**

THIS CASE IS OF INTEREST TO ANCs 3E AND 3G

On March 22, 2002, the Office of Zoning received an application from Stonebridge Associates 5401, LLC, on behalf of 5401 Western Avenue, LLP and the Abraham and Louise Lisner Home for Aged Women (collectively, the "Applicant"), requesting consolidated review and approval of a Planned Unit Development ("PUD") and related Zoning Map Amendment in accordance with District of Columbia Zoning Regulations, 11 DCMR (July 1996). This matter was referred to the Office of Planning (OP) on March 25, 2002; OP provided its report on June 3, 2002; the case was set down for hearing on June 10, 2002; and the applicant provided its prehearing statement on August 19, 2002.

The property that is the subject of this application consists of Lot 805 and a portion of Lot 7 in Square 1163 and is located at the intersection of Western Avenue, N.W., and Military Road, N.W. Lot 805 is zoned R-5-B and is currently developed with the Washington Clinic, and the portion of Lot 7 is zoned R-2 and is currently part of the edge of the Lisner Home's grounds. The site consists of approximately 58,220 square feet of land area.

The Applicant proposes to construct a new apartment house consisting of 200 to 225 units with retail use (7,200 square feet) on the ground floor level. The building will contain approximately 234,750 square feet (a maximum of 4.1 FAR). The proposed building will have a maximum height of 90 feet on Western Avenue, with the height of the eastern portion of the project stepped down to 52 feet, 8 inches, and ultimately to 42 feet, 8 inches at the southeast corner facing Military Road at 43rd Street. Parking will be provided in a three level, below-grade parking garage, containing 218 to 250 parking spaces, which will be accessed from Western Avenue.

The Applicant will also seek an amendment to the Zoning Map to rezone the entire site to R-5-D. This request is consistent with the high-density designation for the site on the Generalized Land Use Map of the Comprehensive Plan.

The development manager for this proposal is Stonebridge Associates 5401, LLC; the architect is Shalom Baranes Associates, PC; and the land use counsel is Holland & Knight LLP.

This public hearing will be conducted in accordance with the provisions of § 3022 (Contested Case Hearings), District of Columbia Municipal Regulations (DCMR) Title 11, Zoning.

Interested persons or representatives of organizations will be heard at the public hearing. **Any person who desires to participate as a party in this case must so request, and must comply with the provisions of 11 DCMR 3022.3.** A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Rules. Except for the applicant and the ANC, to participate as a party in a proceeding before the Commission, **any affected person shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, a written statement containing 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;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf; and
- (f) 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 the person has an interest, that will be affected by the action requested of the Commission;
 - (2) The legal interest such person has in such property, such as owner, tenant, trustee, or mortgagee;

- (3) The distance between the person's property and the property that is the subject of the application before the Commission;
- (4) The environmental, economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied;
- (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely 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.

The Commission shall determine who will be recognized as a party. In so determining, the Commission shall consider whether the provisions of § 3022.3 have been complied with and whether the specific information presented qualifies the person as a party. The Commission shall grant party status only if the person requesting party status has clearly demonstrated that the person's interests would likely be more significant, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

Any person wishing to be considered a party should clearly state the request, and should also provide a daytime telephone number should it be necessary for the Office of Zoning to obtain additional information or clarification prior to the hearing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusions in the record.

The Zoning Commission hereby gives notice of the following procedures applicable to this case. Any person requesting to appear as a party to this application shall submit the following additional information:

1. A summary of the testimony of each witness.
2. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes of qualifications of the proposed experts.
3. The total amount of time that will be required to present the case.

The information cited above shall also be submitted by the applicant. To the extent that the information is not contained in the applicant's prehearing submission required by 11 DCMR § 3013.1, the information shall be filed no later than fourteen (14) days before the date of the hearing.

If an affected Advisory Neighborhood Commission (ANC), pursuant to DCMR § 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited above relating to the hearing procedures. However, the written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

The Zoning Commission gives further notice that it intends to establish time limits for oral presentations of both parties and persons. Accordingly, the following time limits shall apply:

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|----|---------------|------------|
| 1. | Applicant | 60 minutes |
| 2. | Other Parties | 15 minutes |
| 3. | Organizations | 5 minutes |
| 4. | Individuals | 3 minutes |

The Commission intends to adhere to the time limits as strictly as possible, in order to hear the case in a reasonable period of time. The Commission reserves the right to change the time limits for presentations if necessary and notes that no time shall be ceded. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points.

Information should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, PETER G. MAY, AND JAMES H. HANNAHAM ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.