

*Government of the District of Columbia*  
**OFFICE OF ZONING**

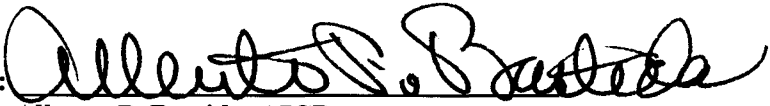


**Z.C. CASE NO.: 02-17 (PUD and Map Amendment @ Sq. 1163, Lot 805 and a Portion of Lot 7 – 5401 Western Avenue, N.W.)**

As Secretary to the Zoning Commission, I hereby certify that on OCT - 8 2002 copies of this Z.C. Revised Public Hearing Notice were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. D.C. Register (Alberto Bastida)
2. Applicant(s)/Petitioner(s) Christine M. Shiker, Esq.  
Holland & Knight LLP  
Suite 100  
2099 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006
3. ANC Chairpersons Jill Diskan Chair  
ANC 3E  
St. Mary's Church  
P.O. Box 9953  
Washington, D.C. 20016  
  
Anne M. Renshaw  
ANC 3G  
Chevy Chase Community Center  
P.O. Box 6252  
Washington, D.C. 20015
4. ANC/SMD Chairperson Jill Diskan  
ANC/SMD 3E04  
5315 43<sup>rd</sup> Street, N.W.  
Washington, D.C. 20016
5. ANC Central Office (Gotlieb Simon)
6. Property Owners Within A 200 Foot Radius and Lessees (see attached list provided by the Applicant)
7. Councilmember Kathleen Patterson (Ward 3)
8. Office of Planning (Ellen McCarthy)

9. Ken Laden (DOT)
10. Zoning Administrator
11. 30 copies to MLK Library (Sheryl D. Thorpe)
12. Alan Bergstein, Esq. (Corporation Counsel)

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

Commonwealth C.C. Pavilion  
 c/o Lowe Enterprise  
 1945 Old Gallows Road, #210  
 Vienna, VA 22182

Margarita M. Roldos  
 5358 43rd Street, N.W.  
 Washington, DC 20015

Pirooz A. Zia  
 5360 43rd Street, N.W.  
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 5362 43rd Street, N.W.  
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Thomas A. Schmitz & Valerie Harding  
 5364 43rd Street, N.W.  
 Washington, DC 20015

Elyssa J. Speier  
 5366 43rd Street, N.W.  
 Washington, DC 20015

Mary Lindquist  
 5368 43rd Street, N.W.  
 Washington, DC 20015

Courts Chevy Chase Owners Association, Inc.  
 c/o Mike Meier  
 5324 43rd Street, N.W.  
 Washington, DC 20015

Street Retail Inc.  
 1626 East Jefferson Street  
 Rockville, MD 20852

Betsey A. Kuhn & Steven T. Kuhn  
 4211 Military Road, N.W.  
 Washington, DC 20015

A. & L. Lisner Home  
 5425 Western Avenue, N.W.  
 Washington, DC 20015

5401 Western Avenue Associates  
 5401 Western Avenue, N.W.  
 Washington, DC 20015

Jackie L. Braitman  
 5343 43rd Street, N.W.  
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 5360 42nd Place, N.W.  
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Michael & V. L. S. L'Allier  
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Sally Joan Greenberg & Abbe Smith  
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 Washington, DC 20015

Hazel F. Rebold  
 4228 Military Road, N.W.  
 Washington, DC 20015

Martin D. Rojas & Maria G. Boreguero  
 5347 43rd Street, N.W.  
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Leo J. Rocca, Jr.  
 c/o William C. Janson  
 4224 Military Road, N.W.  
 Washington, DC 20015

Oscar Guardado & Bianca Guardado  
 4208 Military Road, N.W.  
 Washington, DC 20015

Mee See Phua  
5339 42nd Place, N.W.  
Washington, DC 20015

Two Wisconsin Circle Joint Venture  
c/o Chevy Chase Land Company  
2 Wisconsin Circle  
Chevy Chase, MD 20815

Chevy Chase Land Company  
2 Wisconsin Circle  
Chevy Chase, MD 20815

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

\*The revisions are highlighted in bold and/or bold underlined.

**TIME AND PLACE:**                      **Thursday, November 14, 2002, @ 6:30 P.M.**  
**Office of Zoning Hearing Room**  
**441 4<sup>th</sup> 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 1663, 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 **1663** 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 **58,840** square feet of land area.

The Applicant proposes to construct a new apartment house consisting of **185 to 215** units with retail use (7,200 square feet) on the ground floor level. The building will contain approximately **235,360 square feet (a maximum of 4.0 FAR)**, of which **1,075 square feet would be used for a day care center**. The proposed building will have a maximum height of 90 feet on Western Avenue, stepping down to **70 feet** in a portion along Military Road. Parking will be provided in

a three level, below-grade parking garage, containing **224 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. **The Generalized Land Use Map of the Comprehensive Plan depicts the subject site as institutional and in a housing opportunity area.**

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:

- |    |               |            |
|----|---------------|------------|
| 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 4<sup>th</sup> 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.**

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**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.**