

**Daniel M. Singer**  
**5410 – 39<sup>th</sup> Street, N.W.**  
**Washington, D.C. 20015-2902**

**October 2, 2002**

Carol J. Mitten, Chair  
Zoning Commission  
D.C. Office of Zoning  
Suite 210-S  
441 Fourth Street, N.W.  
Washington, D.C. 20001

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Re: Case No. ZC 02-17  
Stonebridge Associates

Dear Chair Mitten:

I write to oppose as inappropriate -- or worse -- the illegal spot "upzoning" sought in the above-referenced proceeding now pending before the Zoning Commission.

I have lived at the address on this letterhead since April 1960. In those 40+ years, the neighborhood south of Western Avenue, between Chevy Chase Circle and Friendship Heights, has undergone significant changes in both its residential and commercial aspects. Though an active citizen, I opposed none of those changes, and cheerfully welcomed to our neighborhood the Red Line, the Mazza Galleria, and the Chevy Chase Pavilion. And I would applaud development on the subject site in accordance with the well thought out constraints of the Comprehensive Plan for Ward 3.

But it is hard to imagine a re-zoning more destructive of this old and stable neighborhood than the spot rezoning now sought by Stonebridge Associates -- or a change more flagrantly hostile to the values incorporated in our Comprehensive Plan. That Plan should not be trashed by your acquiescence in the Stonebridge proposal.

If the subject 1.3 acre site were developed to the maximum density presently permitted as-of-right under the present zoning, there would be added to the neighborhood approximately 72 residential apartment units (condominium or rental) and five single-family dwellings. (Please recognize that at present there are no such apartments or dwellings on the subject site.) Fully developed as-of-right under existing zoning, the site would constitute an appropriate moderate density transitional area between the intensely developed Friendship Heights Metro commercial area and the traditional residential area to the east and south of the site.

**ZONING COMMISSION**  
**District of Columbia**

Case 02-17  
Exhibit 64

**ZONING COMMISSION**  
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CASE NO.02-17  
EXHIBIT NO.64

As you review the parties' submissions in this case, keep in mind that, as Judge Ferren noted in Citizens of Georgetown v. Zoning Commission:

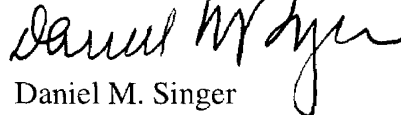
“the [Zoning] Commission may not spot zone....To constitute illegal spot zoning, the Commission's action (1) must pertain to a single parcel or a limited area – ordinarily for the benefit of a particular property owner or specially interested party – and (2) must be inconsistent with the city's comprehensive plan....”

The illegal spot rezoning sought here by Stonebridge is unlike the rezoning sought in Citizens of Georgetown v. Zoning Commission. There is now a Comprehensive Plan for Ward 3, whereas there was no such plan to guide the Zoning Commission in the *Georgetown* case. Furthermore, if ever there was a case of benefit to only a single owner for a single tract, the Stonebridge request presents such a case. Though this matter is being considered under the PUD process, the upzoning sought falls squarely within the reasoning that prohibits illegal spot upzoning.

I attended the presentations by Stonebridge Associates and FhORD to ANC 3E last month as well as the neighborhood meeting on July 9. I know that you and the members of the Zoning Commission read with care the persuasive array of arguments and data contained in FhORD's June 26 submission to you. I see no justification whatever in the presentation made by Stonebridge to warrant granting even in small measure the rezoning sought.

I urge the Commission to reject the requested spot up-zoning.

Respectfully submitted,



Daniel M. Singer

Copies by e-mail to:

Mayor Anthony Williams

Andrew Altman, Director of Planning

Ellen McCarthy, Deputy Director for Development Review

Stephen Cochran, Office of Planning

Council Members Patterson, Mendelson, Catania, Schwartz, and Brazil

ANC 3E Commissioners

ANC 3G Commissioners