



BEFORE THE ZONING COMMISSION OR  
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA




FORM 140 - PARTY STATUS REQUEST

Before completing this form, please go to [www.dcoz.dc.gov](http://www.dcoz.dc.gov) > IZIS > Participating in an Existing Case > Party Status Request for instructions.  
Print or type all information unless otherwise indicated. All information must be completely filled out.

**PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.**

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name:	<i>Dupont Circle Citizens Association</i>		
Address:	<i>9 Dupont Circle NW, Washington, DC 20036</i>		
Phone No(s).:	<i>202-744-1422</i>	E Mail:	<i>president@dupont-circle.org</i>
I hereby request to appear and participate as a party in Case No.:		<i>23-02</i>	
Signature:	 <i>Susan Volman, President</i>	Date:	<i>11/4/23</i>
Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel?

☒ Yes ☐ No

If yes, please enter the name and address of such legal counsel.

Name:	<i>Edward V. Hanlon, Esq.</i>		
Address:	<i>5510 Cherrywood Lane, Ste G, Greenbelt, MD 20770</i>		
Phone No(s).:	<i>301 466 4492 cell</i>	E Mail:	<i>ed.hanlon.3@gmail.com</i>

ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:

I hereby request advance Party Status consideration at the public meetings scheduled for: *N/A*

**PARTY WITNESS INFORMATION:**

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness;
3. 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 or qualifications of the proposed experts; and
4. The total amount of time being requested to present your case.

**PARTY STATUS CRITERIA:**

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

<ol style="list-style-type: none"> <li>1. A list of witnesses who will testify on the party's behalf;</li> <li>2. A summary of the testimony of each witness;</li> <li>3. 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 or qualifications of the proposed experts; and</li> <li>4. The total amount of time being requested to present your case.</li> </ol>
<p style="text-align: center;"><b><u>PARTY STATUS CRITERIA:</u></b></p> <p style="text-align: center;">Please answer <u>all</u> of the following questions referencing why the above entity should be granted party status:</p>
<ol style="list-style-type: none"> <li>1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?</li> </ol>
<ol style="list-style-type: none"> <li>2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)</li> </ol>
<ol style="list-style-type: none"> <li>3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)</li> </ol>
<ol style="list-style-type: none"> <li>4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?</li> </ol>
<ol style="list-style-type: none"> <li>5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.</li> </ol>
<ol style="list-style-type: none"> <li>6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.</li> </ol>

## PARTY WITNESS INFORMATION

### 1. *List of witnesses who will testify on the party's behalf.*

- a. A member of the Board of Directors of the Dupont Circle Citizens Association (DCCA)
- b. An expert witness TBD
- c. DCCA reserves the right to call or recall any witness who testifies on behalf of the Applicant or who is listed on any other party's witness list

### 2. *Summary of the Testimony of each Witness*

- a. Member of Board of Directors will testify as to DCCA's organizational purposes, DCCA's Resolution opposing the proposed Map Amendment

and that the proposed Map Amendment is inconsistent with the Comprehensive Plan and may also identify some of the data deficiencies/assumptions underpinning this Map Amendment.

- b. A decision on which, if any, of the Applicant's witnesses should be called or recalled will be made at the hearing

### 3. *Expert Witnesses*

- a. Expert Witnesses TBD. Expert testimony will address the history and purposes of the Comp Plan provisions as they apply to this site including the respective area element, the city-wide elements and the failure of this Map Amendment as being inconsistent with the Comp Plan. Expert testimony may also address deficiencies/assumptions underpinning this Map Amendment.

### 4. *Time Requested*

40 minutes

## PARTY STATUS CRITERIA

1. *How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?*

**Response:** The Dupont Circle Citizens Association (DCCA) is a 501(c)(3) nonprofit organization. DCCA was founded in 1922 in a townhouse at 1767 P Street, to promote and protect the interests of the residents of the Dupont Circle area. The Dupont Circle Citizens Association is the premier civic and residential organization in the Dupont Circle area and is the oldest civic organization in Dupont Circle and one of the oldest civic organizations in this city.

DCCA's deep roots as the premier civic organization in the Dupont Circle area, and DCCA's long term interest in the neighborhood and preserving its residential character, was recognized by the **Council of the District of Columbia** in a Resolution the Council passed in 2021:

*"To recognize and honor the Dupont Circle Citizens Association for its distinguished service and civic contributions to the people of the District of Columbia, on the occasion of its 100<sup>th</sup> anniversary.*

WHEREAS, since 1922, the Dupont Circle Citizens Association has been the premier civic organization in the Dupont Circle area, bringing residents, businesses, and non-profit organizations together to improve the quality of life in an active and diverse urban neighborhood;

WHEREAS, the Dupont Circle Citizens Association was an early proponent of preserving Dupont's historic buildings and residential character;

WHEREAS, the Dupont Circle Citizens Association has advocated for public improvements and enhanced city services to maintain a physical environment that attracts residents and the businesses and services that support them;

WHEREAS, during the 1960s, the Dupont Circle Citizens Association started its annual House Tours, showcasing historic residences and buildings, and demonstrating how new development can be compatible with a rich historical legacy;

WHEREAS, the Dupont Circle Citizens Association was instrumental in developing widely accepted guidelines for sidewalk cafes that balance resident and business interests and create a vibrant streetscape;

DCCA's membership has now and has had for decades a deep social, economic, historic, environmental and aesthetic interest in the preservation of the Dupont Circle area, including specifically the Old City, which includes the lots at issue in this proposed Map Amendment.

2. *What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)*

**Response:** DCCA does not own or lease the property but for all the reasons contained herein has a cognizable legal interest in this public property. *See e.g., Sierra Club v. Jewell*, 764 F.3d 1 (U.S. Court of Appeals, DC Cir 2014). *See also Summers v. Earth Island Inst.*, 555 U.S. 488, 494, 129 S.Ct. 1142, 173 L.Ed.2d 1 (2009)

The Map Amendment will severely prejudice DCCA's organizational purposes, adversely affect the aesthetic enjoyment DCCA members obtain from the overall lower scale, less dense residential nature of these publicly-owned lots. Granting this Map Amendment will prejudice DCCA members thru greater noise, congestion, environmental degradation.

DCCA's members live throughout the Dupont Circle area including within 200 feet of the lots at issue. Many DCCA members live within a 5 minute walk of the site. Scores of DCCA members will be adversely affected aesthetically, environmentally, by noise, congestion by the upzoning and resulting development as a matter of right. The Map Amendment's requested significant increase in density, both residential and commercial, will result in a diminution of the enjoyment DCCA's members have as a result of the present low scale development of the site.

3. *What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)*

**Response:** Boundaries of DCCA:

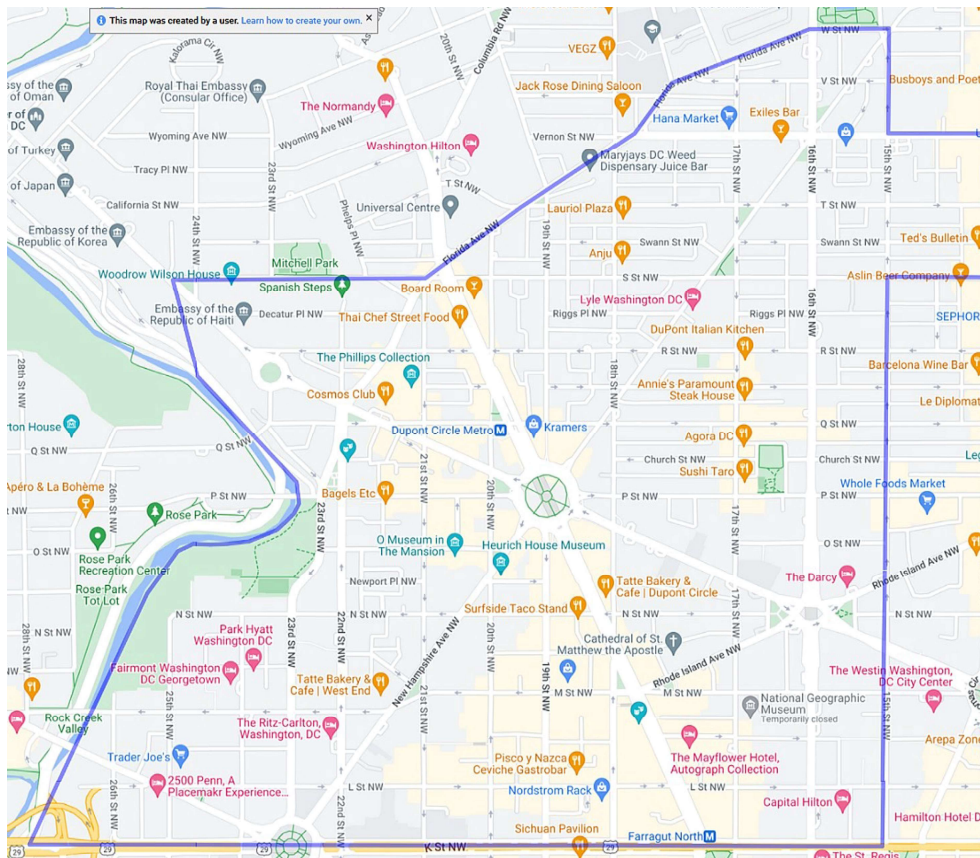
DCCA's boundaries surround the perimeter of this site on all 4 sides.

The lots at issue in this proposed Map Amendment lie completely within the organizational boundaries of DCCA and have done so for many decades. DCCA's connection with this site goes back a century. The boundaries of the Dupont Circle Citizens Association include the following boundary description:

"... northerly along the west side of 15th Street to Florida Avenue, NW; westerly along Florida Avenue to S Street; Westerly on S Street to Massachusetts Avenue; southerly from the intersection of Massachusetts Avenue and S Street to Rock Creek; southerly (downstream) along the east side of Rock Creek to K; easterly along K Street to the east side of 15th Street." <https://dupont-circle.wildapricot.org/boundaries>

The below map of DCCA's organizational boundaries shows the lots in question are entirely contained within DCCA's boundaries.





<https://dupont-circle.wildapricot.org/boundaries>

5. *What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?*

**Response:** Approving this proposed Map Amendment to MU-10 to zone this site high density residential, moderate density commercial will allow on this site the construction of a building up to **120** feet tall counting the penthouse height of 20 feet. With a proposed FAR of 7.2 a building of over **590,000** sq feet of floor space could be constructed as a matter of right. An MU-10 matter of right building will dwarf the 2 and 3 story row houses on V St, 17<sup>th</sup> St and Seaton St and fundamentally change the neighborhood.

The Set Down Report implies if this site is zoned MU-10, then as a matter of right, a building of over 650 units could be built on this site.

Upzoning this site to MU-10 will result in a massive increase in density, dwarfing the low scale row houses within DCCA's boundaries that abut this site. The noise, congestion, air pollution, increased traffic congestion, strain on public services and the aesthetic destruction that would be caused by a Map Amendment allowing such a huge out-of-scale building affects not only DCCA members in close proximity but the congestion, unsightliness, noise, public safety issues have spill-over effects of that will affect DCCA members for many blocks around the site.

6. *Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.*

**Response:** Please see DCCA's responses above and below.

7. *Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public*

**Response:** DCCA hereby incorporates its above responses as its response to this question. DCCA further states:

DCCA is the premier civic organization of the Dupont Circle area and its interest in preserving the residential character of the Dupont Circle area, its interests in the aesthetic results of upzoning to MU-10, the spill-over effects of noise, congestion and pollution that will emanate throughout the surrounding blocks, are all far more specific and concrete interests than those of the general public. DCCA's connection to this site goes back over a century.

Because of DCCA's deep roots as the premier civic organization in the Dupont Circle area (its unique status recognized by Resolution of the DC Council) and because of DCCA's century long, historic, long term interest in the neighborhood and preserving its residential character, DCCA's interest is more significantly and



distinctively affected in both character and kind by the proposed Map Amendment than others in the general public.

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DCCA's core organizational purposes, as described above, will be seriously harmed by the Zoning Commission's adoption of this Map Amendment.

<https://www.dupont-circle.org/>

November 5, 2023

Anthony J. Hood, Chair  
District of Columbia Zoning Commission  
441 4th Street, NW, Suite 200S,  
Washington, DC 20001  
Email: [dcoz@dc.gov](mailto:dcoz@dc.gov)

Re: ***Zoning Commission Case 23-02***  
Authorization to Apply for Party Status  
Dupont Circle Citizens Association (DCCA)

Dear Chairman Hood,

On October 26, 2023 the Board of Directors of the Dupont Circle Citizens Association (DCCA) met, a quorum being present, passed the following Resolution:

RESOLVED: That DCCA's President, Susan Volman, is hereby authorized to apply for Party Status on behalf of the Dupont Circle Citizens Association in ***Zoning Commission Case 23-02***.

Sincerely,



Susan Volman  
President  
Dupont Circle Citizens Association

November 5, 2023

Anthony J. Hood, Chair  
District of Columbia Zoning Commission  
441 4th Street, NW, Suite 200S,  
Washington, DC 20001  
Email: [dcoz@dc.gov](mailto:dcoz@dc.gov)

Re: ***Zoning Commission Case 23-02***  
Designation of Representative by the  
Dupont Circle Citizens Association

Dear Chairman Hood,

This is to notify the Zoning Commission that the Dupont Circle Citizens Association (DCCA) hereby designates Edward Hanlon, Esq., as its attorney to represent DCCA before the Commission in Zoning Commission Case 23-02.

Pursuant to the requirement of Subtitle Z, Chapter 200, this designation includes the power of Mr. Hanlon to bind DCCA in this case before the Commission.

Sincerely,



Susan Volman  
President  
Dupont Circle Citizens Association

## CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2023 I emailed a copy of the foregoing including Form 140 with its attachments and two letters to Chair Anthony Hood from Susan Volman, President DCCA, to:

ANC 1B SMD 07	<a href="mailto:1b07@anc.dc.gov">1b07@anc.dc.gov</a>
ANC 1B	<a href="mailto:1B@anc.dc.gov">1B@anc.dc.gov</a>
ANC 2B	<a href="mailto:2B@anc.dc.gov">2B@anc.dc.gov</a>
Daniel Lyons, DMPED	<a href="mailto:Daniel.Lyons@dc.gov">Daniel.Lyons@dc.gov</a>
Jennifer Steingasser, OP	<a href="mailto:Jennifer.Steingasser@dc.gov">Jennifer.Steingasser@dc.gov</a>
Joel Lawson, OP	<a href="mailto:Joel.Lawson@dc.gov">Joel.Lawson@dc.gov</a>



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Edward V. Hanlon