



# Dupont Circle Citizens Association

A Volunteer Nonprofit Organization

Founded In 1922 To Promote And Protect The Interests Of The Residents Of Dupont Circle

The Voice of Dupont Circle

9 Dupont Circle NW 20036

December 4, 2024

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 23-26***  
Hearing Date: December 5, 2024  
***Demand for a Contested Hearing***

Dear Chair Hood:

As President of the Dupont Circle Citizens Association I hereby request that Zoning Case 23-26 be heard as a contested case.

Case 23-26 is a request by one property owner (the “District”) to change the zoning of one particular property; its own property, and no one else’s. This process is quintessentially not a “legislative act” invoking broad public policy over a large area, but an adjudication of one party’s individual rights to develop its own property.

Generically, a text amendment is a change to the zoning regulations which rewrites a section of the zoning code and applies to all uses or all properties within a zoning district. Quintessentially, and in contrast, a “map amendment” is a change of the zoning of *one particular property* or collection of properties within a zoning district.<sup>1</sup> It is clear that Case 23-26 by design, intent, purpose and relationship to Case 23-02, is a map amendment case. It is a map amendment filed by a property owner for a property it owns and Case 23-26, therefore, must be done as a contested case under Subtitle Z §201.2.<sup>2</sup> The Dupont Circle Citizens Association opposes OP’s current amendment and wants the right to be a party to Case 23-26 with all the rights of a party under Subtitle Z including the right to call witnesses in opposition, present evidence and the right to cross-examine witnesses, including those of the proponent.

Stepping back, the District is not trying to map an existing zone, e.g., either MU-4 or MU-10, to the 1617 U Street Civic Site. Instead, the District is trying to create a new zone, *MU-10/1617*

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<sup>1</sup> “A zoning *text amendment* will rewrite a section of a zoning code that applies to every use permitted in the district, writing the rezoning of land into the zoning code, or by revising specific policy language in the zoning code. For example, a zoning amendment limiting the size of satellite dishes would apply to all properties. A zoning *map amendment* changes the zoning district on a particular property or collection of properties.” <https://www.planetizen.com/definition/zoning-amendments>

<sup>2</sup> Subtitle Z §201.2: Contested cases are adjudicatory in nature, present issues for resolution at a public hearing that potentially have a *limited scope of impact*, and involve primarily questions of fact applicable to that limited scope of impact, while broader issues of public policy are secondary concerns. *Contested cases include, without limitation* ...,

Map amendments filed by the property owner or owners for a single property or for multiple properties that are contiguous or are only separated by a street or alley;

ZONING COMMISSION  
District of Columbia  
CASE NO.23-26  
EXHIBIT NO.17

*U Street*, which has a side yard requirement and a transition plane not required of any other MU-10 zone.

But, the creation of new zones is governed by Subtitle X 400 AMENDMENT TO CREATE A NEW ZONE *not* by Subtitle Z. The process and standards are different in Subtitle X. Subtitle X §400.4 thru §400.6 state:

400.4 *Proposed new zones shall not result in adverse impacts on the environment or adjacent lands.*

400.5 *Proposed new zones shall not result in the undue diminution of property rights.*

400.6 *Petitions for a new zone shall be accompanied by the following:*

(a) *Evidence of significant community support for the zone including property owners within the defined area, relevant civic, community and business groups, and the Advisory Neighborhood Commission, including the single member district representation;*

OP has not filed the correct Petition, has not invoked the correct Subtitle, has not met and cannot meet the mandatory requirements of §400.4-400.6, *supra*, for the creation of a new zone.

In sum, if OP wishes to proceed, then it must file a proper Petition under Subtitle X to create a new zone under Subtitle X 400.1 *et seq.* Then, if the new zone is created, OP must file a Petition under Subtitle Z to map 1617 U Street Civic Site to the newly created zone. Because this would be a map amendment proposed by the property owner of the site, this map amendment would have to be done as a contested hearing under Subtitle Z §201.2.

The procedure OP is asking the Commission to use ignores the Commission's own regulations and violates the procedural rights of numerous other property owners and organizations. Proceeding in this manner "would adversely affect the confidence of the public in the integrity of the District government" in violation of the ethical standards set out in the DC Code, which binds both all members of the Zoning Commission and the personnel of the Office of Planning alike.

#### **DC Code § 1-618.01. Standards of conduct.**

(a) *Each employee, member of a board or commission, or a public official of the District government must at all times maintain a high level of ethical conduct in connection with the performance of official duties, and shall refrain from taking, ordering, or participating in any official action which would adversely affect the*

confidence of the public in the integrity of the District government.

Sincerely,

A handwritten signature in black ink that reads "Edward Hanlon". The signature is fluid and cursive, with the first name "Edward" and last name "Hanlon" clearly distinguishable.

Edward Hanlon

President

*Dupont Circle Citizens Association*

cc: Attorney General Brian Schwalb [Brian.Schwalb@dc.gov](mailto:Brian.Schwalb@dc.gov)  
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