

BEFORE THE ZONING COMMISSION  
FOR THE DISTRICT OF COLUMBIA

IN RE: \*  
\* ZC Case No. 23-02  
OFFICE OF PLANNING \* (Contested Case)  
\*  
(Map Amendment to Rezone Square 0175 Lot 826 \*  
and Lot 827 from MU-4 Zone to MU-10 Zone) \*  
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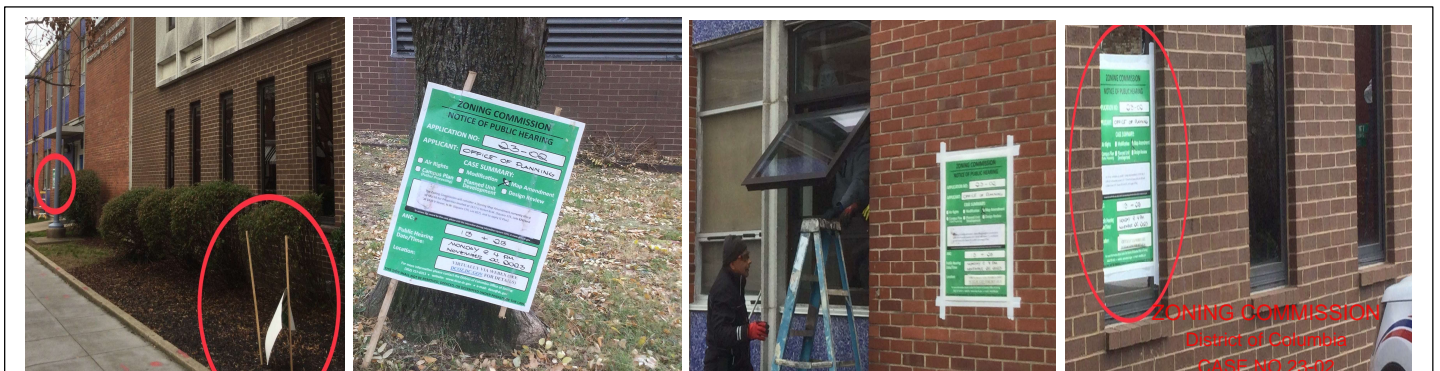
SUPPLEMENT TO MOTION OF DUPONT CIRCLE CITIZENS ASSOCIATION, HOMEOWNERS WITHIN 200 FEET OF LOTS 826 AND 827 AND RANDALL JONES REQUESTING THE COMMISSION CONTINUE THE JANUARY 8, 2024 HEARING  
***SITE PLACARDED WITH WRONG SIGN - OUT-OF-DATE AND WITH WRONG HEARING DAY***

COME NOW Dupont Circle Citizens Association, Homeowners within 200 Feet of Lots 826 and 827 and Randall Jones and file this Supplement to their Joint Motion to continue the January 8, 2024 hearing and state as follows:

This Commission failed to send Notices of the January 8, 2024 Hearing to more than 40 Property Owners within 200 feet of the site. The Commission used a mailing list at least 1½ years out-of-date.

21 Property Owners were left entirely off the mailing list or only their names were listed without any addresses. 21 Property Owners signed sworn affidavits they never received the Notice in the mail even though 18 were on the mailing list. Embassy of Angola was mailed a Notice at an address the Commission knew was non-existent. *An untrue Attestation was placed in the record that all Property Owners on the mailing list were served by first class mail with the Notice, when clearly this was not so.*

Compounding the above errors the Office of Planning left the old November Hearing Notices posted on the property in violation of 11 DCMR, Subtitle Z, §402.5, which required these placards to be removed within 2 days after the November 20 hearing. *The effect is misleading and can reasonably cause some members of the public to believe the hearing in this case is over and it is no longer possible to make their views known to the Commission as a witness or as a homeowner seeking party status.*



Taken 1/4/24

Taken 12/4/23

Taken 1/4/24

Taken 1/4/24



*What OP did violated the regulations of this Commission and prejudiced the public and Property Owners on all sides of the site, especially those entitled to Notice by mail but who had gotten no January 8, 2024 Hearing Notice in the mail from the Commission.*

## CONCLUSION

The site is currently placarded with the wrong sign, a sign which is out-of-date and with the wrong hearing date printed on it.

More than **40 different Property Owners within 200 feet** of this site were not provided the legally required notice of the January 8, 2024 Hearing required under 11 DCMR, Subtitle Z, §402.1(d) nor did this Commission inform these 40+ Property Owners of “The requirements for participation as a party” and the importance of that status in a contested case, as required by 11 DCMR, Subtitle Z, §402.2.

This upzoning is the prelude to DMPED's attempt to have a massive 11 story, 650 unit apartment building constructed on this site. Failure to grant Property Owners their *due process rights* under the Subtitle Z in this *contested* case, is not only fundamentally wrong but will likely cause extensive and unnecessary future litigation.

For all the foregoing reasons Movants respectfully request the Commission grant this motion; and, if the Applicant wishes to proceed, to reset this hearing on at least 40 days notice as required under 11 DCMR, Subtitle Z, §402.1, using a *corrected address mailing list and requiring the Applicant to re-post the site with placards having the correct hearing date*. Movants have in their Motion provided to the Commission all defects in the mailing list that they are presently aware of.

Respectfully submitted,



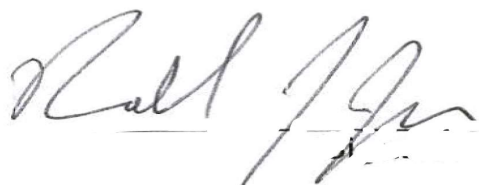
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### CERTIFICATE OF SERVICE

I certify that on this date one copy of the forgoing Motion was sent via email to the

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Edward V. Hanlon, Esq.

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1/5/2024  
Date