Anthony J. Hood  
Chair  
Zoning Commission  
of the District of Columbia  
441 4th Street, NW  
Suite 210-S  
Washington, DC 20001  

Re: Zoning Commission practices under 11-Z DCMR § 703.17(c)(2)  
(comment period on PUD modifications of consequence)  

Dear Chairman Hood:  

We write to express our concern about the manner in which the Zoning Commission applies the rules for comments on modifications of significance to PUDs. As explained below, we are troubled by the Commission’s failure in a recent case to set an appropriately long time window for comment, and ask the Commission to be more mindful in the future of ANC equities under the regulations.  

As you know, section 703.17(c) in the regulations governing practice and procedure before the ZC sets forth the options available in the Commission’s initial consideration of an application for a modification of consequence. That section states that unless the Commission finds the proposed request to involve a modification of significance, the Commission must “[e]stablish a timeframe for the parties in the original proceeding to file responses in opposition to or in support of the request and for the applicant to respond thereto; and schedule the request for deliberations.”  

At its January 28 meeting, the Commission considered ZC 16-10A, a request for a modification of significance. ANC 6C was a party to the original proceeding. See ZC Order 10-16 at 4 (Findings of Fact ¶ 16). The Commission set a deadline of one week (Feb. 4) for party comments.  

We respectfully submit that setting a one-week deadline fails to provide adequate time for response, especially for ANCs, whose practice of meeting once per month is well known to the Commission. In order to carry out the purpose of section 703.17(c)(2), the Commission should

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1 On February 13, 2019, at a duly noticed and regularly scheduled monthly meeting, with a quorum of six out of six commissioners and the public present, this matter came before ANC 6C. The commissioners voted 6-0 to adopt the position set out in this letter.
set a time window of no less than 30 days or, in the alternative, a deadline no less than seven
days after the affected ANC’s (or ANCs’) next publicly scheduled meeting date(s).²

ANC 6C and its sister ANCs should not be put in the position of having to consider (and vote
on) modifications for which the ZC has not yet even made an initial determination. If the intent
of the ZC is that ANCs do so, then we respectfully submit that the ZC needs to amend the
regulations to make that clear. The point of the current regulations, as written, is that parties are
to be afforded a meaningful opportunity for comment after the ZC’s initial determination instead
of having to guess at the action the ZC might take.

Although ANC 6C has elected not to offer comment on ZC 10-16A—which is why we have
not submitted this letter for the record in that case or served the other parties—we fully expect to
participate in one or more PUD modification proceedings in the near future.

Thank you for giving great weight to the views of ANC 6C.

Sincerely,

Karen Wirt
Karen Wirt
Chair, ANC 6C

cc: Jennifer Steingasser, Office of Planning

² ANC 6C’s meeting schedule is posted on our public website at http://anc6c.org/calendar/.