



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



FORM 150 – MOTION FORM

THIS FORM IS FOR PARTIES ONLY. IF YOU ARE NOT A PARTY PLEASE FILE A
FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD.

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.:

Motion of:

☐ Applicant

☐ Petitioner

☐ Appellant

☐ Party

☐ Intervenor

☐ Other _____

PLEASE TAKE NOTICE, that the undersigned will bring a motion to:

Points and Authorities:

On a separate sheet of 8 ½" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, the document(s) that you are requesting the record to be reopened for must be submitted separately from this form. No substantive information should be included on this form (see instructions).

Consent:

Did movant obtain consent for the motion from all affected parties?

☐ Yes, consent was obtained by all parties

☐ Consent was obtained by some, but not all parties

☐ No attempt was made

☐ Despite diligent efforts consent could not be obtained

Further Explanation: _____

CERTIFICATE OF SERVICE

I hereby certify that on this

D

D

day of

Month

,

Y

Y

Y

Y

I served a copy of the foregoing Motion to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of Planning

in the above-referenced ZC or BZA case via:

☐ Mailed letter

☐ Hand delivery

☐ E-Mail

☐ Other _____

Signature:

Tracy L. Themak

Print Name:

Address:

Phone No.:

E-Mail:

Advisory Neighborhood Commission 2G
501 New York Avenue, N.W.
BZA Case No. 21177– D.C. Department of General Services

Advisory Neighborhood Commission 2G’s Motion for Reconsideration

Advisory Neighborhood Commission 2G (ANC 2G) submits this Motion for Reconsideration pursuant to 11-Y DCMR 700.2 and 700.7.

Introduction

On March 18, 2025, the D.C. Board of Zoning Adjustment (the “Board”) issued its Decision and Order (“Decision”) and so this Motion is timely pursuant to 11-Y DCMR 700.2. By this Motion, ANC 2G asks that the Board reverse its decision and deny the special exception request. As bases for the Motion, the ANC points to (1) the inaccurate and unverified conclusion of fact related to the location of release of “no-papered” detainees and (2) the Board’s conclusion of law that the parking plan submitted by the Applicant will adequately serve the site without significant adverse impacts to the surrounding neighborhood cited in the Decision as more fully set forth below.

Conclusion of Fact No. 32 – Location of Release of “No-Papered” Detainees

In its consideration of this case, the Board spent a significant amount of time hearing testimony regarding the location of the release of detainees from the Central Cell Block (“CCB”) and rightly so given the very significant and adverse impacts that release would have on the surrounding neighborhood. The ANC provided testimony from Mr. Baldwin and Ms. Semyonova, two witnesses whose professions render them keenly aware and informed as to the processing of detainees, regarding the common practice of “no-papering” and its occurrence prior to the transport of detainees to Superior Court. Mr. Baldwin and Ms. Semyonova both testified as to their concerns about the

constitutionality of forcing detainees that the U.S. District Attorney's prosecutors had decided not to charge to accept transportation to Superior Court.

Conclusion of Fact No. 32 (and its associated Footnote 8) that detainees will, under no circumstances, be released from the Central Cell Block is based on nothing more than conjecture and an emailed promise from the USDAO's that it has no objection to the return to pre-Covid protocols is far from a guarantee that no detainees will be released directly from the CCB. In fact, as soon as the determination of "no-paper" is made, the detainees are free to leave from wherever they are located at that time. This is a fundamental constitutional right. Additionally, any purposeful delay in making the "no-paper" determination would likewise be a constitutional violation. The ANC never received a complete and accurate time for release from all three entities involved in release: The Department of Corrections, the U.S. Marshalls Service, and the Department of Justice. The following outstanding question remains unanswered: What is the actual release procedure and timing from 501 New York Avenue, N.W.?

Because this germane and highly relevant conclusion of fact was based on speculation, the Board's decision must be reevaluated and reversed.

Conclusion of Law – Parking

The ANC highlighted the adverse impacts to the surrounding residential neighborhood that the inadequate parking plan for the CCB would have. In its Decision, the Board relies on the Applicant's testimony regarding queuing and the transportation expert's testimony on parking as well as DDOT's support. What is not addressed in the Decision is the ANC's assertion that the parking plan as proposed contained errors that, when corrected during the PDRM process (as confirmed in the email from DDOT dated October 29, 2024 -p Exhibit No. 158), will decrease the number of spaces provided and cause significant parking and traffic impacts that will adversely impact the

surrounding vicinity. The ANC's representative in this matter, Commissioner Nigro, continues her vigilant observation of the CCB's construction and has seen first-hand the space allocated for parking and submits that it is now obvious that the proposed number of spaces will not and cannot fit within the allocated area. The parking requested by the Department of Corrections simply does not comply with the District Department of Transportation parking regulations for the intersections at 5th and L Streets and 6th and L Streets, N.W. The resulting spillover parking and traffic will certainly affect the surrounding community, and it defies logic that progress is allowed to be made on the site without final PDRM review and approval. Lastly, there was no regard the large future Boston Properties project directly across the street and how impactful that will be to traffic.

Conclusion – Request for Relief

For the reasons set forth above, the ANC respectfully requests that the Board reconsider its Decision and deny the Special Exception. In the alternative, the ANC requests that the Applicant be required to provide confirmation of (1) the exact details (time and location) of “no-papered” detainees' release and (2) correction of the noncompliant parking space distances from the above-noted intersections.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **March 27, 2025**, a copy of the foregoing Motion for BZA Case No. 21177 was served via email, on the Applicant's counsel, Meredith Moldenhauer – mmoldenhauer@cozen.com and Advisory Neighborhood Commission 6E – 6E01@anc.dc.gov.

By: /s/ Tracy L. Themak