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October 22, 2018

**Re: CARE Motion to Reconsider Order –  
ZC Case No. 08-07C**

Dear Zoning Commission,

**CARE**

CARE is a community organization located in Anacostia, with members living within 1,000 feet of the proposed Reunion Square development. Many CARE members live within blocks of the proposed Reunion Square development. CARE's counsel lives as well as has an office blocks from the site.<sup>1</sup> Another CARE member lives directly across the street from the proposed development site and is concerned about displacement and rent increases on the retail space they have been renting for the past 7 years. CARE's purpose is to increase civic participation by raising awareness to issues important to the lives of Current Area Residents East of the River, including those issues of creating and preserving Affordable Housing capable of inhabitation by current area residents. CARE members have testified before council and the zoning commission and meet both formally and informally. Many CARE members will be harmed economically through increased rents and tax increases caused by dramatically changing the economic demographics of the immediate area. DHCD has warned that development of this type, stating that the "in-migration of wealthier whites is producing gentrification that is reducing the District's supply of housing affordable to households with modest incomes and threatens to re-segregate these gentrifying neighborhoods as virtually all-white." *Analysis to Impediments to Fair Housing 2006-2011*, p.2. CARE is concerned the neighborhood is in danger of re-segregation of patterns of development that have occurred across the city are allowed to repeat in Anacostia.

**Waiver to File a Motion to Reconsider**

Pursuant to 11-Y DCMR §101.9 the Zoning Commission may allow non-parties to file a motion for reconsideration if there is good cause shown. The good cause shown in this matter is that the 08-07C is derivative of a case<sup>2</sup> filed over 10 years ago when there was no ANC for the single member district for the site where the time extension has been requested.

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<sup>1</sup> CARE is not applying for party status so thus is not submitting member information but rather seek for this Motion to be placed into the record for the Zoning Commission to consider.

<sup>2</sup> 08-07

Therefore, community members were vastly under the impression that the development had been approved and there was nothing that could be done to contest. While a time extension was granted for the fourth order issued in the project, it was too late. The people that would have opposed, did not, because they saw no point. However, it has come to community members attention that a questionable time extension has been granted and several community members would like to oppose the time extension to encourage participation from the full community and not just those that attend every ANC meeting and keep abreast of every happening with a development project that has languished for ten years.

Moreover, and perhaps more importantly, after closing of the record on October 4<sup>th</sup>, 2018 news released that the Reunion Square development would be receiving 60 million dollars in Tax Increment Financing. (Exhibit A). Since this is new information made available only after the hearing this motion for reconsideration should be granted.

### **Adverse Impacts and Agency Reports**

TIFs are a controversial form of financing that allow a developer to lock in current property tax rates over a specified and extended period of time. (Exhibit B). Since the site now is currently under-utilized comparatively little property taxes are paid on it. When the site is improved with the proposed development Four Points will still be paying property taxes as if the site is undeveloped. This poses an adverse impact on the surrounding community because the reason unimproved parcels pay relatively little property taxes is because they do not place a drain on emergency services, surrounding infrastructure and utilities, public services, and schools etc. *Id.* The surrounding area will have to share emergency services, surrounding infrastructure and utilities, public services, and schools with hundreds of new residents, hotel visitors, and workers.

Theoretically, increases to surrounding areas property taxes will contribute to offsetting the difference between the TIF subsidy and what the parcel owner would have been paying in property taxes without the TIF. In other words, increases in property values and subsequent displacement of low income residents is baked in. *Id.* at 2. This is an adverse impact not yet considered by the zoning commission. Since the TIF is new information released after the closing of the hearings good cause exists for the zoning commission to accept this motion to reconsider and hold a re-hearing whereby CARE may apply for party status.

Further good cause exists in that since there was no ANC for the single member district at the time of 08-07 there was no advocate to request that the Zoning Commission gather written reports from DHCD as required by 11-X DCMR §308.4 (Mandatory Written Reports) and 11-X DCMR §306.11 (Housing Linkage Requirement). Moreover, 10 years ago the zoning commission routinely disregarded concerns the Court of Appeals has found the Zoning Commission must consider such as displacement and rent increases. In ten years, the landscape of DC has changed. Not only legally, but demographically. In any event, with the granting of a TIF the failure of the Zoning Commission to gather mandatory written reports from the DHCD is amplified. There must be a weighing of adverse impacts to the surrounding community with the introduction of the TIF. CARE asserts this development will re-segregate the community pursuant to DHCD's own policy documents, historical patterns of development in the District of Columbia, and TIF usage.

To be absolutely clear, CARE requests that the zoning commission make a conclusion of law regarding whether or not it is a necessity for a DHCD written report to be provided to the Commission if a hearing is granted pursuant to 11-X DCMR §308.4. CARE is contesting the Zoning Commission practice of merely requesting written reports from relevant agencies which falls short of the clear statutory language in 11-X DCMR §308.4 which actually mandates such reports.

Respectfully Submitted,

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S/A Theresa  
Aristotle Charles Theresa  
Attorney at Law

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true copy of the foregoing **MOTION FOR RECONSIDERATION** was served this 13th day of November, 2018 by electronic and \*US mail.

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