

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 (1617 U Street, NW) and *
Lot 827 (1620 V Street, NW) *
from the MU-4 Zone to the MU-10 Zone) *
*
_____ *

**JOINT MOTION TO DISMISS WITHOUT PREJUDICE DUE TO
THE *TOTAL LACK OF COMMUNITY ENGAGEMENT* AND
COMPLETE FAILURE TO USE THE *COMMISSION'S RACIAL EQUITY TOOL***

COME NOW Dupont Circle Citizens Association, Black Neighbors of 1617 U Street NW, Homeowners within 200 Feet of Lots 826 and 827 and Randall Jones thru their below designated Representatives and request the Commission to Dismiss This Case Without Prejudice Due to the *Total Lack of Community Engagement* and *Complete Failure to Use the Racial Equity Tool* and state:

ARGUMENT

This case presents, perhaps, the clearest most poignant example of the failure of OP to do Community outreach in the Zoning Commission's history.

There can be no racial equality without racial equity. It is clear from the testimony of Mr. Kirschenbaum that OP has ignored this Commission's Racial Equity Tool, the Comp Plan's mandate for Community engagement and the requirement to analyze zoning cases thru a racial equity lens.

Consider the testimony the Commission has heard. OP did not reach out to any of the following:

- | | |
|----------------------------|--|
| No civic associations | No Black businessman or business women |
| No churches | No Black business groups |
| No ministers/No priests | No Black Churches |
| No community groups | No Black civic organizations |
| No business groups | No to the Florida Avenue Baptist Church (2 blks away) |
| No senior citizen groups | No to St Augustine's Catholic Church/ <i>the oldest</i> |
| No BIDS | <i>Black Catholic Church in the city</i> (2 blks away) |
| No neighborhood businesses | No to St. Luke's Episcopal Church/ <i>the oldest African-</i> |
| along U St | <i>American Episcopal congregation in the city</i> |
| | No outreach to any of the Black residents of this neighborhood |

Consider also, Mr. Kirschenbaum's testimony that OP/DMPED did not reach out to any of the following:

No outreach to the:

Dupont Circle Citizen's Association
Shaw Dupont Citizens Alliance
Dupont East Civic Action Association
Tenants Action Coalition (active in this neighborhood for over 30 years)
Committee of 100 of the Federal City

No outreach at all to any civic, religious, community or business group

No outreach at all to the

DC Police Union (Gregg Pemberton, Chair of the DC Police Union, has submitted a letter of opposition to this ill thought out Map Amendment)

No evidence in the record of any outreach to the

DC Firefighters Union

What OP has done in this case violates the very core, the very essence, of the Comprehensive Plan and this Commission's Racial Equity Tool. From this Commission's *own* website:

Racial Equity Tool DC Zoning Commission

"Further, "[e]quitable development is a **participatory approach** for meeting the needs of underserved communities..." 10-A DCMR § 213.7 ..."

"The **Zoning Commission firmly believes that community outreach and engagement efforts must start at the inception** of any redevelopment plan **before a zoning action is filed** with the Zoning Commission. "

OP's approach is wholly inadequate. The proper way to address this massive inadequacy is to dismiss this case *without prejudice*. By dismissing without rendering a decision on the merits, OP will have the opportunity to file a new case once it done the quality outreach expected by citizens, the Comp Plan and this Commission.

By doing real Community engagement, by taking seriously its obligations to follow this

Commission's Racial Equity Tool, perhaps, a better zoning proposal can be put forward by OP, a proposal that incorporates extensive Community engagement and feedback. Surely, such proposal is likely to elicit more community support instead of the current major community opposition.

Strivers' Section Historic District and DC's African American Heritage Trail

Remember always, when viewing the total lack of engagement of the Black community and Black residents by OP, that this site is surrounded by the Strivers' Section Historic District and this bloc where this site is located is on **DC's African American Heritage Trail**:

“Among its most notable residents was *Frederick Douglass, runaway slave, abolitionist*, writer and civil servant. Douglass built the southern 3 buildings of a 5-house Second Empire style row **at 2000-2008 17th Street in 1875-76** [across the street from this site]. The area was also home to *James E. Storum, the entrepreneur who founded the Capital Savings Bank, the first African American owned bank.*”
https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/Strivers_Section_Brochure_0.pdf

CONCLUSION

There has been a complete failure of community engagement and community outreach. This Commission's “participatory approach” and emphasis on racial equity have been completely ignored by OP. This Commission can *never advance racial equity* in zoning decisions of this city if the Commission allows such an egregious lack of community engagement and outreach to go forward.

For all the foregoing reasons Movants respectfully request the Commission grant this motion.

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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1/29/24
Date