

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

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.: 23-02

Motion of: Party

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

File a Motion for Reconsideration

Points and Authorities:

Please 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 attached.

Consent: No attempt was made

Further Explanation: Not required

CERTIFICATE OF SERVICE

I hereby certify that on this day of , 2026

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:

Signature: Arlene Feskanich & Gregory Adams

Print Name: Arlene Feskanich & Gregory Adams

Address: Seaton Street & 17th Street

Phone No.: 202-387-3681 **E-Mail:** arlene@seatonstreetdc.org



**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 day of ,

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: _____

Print Name: _____

Address: _____

Phone No.: _____ **E-Mail:** _____

**BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION
RE: Zoning Commission Case No. 23-02
Joint Motion for Reconsideration**

The undersigned Black Neighbors of 1617 U Street and Homeowners Within 200 Feet of Lots 826 and 827, parties to the case, submit this Joint Motion for Reconsideration of Zoning Order 23-02 (“Order”) pursuant to 11-Z 700, et seq.

The Order became “final and effective upon publication in the District of Columbia Register” on February 20, 2026 (citing last page of the Order, and notification here: <https://www.dcregs.dc.gov/Common/NoticeDetail.aspx?NoticeId=N144203>)

Per 11-Z 700.3, “A motion for reconsideration or rehearing of a final order granting or denying an application may be filed by a party within ten (10) days of the order having become final... .” Other parties may respond in support or opposition within 7 days.

This motion for reconsideration has been sent to all parties to the case 11-Z 700.3(a).

Opposition parties, as signed below, understand that a motion for reconsideration must cite the relevant legal error which the motion asserts was misapplied. The Commission’s Order contains multiple material errors of law and fact that require reconsideration and this motion captures some, certainly not all, of the fundamental errors below.

I. Speculative Reliance on Comprehensive Plan Policies

The Order states: “The Commission acknowledges that the MU-10 is at the upper end of the range for the High Density Residential FLUM designation” (Order at page 110).

The Order further states: “The Commission concedes that the rezoning is not accompanied by a specific project” but that “if [the site is] ... redevelop[ed] ... [the project] would likely seek” possible OP/DMPED design outcomes. (Order at pages 30 and 117).

When parties in opposition attempted to ask the applicant about the potential outcomes derived from the new zoning — including the volume of housing units (income-restricted and market-rate), unit types, and bedroom sizes — the Commission stopped this probative examination of OP & DMPED’s presumptions, data, and missing information suggesting that “there is no project” to ask about. (<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=349304>). The Order does not acknowledge or explain this fundamental APA error.

Yet, in the Order the Commission relied heavily on Comprehensive Plan policies that could only serve as a basis for approval if evaluated against an actual designed project (Order pages 101–106), including but not limited to:

- Policy H-1.1.9: Housing for Families & Policy H-1.3.1: Housing for Larger Households -- Parties were prevented from asking about the types of housing units OP & DMPED expect from a project derived by the new zoning and there is no data on the record to support any sense of if any family-sized units will result from the rezoning.
- Policy H-1.3.2: Tenure Diversity -- No such information provided by OP & DMPED on the record.
- Policy H-1.2.11: Inclusive Mixed-Income Neighborhoods -- There is no data on the record about how long units labelled "affordable" will remain as such in the project derived by this rezoned site.
- Policy H-1.2.9: Advancing Diversity and Equity of Planning Areas -- There is no data to support this policy citation in regards to how any project derived by the new zoning at this site may help meet the goals outlined in the policy.
- Policy E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff & Policy E-3.2.6: Alternative Sustainable and Innovative Energy Sources -- There is simply no data to support these policy citations at all.
- Policy LU-2.1.10: Multi-Family Neighborhoods -- We don't know whether a project derived by the zoning approval will or will not introduce large-scale commercial space into the area and certainly there's no data on the record as it regards pedestrian safety.
- Policy LU-2.4.5: Encouraging Nodal Development -- We don't know if a project derived by the new zoning will "not unreasonably impact" the surrounding low-rise historic districts and rowhomes and we won't get to see this unreasonable standard measured since the high-density zoning makes future projects a matter-of-right.

Thus, there is no substantial data in the record establishing how these Comprehensive Plan policies would actually be satisfied and its strange that the

Commission can point to aspects of a project to set basis for rezoning approval while stopping parties from asking about these same alleged benefits from a project derived by the new zoning.

Because the Commission relied on speculative assumptions about a hypothetical future project while simultaneously preventing opposition parties cross-examination of OP & DMPED's purported underlying information and data, the Commission's Comprehensive Plan consistency finding is unsupported by substantial evidence, and reconsideration is warranted.

II. Failure to Evaluate Impacts as Required by Regulation and Policy

Opposition parties presented zoning regulations and Comprehensive Plan policies requiring evaluation of impacts related to substantial land use changes — especially where high-density rezoning may affect surrounding low-rise historic row homes and other vulnerable neighborhood families, shops, and institutions.

Yet the Order makes no reference to regulations and policies that require impact evaluation at this earlier land use planning review stage: 10A DCMR 2501.4; 10A DCMR 2501.8; 10A DCMR DCMR 2505.1; 10A DCMR 2502.6; 10A DCMR 2502.8; Comp Plan Policy IM-1.1.3 & Comp Plan Policy IM-1.5.5.

Expert testimony further demonstrated that the FLUM change specific to this site was left unlawfully unstudied prior to enactment: *“I have been unable to find any impact studies related to this specific rezoning nor for the Comprehensive Plan Update that is justifying it.”* (Mallow expert testimony: <https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=327648> start p.5)

The Commission does not grapple with this expert testimony, let alone even acknowledge the expert offering the testimony. The Commission wants to instead presume impact review may occur at later stages, despite the historical reality that RFP and Council review do not substitute for zoning-stage impact evaluation per the policies and regulations cited.

Plus, it is baseless to say that impact studies will happen at any presumed later stages as the Commission's rezoning makes any future project matter-of-rite, thus eliminating fundamental open and transparent impact review going forward.

By failing to address required early-stage impact evaluation and disregarding unrebutted expert testimony concerning the absence of impact study for the underlying FLUM change that is central to the application, the Order reflects a clear legal error warranting reconsideration.

III. Erroneous Dismissal of Displacement as “Speculative”

The Order states: “Whether the application causes indirect displacement is highly speculative” (Order at Page 109).

But expert testimony demonstrated that in areas rezoned MU-10, there is a documented track record of displacement of lower-income families, Black residents, and small businesses. (Golash-Boza expert testimony: <https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=327643> start at page 4; <https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=341227>; <https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=333947>;

Displacement is not conjecture. It is one of the District’s most pressing and measurable planning realities, a regrettable one with the Census showing more than 60,000 Black residents made gone from the city over the past two decades of major redevelopments, rezoning, and housing construction throughout the city.¹

The Commission’s characterization of displacement as “speculative” in the face of record evidence presented by expert testimony to the contrary constitutes a material misapprehension of fact and planning law, and therefore reconsideration is required.

IV. Failure to Grapple with Racial Equity Testimony

Opposition parties presented expert testimony from a professional involved in developing the City’s racial equity tool regarding outreach expectations and racial

¹ The city's “poor folk [are being forced] out of their neighborhoods” by the city's “active role in development, selling or leasing publicly owned land, changing zoning laws, closing alleys and providing developers with inducements to construct new — or refurbish old — buildings ... with resultant racial and class tensions.” **Opinion, “Quit the posturing in the Banneker-Shaw school dispute” by Colbert I. King on May 24, 2019 in the Washington Post,** <https://archive.ph/OSHig>

equity analysis (<https://savedcpublicland.org/the1617project/2026/02/10/nate-fleming-presents-expert-testimony-supporting-the-threatened-black-neighbors-of-1617-u-street/>).

The Commission does not meaningfully engage this expert testimony, let alone even acknowledge the expert offering it who said you have to “meet people where they are at” when referencing lower-income neighbors and Black businesses, churches, organizations, and residents. That would be the racial equity so-far missing from this development zoning review.

Instead, the Order concludes the Applicant’s outreach met some undefined “bare minimum” standard and cites a list of engagement that predated the Zoning Chair threatening to end hearings due to inadequate outreach (Order pages 52–55; <https://savedcpublicland.org/the1617project/2026/02/10/zoning-commission-chair-anthony-hood-agrees-with-community-wants-more-public-outreach/>).

Since that hearing where Mr. Hood declared the Applicant’s outreach efforts, or lack thereof as a “show stopper,” neither DMPED nor OP has conducted the expanded outreach as expected and requested.

And new evidence shows DMPED continuing the disregard of community input by so-far ignoring the ANC Resolution inviting deliberate neighborhood engagement ("Resolution 25-26: Resolution inviting DMPED Engagement of the Community in the Development of an RFP for the Public Land at 1617 U Street NW and 1620 V Street NW" <https://www.anc1b.org/letters-resolutions>).

Where the Commission fails to meaningfully engage qualified racial equity expert testimony and record evidence of deficient outreach, its findings cannot stand as reasoned decision-making, and reconsideration is warranted.

V. Erroneous Self-Limitation of Zoning Authority

The Order states: “The Commission’s power to zone the property is limited... This balance does not include family sized or deeply affordable units in the IZ program... [Deeper affordability] is not within the Commission’s control because it is not zoning.” (Order at pages 120–121).

This conclusion is legally incorrect.

The Commission possesses authority to establish new zoning districts and

requirements regarding affordability — including required number of affordable units, bedroom sizes, levels of affordability, and duration of affordability — through explicit zoning tools – special or custom zoning -- identified and put on the record by experts and other testimony (For example, see Golash-Boza expert testimony: <https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=333947>).

By disclaiming its own zoning power and defaulting to baseline IZ standards despite record evidence showing those standards fail to meet affordability needs of DC’s Black families (as the AMI continues to increase exponentially), the Commission committed legal error requiring reconsideration.

VI. Failure to Address Material, Contested Issues

The applicant’s outdated data, untested assumptions, and conclusory findings fall far short of the substantial evidence required to support as basis for rezoning approvals.

The Commission’s decision to prevent cross-examination—especially regarding materials submitted after the hearings had closed—violates core APA due process protections and renders the record legally incomplete and unreliable.

Furthermore, the Order fails to resolve material, contested issues raised by qualified expert testimony introduced pursuant to 11-Z §§ 203.8, 203.9, and 408.1(b). This isn’t lay person opinion, it expert testimony both verbal and written.

Because the Order does not make findings on these material issues raised by experts and is unsupported by substantial evidence in the record, reconsideration is both appropriate and necessary.

Requested Relief

For the foregoing reasons, the Opposition Parties respectfully request that the Commission:

1. Stay the Order;
2. Reopen the record;
3. Require proper and documented community engagement;

4. Hold a public hearing addressing the legal and evidentiary deficiencies identified herein; and
5. Direct OP and DMPED to pursue a custom zone developed in collaboration with the affected community.

Respectfully submitted, on this the 2nd day of March, 2026, timely per the authority of the DC Zoning Regulations.

Regards,

s/n

Gregory Adams, Representative,
Black Neighbors of 1617 U Street, NW

s/n

Arlene Feskanich, Representative,
Homeowners Within 200 Feet of Lots 826 and 827

CERTIFICATE OF SERVICE

We attest that the above motion for reconsideration was served on March 2, 2026, to all parties by email as follows:

DC Office of Zoning

- zcsubmissions@dc.gov
- sharon.schellin@dc.gov

Applicant

- Office of Planning, op@dc.gov
- DMPED, Daniel.Lyons@dc.gov

ANC's

- 1B@anc.dc.gov
- 2B@anc.dc.gov
- 1B05@anc.dc.gov
- 2B08@anc.dc.gov
- 1B07@anc.dc.gov

OTHER PARTIES

- Rochelle Apartments c/o Deborah Akel ustreetuniverse@gmail.com
- Black Neighbors of 1617 U Street NW c/o Gregory Adams adams.gregory1@yahoo.com
- Randall Jones Randy Jones rjj0302@gmail.com
- Homeowners within 200 Feet of Lots 826 & 826 c/o Arlene Feskanich feskanicha@gmail.com
- Dupont Circle Citizens Association c/o Ed Hanlon, Esq. ed.hanlon.3@gmail.com

Signed,

s/n

Gregory Adams, Representative,
Black Neighbors of 1617 U. Street, NW

s/n

Arlene Feskanich, Representative,
Homeowners Within 200 Feet of Lots 826 and 827