

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 23-02(1)
Z.C. Case No. 23-02
Office of Planning
(Map Amendment @ Square 175, Lots 826 and 827
[U Street Fire and V Street Police Stations])
ORDER DENYING MOTIONS FOR RECONSIDERATION
March 12, 2026**

**DENIAL OF MOTIONS FOR RECONSIDERATION, STAY OF ORDER,
AND REHEARING**

At its public meeting on March 12, 2026, the Zoning Commission for the District of Columbia (“Commission”) considered two post-hearing motions filed in the record for Z.C. Case No. 23-02:

1. Motion of the Reconsideration Motion filed by the Black Neighbors of 1617 U Street and Homeowners Within 200 Feet of Lots 826 and 827 (Exhibit [“Ex.”] 732) (“Reconsideration Motion of the Black Neighbors/U Street Homeowners”); and
2. Dupont Circle Citizens Association Motion for Reconsideration (Ex. 733) (“DCCA Reconsideration Motion”).

PROCEDURAL HISTORY

1. On January 18, 2023, the District of Columbia Office of Planning (the “Applicant” or “OP”) submitted an application¹ for an amendment to the Zoning Map from the MU-4 zone to the MU-10 zone (the “Map Amendment” or “Application”) for portions of the property located at 1617 and 1620 U Street, N.W. (the northeast corner of 17th and U Streets which currently includes the U Street Fire and V Street police stations) (Square 175, Lots 826 and 827²) (the “Property”).
2. The Commission held hearings on January 8, 18, and 29; February 12 and 26; and March 18, 2024, on the Application to rezone all of Lots 826 and 827 to the MU-10 zone. The Commission allowed extensive cross-examination by all five opposition parties of all witnesses. The Commission also permitted the five opposition parties to present their own

¹ The case was originally filed as a rulemaking case initiated by a report. The Commission later decided to hear and decide the case as a contested case in order to allow additional community input.

² The Applicant originally requested to rezone all of Lots 826 and 827 to MU-10. It later amended its application to limit the requested rezoning to a just a portion of Lots 826 and all of Lot 827. The portion of Lot 826 to be rezoned excludes the portions of Lot 826 within 80 feet of V Street and within 80 feet of V Street to a line 80 ft. parallel to V Street and 80 ft. parallel to 17th Street from V Street, south to the center line of Seaton Street.

witnesses and evidence. At the hearings, several persons in opposition testified in favor of “split-zoning” the site to retain lower intensity zoning along V and 17th Streets.

3. At the conclusion of the hearings, the Commission requested that OP provide a post-hearing response considering several alternatives, including split zoning the site to retain lower intensity zone for the northern portion of the site along V and 17th Streets. The Commission considered OP’s response at its May 9, 2024, public meeting and scheduled an additional hearing on June 17, 2024, to consider the alternatives.
4. The Commission later rescinded that decision when, at its May 30, 2024, public meeting, the Commission granted OP’s request to modify the Application to reduce the size of the map amendment area and retain the existing MU-4 zoning along V Street and 17th Streets. The Commission then requested that OP file a supplemental report addressing the revised proposal’s consistency with the Comprehensive Plan, and why it was preferable to the alternative zoning possibilities that the Commission had previously requested OP to brief. The Commission further requested that the parties respond to the OP supplemental report.
5. At its July 11, 2024 public meeting, the Commission considered the OP supplemental report and the responses of opposition parties. The OP supplemental report stated that the revised proposal did not introduce a new zone, but instead simply reduces the size of the area initially proposed to be rezoned. The revised proposal pulls the proposed MU-10 zone back 80 feet parallel to V Street and 80 feet parallel to 17th Street from V Street south to the center line of Seaton Street. The report stated that the revised boundaries of the proposed zone change will lessen the impact of any new development and maintain the current interface of the existing MU-4 zone and the residential rowhouses along V and 17th Streets. Future development that would be enabled by the proposal would help the District attain its overall affordable housing pipeline goals. The OP supplemental report evaluation of the relevant Comprehensive Plan policies repeated portions of prior OP Reports (evaluating the proposed MU-10 zone) that were subject to cross-examination (Ex. 720).
6. By Z.C. Order No. 23-02, effective February 20, 2026, the Commission approved the Application (the “Order”).
7. On February 20, 2026, the Order was published in the *District of Columbia Register* (73 DCR 002444 *et seq.*) and became final and effective upon publication.
4. On March 2, 2026, the Reconsideration Motion of the Black Neighbors/U Street Homeowners was filed (Ex. 732). In addition to reconsideration of the decision, the Reconsideration Motion of the Black Neighbors/U Street Homeowners also requested that the Commission:
 - Stay the Order;
 - Reopen the Record;
 - Require additional community engagement by the Applicant;

- Hold additional public hearings; and
 - Direct OP and DMPED to pursue custom zone.
5. Reconsideration Motion of the Black Neighbors/U Street Homeowners did not present new evidence that could not have reasonably been presented at the original hearings. Nor did it address the legal requirements to stay the Order.
 6. The Reconsideration Motion of the Black Neighbors/U Street Homeowners stated several alleged bases for reconsideration of the Order, namely:
 - a. Speculative Reliance on Comprehensive Plan Policies
 “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.”;
 - b. “Failure to Evaluate Impacts as Required by Regulation and Policy”
 “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.”;
 - c. “Erroneous Dismissal of Displacement as ‘Speculative’”
 “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.”;
 - d. “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 equity analysis. 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.”;
 - e. “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). 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.”; and
 - f. “Failure to Address Material, Contested Issues”
 “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 ...

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.”

7. Also on March 2, 2026, the DCCA Reconsideration Motion was filed (Ex. 733). In addition to reconsideration, the DCCA Reconsideration Motion also requested a re-hearing.
8. The DCCA Reconsideration Motion did not present new evidence that could not have reasonably been presented at the original hearings.
9. The DCCA Reconsideration Motion stated several alleged bases for reconsideration of the Order, namely:
 - a. Use of population and housing data from the 2010 Census when newer 2020 Census data was available
“Order No. 23-02 relies on the use of outdated population and housing data when more recent and reliable data on housing and population, down to the Census tract level, was available. OP’s reports and testimony, which Order No. 23-02 credits, used outdated 2010 Census data to justify the upzoning request in this case. The Commission in Order No. 23-02 completely ignored the expert testimony of Catherine Bray, a trained demographer, who both testified and submitted a report (Exhibit 590) into the record concerning the massive data errors OP was incorporating into its application and presentation. Ms. Bray was the only demographer or statistician who testified in this case. Exhibit 590 (Catherine Bray’s Report) shows an error by OP of over 100,000 in the population estimate or the District of Columbia by the year 2030.”; and
 - b. Allowing OP to submit two supplemental reports, in April 2024 and June 2024 respectively, without allowing the parties in opposition to cross-examine OP witnesses, allow the parties in opposition to call their own witnesses or put on any rebuttal evidence concerning OP’s supplemental reports.
“The parties in opposition should have been given the opportunity to cross-examine OP and to recall their experts in rebuttal concerning OP’s April 8 and June 13, 2024, Supplemental Reports. The Administrative Procedures Act guarantees parties this right to rebuttal. ... Trial type hearings require all parties be accorded the right to cross-examine, the right to put on rebuttal, the right to call witnesses.”
10. On March 3, 2026, ANC 2B filed a Response to Dupont Circle Citizens Association Motion for Reconsideration (Ex. 734). The response cites concern regarding reports of DCCA’s prolonged suspension of membership access, absence of regular meetings, and removal of members from a membership meeting, and encourages restoring a regular governance process.
11. On March 12, 2026, at its regularly scheduled public meeting, the Commission voted to deny the two motions.

CONCLUSIONS OF LAW

1. Pursuant to Subtitle Z § 700.6, a motion for reconsideration or rehearing must state with specificity the respect in which the final order is claimed to be erroneous, the grounds of the motion, and the relief sought. The Commission may not grant a request for rehearing unless new evidence is submitted that could not reasonably have been presented at the original hearing (Subtitle Z § 700.7).
2. Neither motion presented any new evidence, nor attempted to argue that the evidence could not have reasonably been presented at the original hearing. The Reconsideration Motion of the Black Neighbors/U Street Homeowners did not address or present arguments to justify a stay of the Order.

Reconsideration Motion of the Black Neighbors/U Street Homeowners

3. The Commission is not persuaded by the arguments in the Reconsideration Motion of the Black Neighbors/U Street Homeowners. While the Black Neighbors and U Street Homeowners disagree with the reasoning of the decision, there is no evidence of any error that requires reconsideration of the decision. The Commission approved the map amendment because the MU-10 zone is consistent with many Comprehensive Plan policies, and the Future Land Use Map.
4. None of the arguments stated in the Reconsideration Motion of the Black Neighbors/U Street Homeowners persuade the Commission to change that decision.
 - a. Speculative Reliance on Comprehensive Plan Policies

The Commission’s conclusion that the MU-10 Zone is not inconsistent with the Comprehensive Plan is supported by many Comprehensive Plan policies, as discussed in the Order;
 - b. Failure to Evaluate Impacts as Required by Regulation and Policy

The Commission’s conclusions are based on the correct legal standards;
 - c. Erroneous Dismissal of Displacement as “Speculative”

The Commission considered the racial equity testimony related to displacement stated in the motion, but did not find it dispositive, and instead concluded that the MU-10 Zone was not inconsistent with the Comprehensive Plan based on the Comprehensive Plan policies cited in the Order;
 - d. Failure to Grapple with Racial Equity Testimony

The Commission considered all of the racial equity testimony stated in the motion, but did not find it persuasive, and instead concluded that the MU-10 Zone was not inconsistent with the Comprehensive Plan based on the Comprehensive Plan policies cited in the Order;
 - e. Erroneous Self-Limitation of Zoning Authority

The Commission’s Order correctly describes the District’s IZ program, and the RFP process for District owned land, and the alleged errors in the motion would not change the Commission’s decision to approve the rezoning to MU-10 because it is not inconsistent with the Comprehensive Plan; and

f. Failure to Address Material, Contested Issues

The Commission allowed extensive cross-examination of the Applicant's witnesses. The Opponents were permitted to file, and did in fact file, responses to the Office of Planning reports that were submitted after the hearings.

DCCA Reconsideration Motion

5. The Commission is similarly not persuaded by the arguments in the DCCA Reconsideration Motion. While the DCCA disagrees with the reasoning of the decision, there is no evidence of any error that requires reconsideration of the decision. The Commission approved the map amendment because the MU-10 zone is consistent with many Comprehensive Plan policies, and the Future Land Use Map.

6. None of the arguments stated in the DCCA Reconsideration Motion persuade the Commission to change that decision.

a. Use of population and housing data from the 2010 Census

DCCA presented its argument about outdated census data to the Commission at the hearing, and the Commission did not find it persuasive. As stated in the Order, the Commission concluded that the weight of the policy guidance in the Comprehensive Plan supported its conclusion that the MU-10 Zone was not inconsistent with the Comprehensive Plan; and

b. Allowing OP to submit two supplemental reports without allowing the parties in opposition to cross-examine OP witnesses, allow the parties in opposition to call their own witnesses or put on any rebuttal evidence

The DCCA also raised its argument about inadequate opportunity for cross-examination previously, and it too was rejected by the Commission. As stated in the Order, the Commission held extensive hearings and allowed extensive cross-examination before deciding to approve the MU-10 zoning. The only change made to the Application was to reduce the size of the area to be rezoned, and retain the existing MU-4 zoning in the area where the boundary was changed. No further cross-examination is required because the opponents already extensively cross-examined witnesses on the issue of whether the MU-10 zoning was appropriate, and there is no reason to allow new cross-examination about whether to retain the existing zoning.

DECISION

1. The Reconsideration Motion of the Black Neighbors/U Street Homeowners is **DENIED**.

2. The Reconsideration Motion of Dupont Circle Citizens Association is **DENIED**.

FINAL ACTION

VOTE (March 12, 2026): 5-0-0

(Gwen Wright, Robert E. Miller, Anthony J. Hood, Joseph Imamura, and Tammy Stidham to deny motions.)

In accordance with the provisions of Subtitle Z § 604.9, this Order shall become final and effective upon publication in the *District of Columbia Register*; that is on April 24, 2026.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.



ANTHONY HOOD
CHAIRMAN
ZONING COMMISSION

SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.