



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



FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD

THIS FORM IS FOR NON-PARTIES ONLY. IF YOU ARE A PARTY, PLEASE FILE A FORM 150 – MOTION.

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.: No. 16-13

I, Ilaf Ayyash, UMN co facilitator hereby request the following relief:
 Accept an untimely filing of Motion to Reconsider Order & reopen record to include mitigation conditions.
 To reopen the record to accept Request to collaborate on amending order per dcmr 11 ~

Points and Authorities:

Accept an untimely filing: Please state each and every reason you believe the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your request to accept an untimely filing, including relevant references to the Zoning Regulations or Map. If you require more space, please use a separate piece of paper.

Reopen the Record: Please state each and every reason you believe the ZC or BZA should grant your request to reopen the record, including relevant references to the Zoning Regulations or Map. **The document(s) that you are requesting the record to be reopened for must be submitted separately from this form (see instructions). No substantive information is to be included on this form.**

In this case, we are asking for reconsideration of a project with absolutely no family units on site. ZERO. This fails to take into account the existing aesthetic and character of the low-rise R-4 district which we seek to protect. Further, the lack of affordable family housing on site will further exacerbate gentrification pressures onto the surrounding residential area.

UMN, per agency rules, submits this reconsideration in hopes of efficiency for the Applicant and the neighbors.

There are so many PUDs in the area, it is hard for a small all-volunteer non-profit to keep up. UMN is an unincorporated non-profit citizens association seeking to protect the personal and property interests of those who live, work, operate a businesses in the Union Market area. UMN members who are elderly and have families will be acutely impacted with the additional noise and environmental health impacts that this PUD, among the many others, represent. There are very real pedestrian safety concerns for UMN families with children driven by the increase in traffic and delivery trucks. The current levels of public services that UMN members in the area surrounding the PUD enjoy now, and rely on daily, will be affected by this project among the many others (existing reliable utilities and transit infrastructure) as well as the existing quality of life and environment like low noise, water and cleaner air, will be negatively impacted especially risking our more vulnerable members like families and elders, and our members with disabilities. The very real injury of land value destabilization of a large high-density remapping and PUDs must be addressed as UMN faces increasing displacement pressures. Also, existing capacities and levels of other public services enjoyed now by our members are at threat by overdevelopment – public schools, libraries, senior wellness centers and public recreation centers, police/fire and emergency response time, will acutely affect UMN families and elders. Existing baseline levels of the above public services must be evaluated against what is being proposed to determine adverse effects and mitigations. UMN submits Form 153 to ask the Commission perform their statutory duty citing DCMR 11-2400.2, .3, .4, and .8 among others, as well as 11-DCMR 101.2 and DC Code

6-641.02, and .02 we ask the Commission accept this request for reconsideration and reopening the record so we can get to an agreement that considers and mitigates impacts, so that a prolonged case before the court does not have to happen. A whole neighborhood approach is warranted in this matter for all parties. Please confirm.

See Attached UMN Members; Affidavits; Authorization Petitions; Letters 10A-DCMR-2502-5; 2502-7; in-re-via

see attachments

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date:	October 9, 2017 refiled 11/6	Signature:	<i>/s/n Ilaf Ayyash</i> <i>Ilaf Ayyash</i>
Name:	Ilaf Ayyash, Union Market Neighbors		
Address:	UMN c/o CRO-CSRL, 1530 P Street NW, WDC 20005		
Phone No(s):	240 -308-8872	E-Mail:	unionmarketneighbors@gmail.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

ZONING COMMISSION
District of Columbia
CASE NO.16-13
EXHIBIT NO.62A

Attachment 1

Union Market Neighbors

~ *For Better Planning* ~

Governing Principles

Created April 2016; Unrevised

Union Market Neighbors (“UMN”) is an unincorporated non-profit citizens association formed pursuant to DC Code § 29–1100, *inter-alia*, also known as the Unincorporated Non-Profit Association Act of 2012.

UMN spun-off from and is associated with DC for Reasonable Development (DC4RD; www.dc4reality.org) which is another unincorporated non-profit association located in the District of Columbia. UMN and DC4RD are still connected for informational sharing purposes but otherwise UMN operates autonomously under its own rules and with its own participating members.

Per the law, the following “Governing Principles” prescribe how UMN operates so to meet the objectives of the association. UMN's Governing Principles act as an extension of, or take precedent in lieu of the specific requirements of DC Code § 29–1100, *inter-alia*.

Association Mission

UMN seeks to protect and preserve the personal and property interests of DC residents, families, and those living, working, and playing in the neighborhoods within proximity and adjacent to the area known as Union Market located in Wards 5 & 6 of the District of Columbia.

Association Purpose

UMN is an unincorporated non-profit citizen association that meets online and in-person to discuss, evaluate, and act on basic planning science, agency reports, empirical socio-economic data, municipal planning tenants and the law, taken all together to seek to preserve and protect the personal and property interests of participating members and to mitigate against displacement pressures, negative environmental impacts, and adverse affects on public services affects brought about by poorly-planned profit-driven corporate and institutional construction projects and real-estate developments in our communities and throughout the city.

Association Structure

UMN is a fluid and flexible citizens association with very light financial liabilities, and consists of an all-volunteer membership. UMN managers guide the general direction of the association and activities therein, and keep the members informed of association activities and other development news that may affect the membership. Active members keep abreast of the news

and association activities, provide volunteer help and in-kind assistance when possible, issue consensus on major association decisions and expenditures, and can petition managers for assistance in matters where development policies, projects, and real-estate concerns may affect their quality of life.

UMN Participants (Members)

Any resident, family, or small business operator living or working in the District of Columbia, especially in the area in proximity to the Union Market neighborhood in Wards 5 & 6 of DC can be a participating member of UMN so as long as they agree with the UMN mission and agree to receive information from UMN. UMN members can participate through meetings, in-person and online, through social media, the signing of petitions, and otherwise being active in UMN campaigns. There are no UMN membership fees and the level of one's activity in UMN is determined by one's own chosen level of participation. Any UMN participant may petition UMN Facilitators for representation at administrative hearings, through court filings, or at any other proceeding or meeting, legally-related or otherwise, regarding the protection of their personal and property interests from demonstrated threats driven by development projects, or from any other activities in the District of Columbia, or elsewhere, as long as the threat is concrete, direct, and not speculative. When UMN Facilitators reach out to UMN participants seeking consent on a major question or decision regarding the association, affirmative consent is presumed given by default unless individual UMN participants actively submit opposition in writing blocking the decision within the timeframe set forth with the question.

UMN Facilitators (Managers)

The founders of UMN are the original managers of this unincorporated non-profit citizens association per DC Code § 29-1100, *inter-alia*. UMN managers will be known as Facilitators. Facilitators can call meetings and implement participant polls, and can conduct business on behalf of UMN if the business involves limited financial expenditures (less than \$750.00). Facilitators can make legal representations on behalf of UMN before administrative agencies, courts, or other such entities, and can otherwise choose who may represent UMN before said entities. UMN Facilitators are also responsible for informing and updating UMN participants about UMN campaigns and activities. Facilitators may be recalled from their position at anytime by UMN participants. If a recall request is delivered to the UMN list and there are no objections by any other UMN participant, then the Facilitator is recalled, and reverts simply to a participant. Facilitators may also resign in writing at anytime by sending a note to the list of UMN participants. Facilitators otherwise have no terms or term-limits. There shall be no more than three UMN Facilitators operating in good-faith at any given time. UMN Facilitators may seek consensus of UMN participants in selecting new UMN Facilitators. If all UMN Facilitators resign or are recalled simultaneously, UMN as an association shall dissolve and cease operations. Expenditures by the association of more than \$750.00 requires the consent of active participating UMN participants. UMN Facilitators may choose to hire staff to assist the work of UMN. Facilitators swear to uphold the mission of UMN as stated above.

Union Market / FLA Ave.

EXPLOSION OF DEVELOPMENT

https://dc.urbanturf.com/articles/tag/union_market

In the next several years, city planners working with developers want to blow up DC's only wholesale marketplace and replace it many 100+ tall buildings with 6000+ luxury residential units (less than 200 family sized units), more than 1000 luxury hotel rooms, and 500+ million square feet of retail space and 700,000 square feet of office space.



- **6000+ new residential units**
(95%+ of new housing for singles)
- **1000+ new luxury hotel rooms**
- **No libraries; No schools; No Parks; No Police/Fire Stations; No \$ and help for a flailing Metro**

City planners have eschewed a whole neighborhood approach with this massive explosion of development and the result is no honest talk of social needs with the community in focus, like parks, libraries, schools, police stations, fire stations, infrastructure, transit upgrades, or affordable commercial and housing for local entrepreneurs and working-class families. And there's little collaboration about mitigating construction and ongoing impacts to the surrounding communities, where our kids, seniors and families live and work.

WHAT DO WE WANT! (see the other side) || (240) 308-8872 || unionmarketneighbors@gmail.com

UNION MARKET NEIGHBORS **want equity and mitigation of development impacts!**



Currently anyone can construct new buildings around Union Market at 3 to 5 stories, but The Mayor's Office of Planning and Zoning Commission are waiving these rules and allowing the developers to build 10 to 13 story buildings – yes – right across the street from 2 and 3 story rowhouses and single family homes. The tremendous real estate and air rights value being given to developers must translate into an equitable sharing of the costs to upgrade the area's infrastructure, transit systems, and most importantly developers must bear some of the cost in mitigating and protecting the community from construction impacts and long term displacement impacts. And the city must step up to ensure these development burdens are shared equally.

NEIGHBORS LIVING AROUND UNION MARKET DESERVE BETTER MUNICIPAL PLANNING THAT PROTECTS YOUR PERSONAL QUALITY OF LIFE AND PROPERTY INTERESTS.

UNION MARKET NEIGHBORS SEEK TO:

- Protect the community from land value destabilization and unwanted displacement pressures
- Protect the overall health and environment of the community
- Protect families, children and elders of the community from increased traffic and noise and other quality of life impacts
- Protect the existing levels of public services like access to bus/metro, reliable utilities infrastructure, emergency response time and capacity, and community facility services like schools, libraries, and wellness centers

UNION MARKET NEIGHBORS PROPOSE:

- Implementing a neighborhood wide property tax freeze, so that as the surrounding property taxes rise, longtime residents and landlords can rely on a steady tax rate to stay in the community
- Creating an affordable housing fund specific to the neighborhood to help with home repairs, rent arrears, financing for home ownership, and other emergency needs
- Implement an omnibus agreement between the city and developers to mitigate construction impacts and longterm quality of life impacts as the new development rises.

You can help in winning our proposals! Participate in this campaign us:

UNION MARKET NEIGHBORS

(240) 308-8872 || unionmarketneighbors@gmail.com

Attachment 2

Union Market Neighbors

~ For Better Planning ~

Name:

Paul Lomax / Shanifinnē Ball

Address:

1224 5th St. D.C.

Washington, D.C. 20002

Phone: 240-988-0885

Email: Zhani.ball10@gmail

Signature:

Shanifinnē Ball

Date: 9-7-17

I support the mission of Union Market Neighbors (UMN)

I ask UMN Facilitators to keep me informed of UMN activities and development news

I petition UMN for assistance in representing my personal and property interests, and the protection thereof, most acutely for neighborhood projects before the Zoning Commission, City Council, Mayor, and any administrative review and judicial hearings.

I live / work / operate near Union Market in Ward 5. The general public will not feel the cumulative impacts by the projects requesting public entitlements at Union Market which I will. *I am concretely impacted by these projects.*

Destabilization of land values: Increasing Property taxes, rents, and housing costs; Increasing gentrification pressures and displacement; Future changes to surrounding residential zone districts; The lack of tangible affordability, in terms or price and volume in new projects; Limited production of family-sized units.

Environmental impacts: Significant increase in vehicular traffic, and people, bringing on increased noise, air pollution, water pollution; Impacts to light and air by very large buildings; Years of construction dust, debris, and impact on existing residents. **Public services impacts:** More pressure on already stressed water, electric and gas infrastructure serving my community; Overcrowding on already over-capacity bus and metro lines, and maxed-out vehicular transportation systems; Limited civic & institutional components in the new projects. **Small Businesses impacts:** Displacement; Living wage jobs; Local entrepreneurship

(over)

PERSONAL ATTESTATION

My name is Isaac Solomon and I am over the age of 18. I attest to the following statements as true under penalty of perjury.

I live at 1218 5th Street NE, Washington, DC 20002. I enjoy my neighborhood, where I've lived for more than 25 years. I am a renter.

I had the honor to be at the DC Court of Appeals last week, October 12, 2017. I am hoping to inform anyone willing to listen to my story.

I've been living on 5th Street NE since 1991. Never did anyone visit my house telling me about anything like what is unfolding now at Union Market, until last summer. I was visited by volunteers with Union Market Neighbors and they told me about what is at stake.

I found out that I will permanently have to deal with more than 15 new high-rise downtown style "Planned Unit Development" construction projects and new buildings and see them from both my front porch and backyard.

I have joined Union Market Neighbors (UMN) and asked them to help me protect the existing quiet character and rowhouse family-oriented aesthetic of my community of which I enjoy now. I am aggrieved because as I understand city planners have failed to protect the area around these PUDs, including me and my home by leaving development impacts un-dealt with, hurting me and my surrounding community.

I look at the overall Union Market plans and I see overcrowding of high-rise, high-value projects in the area around my house, a rowhouse connected to others (typical DC rowhouse district) forming the character and neighborhood aesthetic I enjoy and have for decades. It is a low-rise neighborhood with large porches where neighbors talk to each other.

What is being proposed are downtown-sized glass and steel buildings, rising up all around me with thousands of new residences, new high-dollar hotel rooms, a wall of traffic, and many more diesel deliveries, tractor trailers, trucks, tour buses, and lots of new wealthy people.

My neighborhood is warm and quiet. They want to put tall cold steel in a big way, 10+ stories against the back drop of 2 and 3 story rowhouses.

I understood that by law DC's planning agencies and zoning decisions were to consider who and what is vulnerable to development impacts in the surrounding area. In what I've seen, there isn't much planning happening that considers folks like me, and I live at the headway of this massive construction farce.

I hate downtown and I don't live down there for a reason, its unfair that they are dropping it around me without looking at basic impacts. The increase in sheer refuse, from the hotels alone, will cause significant rodent problems for me and my tidy yet old neighborhood.

I appreciate my neighbors and am deeply concerned about the concrete risk to folks walking in my community, like I enjoy doing to greet nearby friends I've known for a long time. And, there are lots of kids around here. Come by when school lets out. They are proposing building busy hotels right near our schools.

All the additional new diesel trucks whizzing by will threaten our safety and impair our health. And, I count on the ease of parking that I have and use right now in front of my house and on my block. And the current reasonable levels of traffic make it easy for a person like me to get around, all of which will be greatly impacted and negatively so by these unevaluated projects.

For example, the emergency response time that will be reduced due to increases in traffic, threatening me and my elderly neighbors who I appreciate as longtime members of my community. And, the physical state of my house is being imminently threatened by the vibrations of the big rigs and construction cranes crews, trucks, loud machines, driving around my home, all so they can build their big unwanted buildings.

The numbers of luxury projects being proposed will absolutely destabilize the land values of my low rise residential community and of the property where I live. I will be displaced as I am not flush, and if the Zoning Commission did a basic census tract review they'd see the area is vulnerable to gentrification. Take a look at how the big projects did on H Street, NE. The gentrification-storm is obvious there.

I will see the proposed Union Market "Planned Unit Development" projects from both my front porch and backyard. The decision-makers have hurt me by ignoring how these projects, individually and taken together, will obviously and wholly upset my community, threatening the character and aesthetic of my community. As a matter of course and common sense, planners were to look at how the surrounding area is impacted. As far as I can tell they didn't.

I thought basic planning impacts were something common knowledge and we'd didn't have to fight so hard to get heard. But clearly, I am aggrieved by the unevaluated development impacts and I am asking for help.

Signed,



10/16/2017

Isaac Solomon
1218 5th Street NE
Washington, DC 20002
202 441 4179
bus4me@msn.com

PERSONAL ATTESTATION

My name is Shanifinne Ball and I am over the age of 18. I attest to the following statements as true under penalty of perjury.

I live at 1224 5th Street NE, Washington, DC 20002, in the quiet low-rise residential community near Florida Avenue on the border of Ward 5 and 6.

I have joined Union Market Neighbors (UMN) to help me protect the existing quiet character and rowhouse family-oriented aesthetic of my community of which I enjoy now. And I've asked UMN to help me as a member in protecting the health and well being of me and my family.

My Uncle, Paul Lomax has lived in his DC rowhouse in this neighborhood with a big porch for over 40 years. He is aging in place, and I am his caretaker. His health is being challenged as the area and city develops. He is struggling with lung problems which he uses a buterol inhaler to assist clearing his lungs. And has just beaten cancer. My uncle is a US Army veteran.

When my uncle hears about the explosion of high-density development being approved for the area without acknowledging his vulnerabilities to health impacts and displacement, he visibly gets upset. And, so do I. This is also true for our friends and elders in the community. Our enjoyment of the existing aesthetic and character and people of our community is imminently at risk.

In the past three years, I've received no notice at my door in writing of any of the proposed high-density blowout plans. It was only by becoming a member of Union Market Neighbors last summer when I was informed of the planning, or lack thereof, that will permanently affect my future and my house and community, and the health of me and my uncle.

I sat in the Court hearing on Thursday, October 12, 2017, as a member of Union Market Neighbors. I wanted to speak up and tell the judges of the story of the people in the area around Union Market and the concrete injuries we face.

The overcrowding of the area with thousands of new residences, thousands of new hotel rooms, thousands of new cars, and many more trucks, tour buses, deliveries is not green or sustainable and imminently threatens the character of my community in no specious way. The increase in noise and air pollution will exacerbate my uncle's health problems, especially without mitigation by each project approval and in accumulation.

I am fearful that my community's old rowhouses including the one I take care of for my uncle, with their old mortar work and foundations, will inevitably be jeopardized by the big trucks (construction, delivery, etc) bungling down the roads and vibrating around my community to get to and from the giant construction site that is Union Market in the near future.

I rely on the existing levels of parking and traffic in my neighborhood and on my block to ensure I can easily get my uncle to my car and transport him and I to various appointments, especially medical appointments. Parking and traffic pressures will go up if all of the approved Union Market area projects are built negatively affecting our existing ability to reasonably get around the community and the city.

The many high-density plans require upgrades to the public utilities that serve me now, unless the planners are ready for catastrophic failure from overuse and abuse in the approved overcrowding of the

area by the Commission. Given my situation, I currently count on critical levels of existing public services, like reliable running water and electricity to my home and community to help me care for my uncle, all at risk by the lack of planning that takes into account our community's infrastructure.

I also depend on the existing levels of EMS and emergency response time provided to my community, and my home, which will be greatly impaired by the overcrowding and unnecessary overdevelopment of the area.

The Commission has chosen to not conduct a Whole Neighborhood Approach in planning these projects, to my peril. Also, if all this luxury comes online as approved and without mitigation, it will inevitably destabilize the land values of my low rise residential community and of the property I have an interest in with my uncle, imminently risking our displacement.

Given our limited financial resources we will be displaced by rising property taxes that come along with these new projects. We will be forced to sell the house we enjoy now despite my uncles desire to stay in the community he has enjoyed for 40 years. And, the dramatic changes in zoning to high-density commercial districts will imperil my low rise residential community -- we will all face development pressures to go big.

And, all of these hotels will impact land values, maybe even negatively as the hotels introduce significant tour bus pollution and pedestrian safety issues into a community with almost no transient lodging accommodations now.

The Union Market projects as proposed and being approved by the Commission stand in great contrast to the low rise quiet character of our community now, and imminently risks permanent change to the neighborhood aesthetic and to the environment of the community we enjoy now and call home.

We are trying to be involved in the process and are aggrieved by both the lack of notice, but more importantly, the lack of the Commission to use the development review process to mitigate obvious adverse impacts to me and my family and to my property interests as I understand is required by the DC Comprehensive Plan. 10A DCMR §2502.5.

I hope this letter helps city officials understand the injuries I face directly as the Union Market plans unfold largely to our surprise and without mitigation.

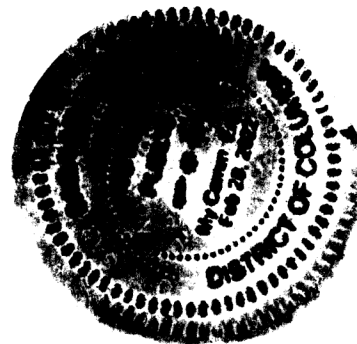
I don't want to look at my uncle and say I didn't try to protect the place he has called home for a very long time, the same community I enjoy now too which is at risk by unlawful zoning decisions.

Signed: *Shanifinne Ball*

Shanifinne Ball
1224 5th Street NE
Washington, DC 20002
202 547 9093
zhani.ball10@gmail.com

Date: 10-25-2017

DISTRICT OF COLUMBIA: SS
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 10 DAY OF 25, 2017.
[Signature]
NOTARY PUBLIC
My Commission Expires 02/28/2022



Union Market Neighbors (UMN)

Sign ins; Information Share & Meetings July & August (summer 2017) Court on 10/12

Shanifinne B.

Isaac S.

Ilaf A. w/ Amir A. (*info)

Maria H. (*info)

Gregory S. (*solidarity)

Melania H. (*info)

Kimberly L. (*info)

Andrew R. (*info)

Jessica N.

Bill R. (*info)

Caitlin C. (*info)

Chris O.

Union Market Neighbors
ZC Case No. 16-31

CERTIFICATE OF SERVICE

This Motion for Reconsideration and Reopening of the Record in ZC Case No. 16-13 is attached and was delivered to the following parties to the agency hearings by email on November 6, 2017, as follows:

Counsel for Applicant, JS Congress Holdings, LLC
Mary Carolyn Brown, Esquire
carolynbrown@donohuestearns.com

Advisory Neighborhood Commission 6C
6c@anc.dc.gov
Karen Wirt, Chair
6C02@anc.dc.gov

Ilaf Ayyash
s/n Ilaf Ayyash
Union Market Neighbors