

Black Neighbors of 1617 U St. NW Closing Arguments in ZC Case No. 23-02

Dear Commissioners,

The Black Neighbors of 1617 U Street NW, ask you to find the Office of Planning's (OP) rezoning application in ZC Case No. 23-02 as inconsistent with the DC Comprehensive Plan, and as harmful to nearby neighbors, small businesses, churches, and civic groups. The Commission thus has absolute authority to disapprove OP's rezoning application. 11 DCMR X 500.1, .3.

Our expert testimony points to viable alternatives to the current proposal that encourage OP to conduct direct, collaborative, data-driven engagement with the impacted community. This includes the design of a customized special purpose zone for 1617 U Street pursuant to DCMR Title 11-K, Special Use Zoning.

To support our conclusions below, the Black Neighbors of 1617 U Street NW adopt all written and verbal testimony by all parties and all individuals declaring opposition to the zoning application in ZC Case No. 23-02.

Further, we ask the Commission to review all our exhibits on the record to understand our contested issues, data, reports, and other evidence. We also ask that the Commission review citations to law, regulations, and Comp Plan policies. See Appendix A.

The Zoning Record Substantiates Rejection: OP's Application is Inconsistent with the Comp Plan and the Zoning Commission's Racial Equity Tool

In February 2024, the Office of Planning coincidentally published a report that was sent to the DC City Council discussing an update on their implementation of the 2020-21 Comprehensive Plan. In this report, OP says:

"Since the adoption of the 2021 Comp Plan, the District has made significant progress on implementation," including the creation of the Zoning Commission Racial Equity Tool. "The tool requires applicants and the Office of Planning (OP) to conduct a racial equity analysis of each zoning action. This process includes documentation of community outreach efforts, past and present racial discrimination, and an analysis of outcomes, including unintended consequences such as community displacement."

Report, "Comp Plan Status Update: District's Progress Implementing the 2021 Comprehensive Plan" published by the DC Office of Planning, February 2024, at page 1, https://planning.dc.gov/sites/default/files/dc/sites/op/page_content/attachments/2021%20Comp%20Plan%20Status%20Update_20240209.pdf

Coincidentally, OP's Comp Plan report above was submitted during this Zoning Case No. 23-02. While OP lauds racial equity in their report to the Council, it became clear by expert testimony over the course of the six zoning hearings that in this case OP has failed to live up to the plain expectations of the racial equity principles and guidelines found within the policies of the DC Comprehensive Plan and the Commission's Racial Equity Tool.

The DC Office of the Attorney General (OAG) also explicitly made findings and conclusions that OP has failed to meet the principles of the Commission's racial equity tool in this case.

Under cross examination, it was exposed that OP made no meaningful attempt to conduct outreach with remaining Black residents, churches, small businesses, and civic groups in the affected area near 1617 U Street. Over the entire year-plus since filing this MU10 rezoning application, and even after being put on notice more than two months ago during the first zoning hearings, OP has still not acted in good faith as the applicant. They have chosen not to identify, reach out, and engage with the vulnerable residents, families, businesses, and groups in the area near 1617 U.

What's more, the [2024 Mayor's Office of Racial Equity Districtwide Racial Equity Action Plan](#) (REAP) mentions that OP is responsible for leading the development and implementation of Districtwide and agency-level REAPs. The [Racial Equity Tool](#) itself refers applicants to OP to address "questions about their outreach and engagement." Despite this leadership role, OP did the bare minimum for community engagement in this case. OP also admitted to doing no displacement analysis or impact study at all for this zoning action.

During the zoning hearings, Chairman Anthony Hood referred to OP's lack of public outreach and engagement as a "showstopper"-and the Black Neighbors agree with Mr. Hood's candid assessment.

If the Commission grants blanket approval of OP's MU10 rezoning application at 1617 U Street NW (even considering the timid text-amendment proposed by OP in the other interconnected zoning case) it will mean the unequivocal harm to the remaining Black residents, businesses, churches, and civic groups in the area. For example, in [Exhibit No. 473](#), our expert witness Dr. Tanya Golash-Boza cited three other areas upzoned to MU-10 that resulted in a steady decline in their black populations.

The exhibits and testimony on the record to date demonstrate without any doubt this rezoning application is blatantly inconsistent with the community engagement and transparency policies of the Comp Plan as well as the Commission's own principles regarding racial equity impact analysis and outreach. For these reasons, OP's rezoning application warrants rejection per 11 DCMR X 500.1, 3.

What could be the Commission's solution?

A customized special purpose zone at 1617 U Street is allowable under DC zoning regulations (DCMR Title 11-K, Special Use Zoning).

The Commission is thus authorized to request OP to modify their application by going back to the community to collaboratively design a customized special purpose zone for this site. 11 DCMR X 500.1 ("The Zoning Commission will evaluate and approve, disapprove, or *modify a*

map amendment application or petition according to the standards of this chapter.”)

The community engagement process needed to collaboratively design a customized special purpose zone for 1617 U Street NW will likely result in far more meaningful and equitable engagement between OP and the affected community, including more transparent dialog based on meaningful impact evaluation, data reporting, and analysis related to displacement and mitigation planning.

This special purpose zoning solution will allow OP to correct its mistakes and step forward with a modified application consistent with the expectations, guidelines, and requirements of the Comp Plan and Racial Equity Tool, thus ensuring actual engagement across an array of critical neighborhood stakeholders as is required.

For the aforementioned reasons, if OP won't fulfill the Commission's request to modify this zoning application and work with the community to design a custom special purpose zone, then the Commission must reject the zoning application as submitted in ZC Case No. 23-02 (including with the inter-connected text amendment in ZC Case No. 23-26).

Conclusion

The Black Neighbors of 1617 U Street, NW want to see that the future of the almost 2-acres of public land at 1617 U Street, NW is redeveloped consistent with the Commission's racial equity principles and with the Comp Plan's transparent community engagement policies. We want OP to actually meet people where they are at and repair the harms of the past, not perpetuate them.

Thus, Commissioners, we ask that you request OP to work fervently and directly with the community, especially our more vulnerable residents, in an engaging, transparent, and racially equitable process to collaboratively design a custom special purpose zone at 1617 U Street, NW. That way we can come back to you for approval in a fair and speedy way demonstrating that we all can work together to develop our communities holistically without continuing historical harms.

If OP won't pursue a community-driven special purpose zone, then we, the Black Neighbors of 1617 U Street, NW, ask the Commission to reject the MU10 rezoning application as blatantly inconsistent with the Comp Plan and Racial Equity Tool.

Regards,

Gregory Adams
Black Neighbors of 1617 U Street, NW

Appendix A (Exhibit No., Title, Pages, Date, Link to Record)

- 355 Request for Party Status in Opposition – Black Neighbors of 1617 U. St. NW 6 11/06/2023
<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=326425>
- 473 Testimony in Opposition – Gregory Adams, Black Neighbors 58 11/19/2023
<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=327643>
- 504 Motion for Advanced Party Status & to Accept Untimely Filing – Homeowners within 200 feet of Lots 826 and 827, Black Neighbors of 1617 U Street NW and Randall Jones 5 12/04/2023
<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=328769>
- 564 Resume – Nathaniel Flemming on behalf of the Black Neighbors of 1617 U St. 1 01/08/2024
<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=331141>
- 565 Resume – Omar Hakeem on behalf of the Black Neighbors of 1617 U St. 3 01/08/2024
<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=331147>
- 566 Resume – Tanya Golash-Boza on behalf of the Black Neighbors of 1617 U St. 37 01/08/2024
<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=331148>
- 596 PowerPoint Presentation – Black Neighbors of U. St. 5 01/18/2024
<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=332018>
- 608 PowerPoint Presentation from Black Neighbors of 1617 U St. Party Presentation 6 01/29/2024
<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=332815>
- 615A Motion to Allow Black Neighbors to Present First on February 12 2024 3 2/11/2024
<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=333946>
- 616 Addendum to Tanya Golash Boza's Testimony 10 2/11/2024 <https://app.dcoz.dc.gov/Exhibits/2010/ZC/23-02/Exhibit2430.pdf>
- 617 Addendum to Testimony from The Black Neighbors of 1617 U St. NW 2 02/12/2024
<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=333964>

- 664 Motion for Postponement – Empower DC and the Committee of 100 on the Federal City and Black Neighbors of 1617 U Street NW 10 02/26/2024
<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=335239>
- 665 Letter in Opposition – Gregory Adams, Black Neighbors of 1617 U. Street, NW 1 02/26/2024
<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=335240>
- 678 Video Link in Opposition: “Do Black Neighbors’ Matter” from Save DC Land 10 03/18/2024
<https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=337079>