

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 and Lot 827 \*  
\*  
\_\_\_\_\_ \*

**PROPOSED FINDINGS OF FACT**  
**Zoning Case 23-02**

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 by and through their below designated Representatives and jointly submit the below proposed Findings of Fact:

**BACKGROUND**

The Office of Planning has filed the Application in this case for a Map Amendment to upzone Square 175, Lots 826 and 827, which is wholly District owned land, from MU-4 to MU-10. This is a contested case pursuant to Subtitle Z § 201.2.

**PARTIES**

1. In addition to the Applicant, the parties to this case are:
  - a. Advisory Neighborhood Commission (“ANC”) 1B and ANC 2B. Subtitle Z § 403.5.
  - b. Dupont Circle Citizens Association, represented by Attorney Edward Hanlon.
  - c. Black Neighbors of 1617 U Street NW, represented by Mr. Gregory Adams.
  - d. Homeowners within 200 Feet of Lots 826 and 827, represented by Ms. Arlene Feskanich.
  - e. Randall Jones, represented by himself.
  - f. Tenants of the Rochelle Apartments represented by Ms. Deborah Akel.
2. The Commission received party status requests from Dupont Circle Citizens Association, Black Neighbors of 1617 U Street NW, Homeowners within 200 Feet of Lots 826 and

827, Randall Jones, Tenants of the Rochelle Apartments and granted each request.

3. The Commission received a letter on February 12, 2024 for postponement filed by Freedom Baptist Church located at 1519 U St. NW (Exhibit No. 619), which the Commission denied for lack of party status. Freedom Baptist Church asserted it did not have timely Notice of this case in order to file a timely request for party status.

## NOTICE

4. On **January 18, 2023** the Office of Planning (OP) on behalf of the Deputy Mayor for Economic Development (DMPED) filed the Application and OP's Set Down Report to upzone Lots 826 and 827 of Square 175 (the "Subject Site" or "Site").
5. The Applicant never mailed a Notice of Intent to File the Application to any property owners within 200 feet of the Site as required by Subtitle Z §§ 304.5.
6. The Office of Zoning never served a Notice of any Hearing on all property owners within 200 feet of the Property. The mailing list provided to the Applicant by the Office of Zoning was at least a year and half out of date and excluded property owners within 200 feet who bought their properties after May 2022.

## HEARINGS AND MEETINGS HELD

7. **February 23, 2023 – Set Down Meeting:** The Zoning Commission did not publish in the DC Register that it intended to hold a Set Down Meeting in Zoning Case 23-02 on February 23, 2023. On February 23, 2023 Zoning Commission voted to set the Application in this case down as a rulemaking case, not a contested case, with hearing to be held on June 26, 2023.
8. **June 26, 2023 – Zoning Commission Meeting (vote to reset the case as "contested"):** In response to complaints from the public including notice of potential civil action if the Commission proceeded with this case as a rule making case (Exhibit No. 279), on June 26, 2023, the Commission voted to reconsider and reset the Application down as a contested hearing for November 20, 2023.
9. **November 20, 2023 – Zoning Commission Hearing (postponed due to deficient notice):** Because of deficient notice and the failure of the Office of Zoning to include in the Hearing Notice a party's rights in a contested hearing, on November 20, 2023, the Commission voted to continue the hearing to January 8, 2024.
10. **January 8, 2024 – Zoning Commission Hearing:** The Commission used an old mailing list, at least 1 ½ years out-of-date, to mail notice of the hearing to property owners within 200 feet. Several dozen property owners within 200 feet were never mailed notice of the hearing. Any property owner who bought his/her property after May 2022 was not mailed a hearing notice by this Commission or by the Office of Zoning. On January 8, 2024 the

Site was still placarded with only the old November 20, 2023 public hearing notice.

11. On **January 8, 18, 29, February 12, 26 and March 18, 2024** the Commission held hearings and took testimony on the Application. A complete listing all meetings and hearings in this case is as follows:

|            |                |
|------------|----------------|
| 02/23/2023 | Public Meeting |
| 06/26/2023 | Public Hearing |
| 11/20/2023 | Public Hearing |
| 12/14/2023 | Public Meeting |
| 01/08/2024 | Public Hearing |
| 01/18/2024 | Public Hearing |
| 01/29/2024 | Public Hearing |
| 02/12/2024 | Public Hearing |
| 02/26/2024 | Public Hearing |
| 03/18/2024 | Public Hearing |

## THE SITE

12. The Site is located in the northwest quadrant of the District at the northeast corner of 17<sup>th</sup> and U Streets, NW and is owned by the District government. It is currently occupied by the Metropolitan Police Department (MPD) Third District Police headquarters, police parking garage for approximately 200 vehicles and by Fire and Emergency Services (FEMS) Engine Company 9.
13. The Site is bound on the south by U St NW, on the west by 17<sup>th</sup> St NW, on the north by V St NW. On the east side the Site is bound by 2 story row houses on V Street, by the rear of several residential row houses on 16<sup>th</sup> St NW and in the southeast corner by Rochelle apartments, a four story apartment building.



14. The property consists of Lots 826 and 827 in Square 0175 (“Site”). The Site is 81,981 square feet (1.88 acres), not including the square footage of the public alley between Lots 826 and 827.

## TAX LOTS

15. The Site is described in OP’s Set Down Report as Square 0175 Lots 826 and 827. Lots 826 and 827 are tax lots not record lots.

## RECORD LOTS

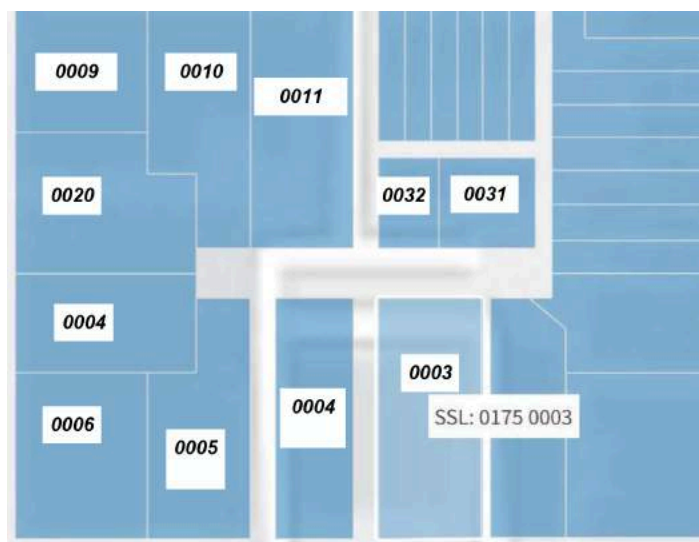
16. The Site is actually composed of 11 Record Lots, each of which could be zoned differently. Below outlined in red is the Site with the individual record lots shown inside the red border

**Official Map showing the separate 11 lots plus public alley making up the police/fire station outlined in red below:**

<https://opendata.dc.gov/datasets/DCGIS::record-lots/explore?location=38.917587%2C-77.037703%2C18.00>

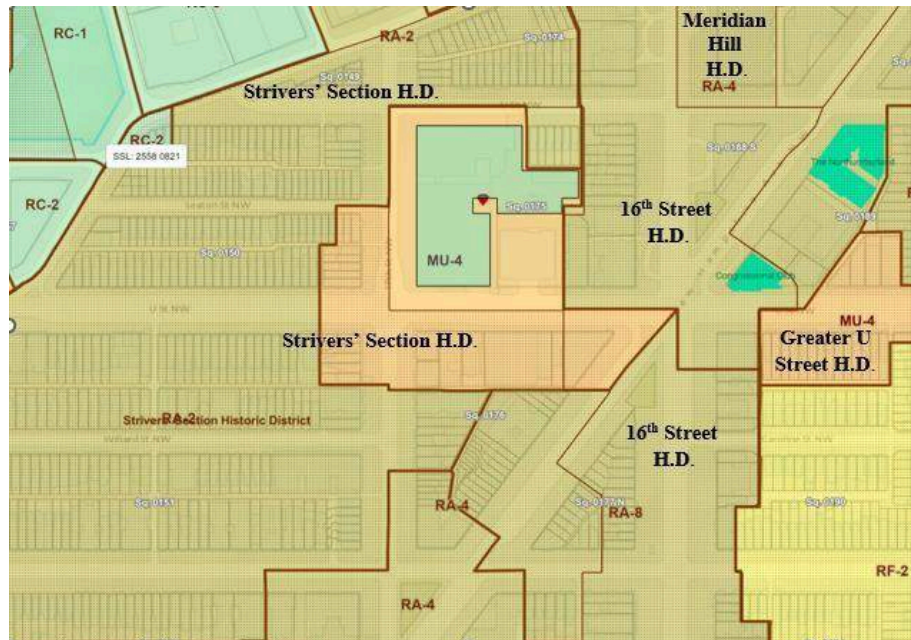


17. The 11 record lots are all in Square 175. Starting in the southeast corner of the Site in sequence they are Lots 0003, 0004, 0005, 0006, 0007, 0020, 0009, 0010, 0011, 0032, 0031. Each record lot can be zoned differently. The below graphic shows and labels each record lot comprising the Site:



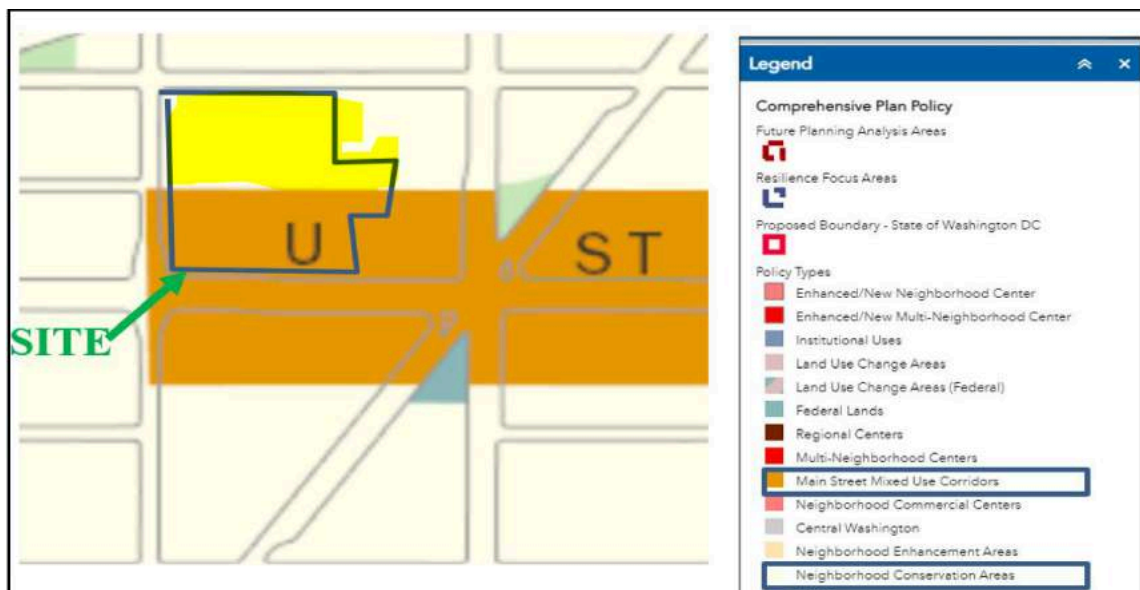
## SITE SURROUNDED BY HISTORIC DISTRICTS

18. The Site is surrounded on all sides by historic districts. To the north, south and west the Site is surrounded by the Strivers' Section Historic District. To the east the Site borders the 16<sup>th</sup> St Historic District. The Site itself is not included in any historic district. But, what is built on the Site will substantially affect the properties in the surrounding historic districts.



## NEIGHBORHOOD CONSERVATION AREA

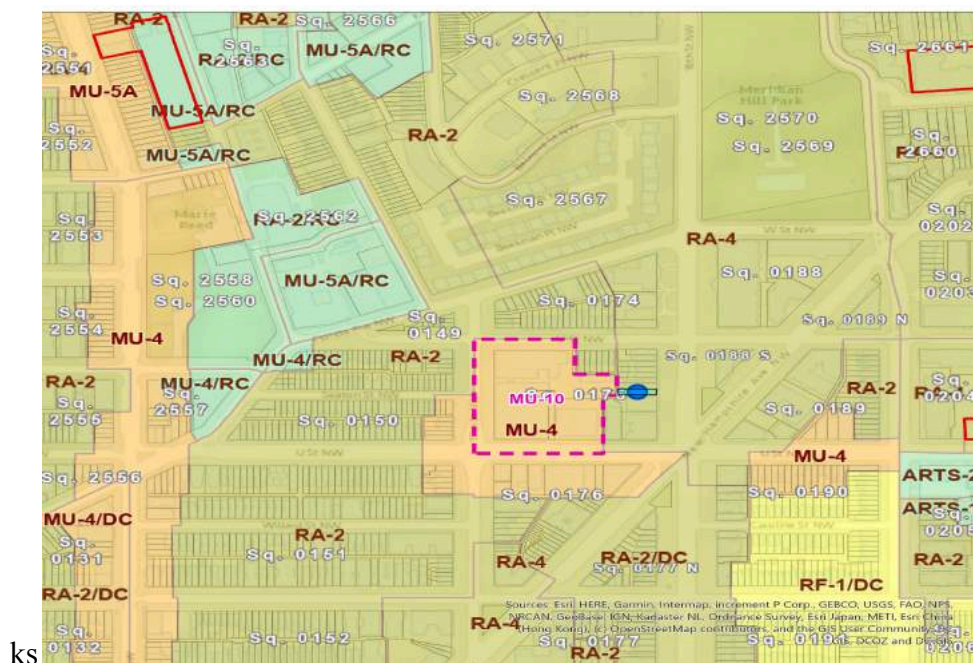
19. The Generalized Policy Map (GPM) designates the northern half of the site running along V Street (shown in yellow below), south along 17<sup>th</sup> St to Seaton St, then due east across the site as a Neighborhood Conservation Area (shown in yellow below).





## ADJACENT ZONES TO THE SITE

20. The Site is bordered to the north and west by RA-2 zone, to the immediate south across U Street by MU-4 and to the east along 16<sup>th</sup> Street by RA-4. There is no other MU-10 zone within at least 9 blocks of the site.



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## ZONE DEVELOPMENT CRITERIA

| Zone  | Height (ft) | Density (FAR) | Lot Occupancy  | Zoning Density Description        | Penthouse Height                                       |
|-------|-------------|---------------|----------------|-----------------------------------|--|
| MU-10 | 90 100 (IZ) | 6.0 7.2 w/IZ  | 75% 80% w/IZ   | Medium to high density            | 20 ft.   |
| MU-8  | 70 70 (IZ)  | 5.0 6.0 w/IZ  | 100% 100% w/IZ | Medium density                    | 20 ft.   |
| MU-5A | 65 70 (IZ)  | 3.5 4.2 w/IZ  | 80% 80 % w/IZ  | Medium density                    | 12 ft., except 18.5 ft. for penthouse mechanical space |
| MU-4  | 50 50 (IZ)  | 2.5 3.0 w/IZ  | 60% 75% w/IZ   | Moderate density                  | 12 ft., except 15 ft. for penthouse mechanical space   |
| RA-2  | 50          | 1.8 2.16 w/IZ | 60% 60 % w/IZ  | Moderate and medium-density       | 12 ft., except 15 ft. for penthouse mechanical space   |
| RA-4  | 90          | 3.5 4.2w/IZ   | 75% 75% w/IZ   | Medium to high density apartments | 12 ft., except 18.5 ft. for penthouse mechanical space |

## **FUTURE LAND USE MAP DESIGNATION**

21. Mixed Use: Local Public Facilities/ High Density Residential / Moderate Density Commercial

## **GENERALIZED POLICY MAP DESIGNATION:**

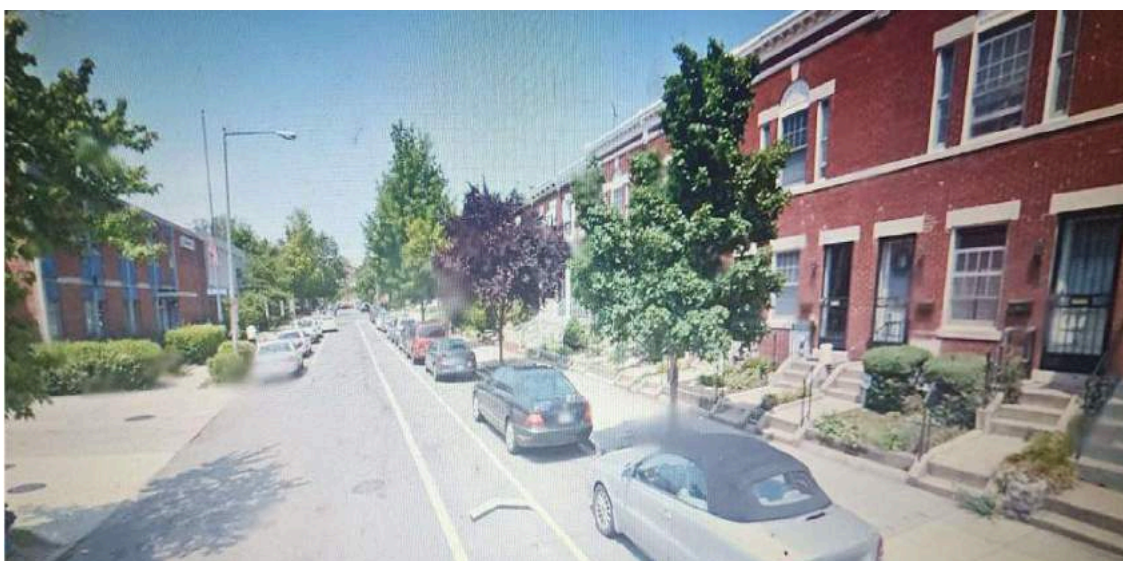
22. Main Street Mixed-Use Corridor (southern half fronting U Street) / Neighborhood Conservation Area (northern half, fronting V Street)

## **AMENDMENT 8050**

23. Amendment 8050 to the Future Land Use Map (FLUM), authored by CM Brienne Nadeau, changed the site's land use designation from Local Public Facilities to a mix of Local Public Facilities/ High Density Residential /and Moderate Density Commercial.
24. No public hearings were held before Amendment 8050. CM Nadeau proposed the amendment in the morning and the Council voted on it in the afternoon.

## **POLICE AND FIRE STATION**

25. The Third District Headquarters is located at 1620 V Street NW on the northern part of the Site. It is on the corner of 17<sup>th</sup> St NW and V St NW and is housed in a 2 story public facilities building. The photo below shows the police station along the left edge of the photo along the northern edge of the Site. The V Street shared equity Co-op is the red building shown on the right below.



26. The photo below of 17<sup>th</sup> St NW shows the police station on the right and small 2 and 3 story row houses across 17<sup>th</sup> St NW on the left.



## ROW HOUSE FABRIC OF THE NEIGHBORHOOD

27. Proximate to the site's boundaries are:

- North, across V Street, 2-story rowhouses, Zoned RA-2;
- West, across 17<sup>th</sup> Street, residential two- and three-story row buildings zoned RA-2, and one building with ground floor retail at the corner of 17 and U Streets, Zoned MU-4;
- South, across U Street, a mix of three- and four-story buildings with ground floor retail, and one five story commercial building, Zoned MU-4; and
- East, immediately across the public alley and abutting the Site is Rochelle Apartments, a 4-story apartment building with ground floor retail on U Street.

28. The houses directly across 17<sup>th</sup> Street from the Site are 2 and 3 story historic row houses.

29. The homes directly across V Street from the police station on the Site are 2 story row houses and the historic V Street Co-op. The V Street Co-op is occupied by longtime Black residents, many of them elderly.

## HISTORIC BLACK NEIGHBORHOOD

30. The Site is surrounded on 3 sides by the Strivers' Section Historic District. The historic, predominantly low-scale residences and small commercial properties, the majority of which were built between 1875 and 1946, offer a unique sense of place and prime



examples of DC's cultural and architectural history.

31. The historic architectural character of Strivers' Section is the heart of this area, which holds significant, longstanding ties to leaders and institutions in DC's Black Community. Among its most notable residents was Frederick Douglass, runaway slave, abolitionist, writer and civil servant. Douglass built the southern three buildings of a five-house Second Empire style row at 2000-2008 17th Street in 1875-76. Lewis Douglass, one of Frederick Douglass's sons, lived at 2002 17th Street, NW for over 30 years. The area was also home to James E. Storum, the entrepreneur who founded the Capital Savings Bank, the first African American owned bank.

### **NEIGHBORHOOD CONSERVATION AREA**

32. Approximately the northern 50% of the Site is designated as a Neighborhood Conservation Area on the Generalized Policy Map.
33. The Comprehensive Plan provides that in a Neighborhood Conservation Area any change will be modest in scale and that "[m]ajor changes in density over current conditions are not expected."

### **CURRENT ZONING**

34. The site is currently within the MU-4 zone which is described as a moderate density mixed use zone.
35. Section 400.3 of the Zoning Regulations states that the MU-4 zone is intended to:
  - Permit moderate-density mixed-use development;
  - Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and
  - Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers

### **OP'S ESTIMATES OF POPULATION AND HOUSING BASED ON 2010 CENSUS DATA RESULT IN LARGE ERRORS**

36. The Office of Planning is using 2010 Census data and 2017 American Community Survey data to project the future population and future housing needs for the District and for the Mid-City Planning Area. The Comp Plan approved in 2021 relies on 2010 Census data and does not use 2020 Census data.
37. The demographic and housing data OP is using in this case to support its argument to upzone this Site to MU-10, due to the need for new housing, is based on 14 year old

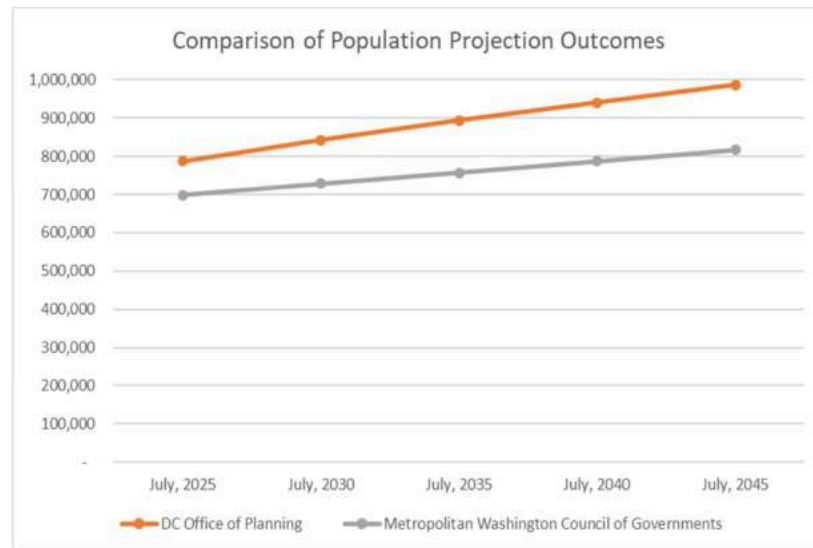
Census data.

38. OP's projections of population and housing needs rely on several substandard and atypical methodologies. First, contrary to best practices in the field of demography, OP's population projections were not updated using 2020 Census data and instead rely on the 2010 Census and 2017 American Community Survey 5-year estimates. OP has never corrected and recalibrated its projections of population or households using the base year 2020 Census data.
39. In addition, the Housing Unit Methodology or supply-side method used by OP deviates from standard practice. OP relies on several inputs including the number of housing units, occupancy rates, and average household size as is typical, but OP then incorrectly adds net natural increase, or births minus deaths, to the totals, inflating and distorting the projections of population.

#### **OP'S PROJECTIONS VARY DRAMATICALLY FROM THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS**

40. The projections of population and housing needs being used by the Office of Planning vary widely from the most recent set of projections prepared by the Metropolitan Washington Council of Governments (MWCOG).
41. Compared to the Metropolitan Washington Council of Governments, the Office of Planning's projections of population overestimate DC's population by **12.8% in 2025**.
42. By 2025 OP is estimating **89,400** more individuals will live in DC than MWCOG is projecting.
43. By 2045, OP's overestimate of the population is 20.9%. By 2045, OP is estimating **170,900** more individuals will live in DC than MWCOG is projecting.
44. This is a significant deviation, and the result is OP's estimate of the need for future housing is much higher, tens of thousands of units higher, than the Council of Governments.
45. The following population data from Demographer and Senior Planner Catherine Bray went unrefuted by OP:

|  | July, 2025 | July, 2030 | July, 2035 | July, 2040 | July, 2045         |
|--|------------|------------|------------|------------|--------------------|
| DC Office of Planning                          | 787,100    | 842,200    | 893,900    | 940,700    | 987,200            |
| Metropolitan Washington Council of Governments | 697,700    | 728,600    | 757,200    | 787,100    | 816,400            |
| Difference in OP's Projection Compared to COG  | 89,400     | 113,600    | 136,700    | 153,600    | 170,800            |
| Percent Error Based on Comparison to COG       | 12.8%      | 15.6%      | 18.1%      | 19.5%      | 20.9% <sup>3</sup> |



46. OP failed to refute Ms. Bray's expert testimony that OP is significantly over estimating future population and future housing needs.
47. OP presented no projections of future population or housing needs in the neighborhood or Census tracts surrounding the Site.

### **OP'S LACK OF COMMUNITY ENGAGEMENT & TRANSPARENCY REGARDING REZONING AND THE FUTURE OF THE SITE**

48. At the outset, OP never presented or discussed with the community or the affected ANCs why the MU10 zone was selected for this Map Amendment application. Nor did OP conduct any open discussion about other possible zone districts or multiple zone districts that could apply across the Site.
49. And while acknowledging it happened, OP provided no explanation as to how or why the Future Land Use Map (FLUM) for the Site was amended (Amendment 8050) and done so without any public hearings or impact studies. There are no reports or evaluations of

FLUM Amendment 8050 on the record.

50. Not surprisingly, the directly affected Advisory Neighborhood Commission, ANC-1B was convinced the MU10 proposal was the only rezoning option and that a mix of zones or “split-zoning” across the Site was not possible.<sup>1 2</sup>
51. OP was steadfast in their application to rezone the entire Site to MU10 until after zoning hearings were completed. On April 8, 2024, OP’s Supplemental Report (Exhibit No. 700) now suggests other zone districts of less intensity can apply on the Site.
52. Whether proposing the MU10 remapping or now in suggesting alternative zone districts, OP’s witness, Jonathan Kirschenbaum, admits the Agency-Applicant did no outreach whatsoever to the community about this Map Amendment.
53. Even in the months after this case was filed and after so many people and organizations came forward in opposition to OP’s Application, OP still made no effort to reach out and engage residents, church groups, local civic and business organizations.
54. OP’s “Engagement Log” was filed in June 2023. DMPED/OP spoke to less than a dozen members of the Community, the majority of these on the day OP was hanging notice placards on the site for the June 26, 2023 hearing.
55. OP admits that it reached out to or spoke with none of the following civic organizations:
  - Dupont Circle Citizens Association,
  - Shaw Dupont Citizens Alliance,
  - Dupont East Civic Action Association
  - Kalorama Citizens Association
  - Dupont Circle Conservancy
  - Empower DC
  - Committee of 100 of the Federal City
56. OP reached out to not a single civic organization.
57. OP did not reach out to a single business organization.
58. OP did not reach out to any area B.I.D.

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<sup>1</sup> YouTube Video, "ANC 1B April Monthly Meeting" on the ANC1B YouTube Channel, published on April 6, 2023, <https://www.youtube.com/watch?v=VH3BaHFIAiM&t=6569s>, ANC1B Chair: “There is no such thing as split zoning in DC which is why it is not being considered.”

<sup>2</sup> YouTube Video, "ANC 1B April Monthly Meeting" on the ANC1B YouTube Channel, published on April 6, 2023, <https://www.youtube.com/watch?v=VH3BaHFIAiM&t=6693s>, ANC1B Vice Chair: “You cannot zone a single site different zones, that’s not possible like in the way that the zoning code is written in DC.”



59. OP did not reach out to any business group along U Street to get their input and take into consideration their recommendations.
60. OP also did not speak to a single businessman or businesswoman about this proposed Map Amendment.

**OP IGNORED THE COMMISSION’S “RACIAL EQUITY TOOL” IN PREPARING THIS MU10 MAP AMENDMENT APPLICATION**

61. The Commission’s website states:

“Recent updates to the Comprehensive Plan require the Zoning Commission to evaluate all zoning actions through a racial equity lens as a part of its overall Comprehensive Plan consistency analysis...

The Zoning Commission expects racial equity analysis submissions that analyze a zoning action through a racial equity lens *to include a detailed discussion from the Applicant/Petitioner on community outreach and engagement efforts.*”

62. OP ignored the Commission’s own requirements to analyze this Map Amendment through a racial equity lens as far as community outreach and engagement.
63. Racial equity expert witness, Mr. Nathan Fleming testified that OP’s proposed map amendment did not follow the principles laid out in the Commission’s racial equity tool.

“The current proposal deviates from [the principles of racial equity] and threatens to exacerbate existing racial and socioeconomic inequities in our city, particularly due to a lack of community engagement, which is at the core of racial equity.”  
ZC Transcript, March 18, 2024, at page 27, lines 6-10.

64. OP’s witness, Jonathan Kirschenbaum, admitted that OP did not reach out to or seek to engage a single Black church or faith based group nearby concerning this Map Amendment. These include:

*St Augustine’s Catholic Church* is at 15<sup>th</sup> and V. It is the oldest Black Catholic Church in the city. OP did not reach out to St. Augustine’s.

*Freedom Baptist Church* is one block away. OP did not reach out to this Black congregation which has been at its location for decades. Rev. Younger complained in writing at #619 that OP and DMPED did not reach out to his congregation.

*St. Luke’s Episcopal Church* is a historic Episcopal church located at 1514 15th Street, N.W, D.C. and is home to the oldest African-American Episcopal congregation in the city. Op did not reach out to St. Luke’s.

65. Kirschenbaum also admitted that OP did not reach out to any Black business organization, any Black businessman or Black businesswoman about this Map Amendment.
66. Kirschenbaum admitted that OP did not reach out to a single Black civic organization.
67. OP admitted it did not reach out to a single Black resident in the area surrounding the site, not Mr. Gregory Adams who lives a hundred feet away from the site; not a single member of the historic Black Co-op directly across V St from the police station.<sup>3</sup>

#### **OP CONDUCTED NO IMPACT STUDY OF MU10 REZONING**

68. At the Public Hearing on January 8, 2024, Commissioners acknowledged that MU10 rezoning was a “quite a jump to MU10 from much of the existing neighborhood.” ZC Transcript, Jan. 8, 2024, at page 71, line 7-8.
69. MU10 rezoning would allow densities of new construction three to five times that of densities of existing houses and buildings in the historic areas surrounding the Site.
70. MU10 rezoning across the entire Site provides for no required transitions to the existing lower-density zone districts to the east and north of the Site.
71. OP’s witness Jonathan Kirschenbaum acknowledged in the January 8, 2024 Public Hearing that OP had not done any impact studies as it regards MU10 rezoning for the Site. ZC Transcript, Jan. 8, 2024, at page 129.
72. Opposition expert witness Josh Mallow, AICP, testified at the March 18, 2024 Public Hearing, that he hadn’t “seen any [impact studies] produced.” ZC Transcript, Mar. 18, 2024, at page 92, line 16.
73. The Site is currently the home of the Third District Police Station, a major hub for police activities in the District. It is also the home of Engine Co. 9 and EMS services.
74. OP did no analysis on either the short- or long-term impact that rezoning would have on the safety and emergency services currently located at the Site.
75. When asked during the public hearing on January 8, 2024, OP could provide no clear answer as to where the police and fire/EMS services would go after rezoning or how the inducement of population under MU10 rezoning would affect emergency response time or capacity. ZC Transcript, Jan. 8, 2024, at pages 81-83 and page 128.

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<sup>3</sup> YouTube Video, "1617 U Street: Do Black Neighbors Matter?" published March 17, 2024 on the Density Begets Density YouTube Channel, <https://www.youtube.com/watch?v=jLKYM-tanU>, showing cross-examination of the Applicant by the Black Neighbors of 1617 U Street, NW opposition party, in addition the video contains public opposition testimony.

76. Former Ward 2 Councilmember Jack Evans under oath told the Zoning Commission: "The police station and fire station are critically important. Once you move them off the site, I can tell you from my 30 years on the council, the chances of them coming back are probably not that good." January 8, 2024 ZC Hearing Transcript, at page 22, line 22.
77. Blanketedly, OP admits on the record the agency planners have conducted no impact study to determine adverse effects by the substantial land use change that MU10 rezoning means for the neighborhood and surrounding area. "Through the map amendment process at the Zoning Commission, that is not required, that is not part of the review process." Mr. Jonathan Kirschenbaum, OP, ZC Transcript, Jan. 8, 2024, at page 129, line 14-15.
78. Without study of possible land use impacts, OP suggests no mitigations other than minor conditions as to light and air along V Street, NW.

### **OP'S APPLICATION OF THE COMP PLAN, VIOLATES 'BEST PRACTICES' IN THE FIELD OF DEMOGRAPHY, USES 2010 CENSUS DATA FOR 2024 PLANNING DECISIONS**

79. We know from Demographer Catherine Bray's testimony that the Comp Plan relies on 2010 Census data, 14 year old data. Against all best practices in the field of demography, OP has never updated the Comp Plan to use 2020 Census data.
80. Demographer Catherine Bray testified, without contradiction The Comp Plan is over estimating DC's population by tens of thousands of people. By July 2025 the Comp Plan is projecting 90,000 more people will live in DC than the Council of Governments estimates. Ms. Bray testified the reason is because the Council of Governments has recalibrated its population and housing estimates to incorporate 2020 Census data and the DC government is still using 2010 Census data.
81. By overestimating population by tens of thousands, the Comp Plan is also over estimating the need for housing by thousands of units, resulting in a distortion of planning by this outdated, inaccurate data.
82. OP has not put forward or directed the Commission to reliable data on population and housing projections either city-wide or for the Mid-City Planning Area.

### **OP'S MAP AMENDMENT WILL CAUSE SIGNIFICANT DISPLACEMENT**

83. Dr. Tanya Golash-Boza was accepted by the Commission as an expert in the field of gentrification and displacement. Dr. Goulash Boza is the Executive Director of the University of California, Washington Center and a native Washingtonian. She holds a PhD in Sociology from the University of North Carolina at Chapel Hill.
84. Dr. Golash-Boza stated that it was her expert opinion that OPs proposal to upzone a 2-acre public property at 1617 U Street and 1620 V Street from MU-4 to MU-10 is likely

to contribute to more displacement of Black people from Washington, DC – a city that was 70% Black in 1970 and is closer to 40% Black today. *See* Exhibit No. 473, starting at page 3.

85. According to Dr. Golash-Boza the census tract where 1617 U Street sits is only 3 percent Black today. In 1990, one thousand Black people lived in this area, as compared to only about 100 Black people today.
86. To assess potential impacts of the Applicant's MU10 rezoning application in this case, Dr. Golash-Boza examined and reported about the five other areas of the city mapped with the MU-10 zone district. *See* Exhibit No. 473, starting at page 3.
87. Notably, properties in MU10 zone districts and the areas around MU10 zone districts have seen exceptional redevelopment activity and increased land speculation while simultaneously undergoing a correlated shift in race and class demographics.
88. Dr. Golash-Boza opined without rebuttal or contradiction that the area around the Site could face a similar fate as the area in the West End near 24th and M, which had a few hundred Black residents 15 years ago yet has no Black residents today.
89. An area in Navy Yard was also upzoned in this way to MU-10. This area was nearly all Black and is only 10% Black today. Three other areas have this MU-10 designation and have seen a steady decline in their Black populations.
90. The area near LeDroit Park at 8th and V Streets NW – which was nearly all Black 20 years ago is only 53% Black today.
91. The area just east of Eckington – which was nearly all Black 20 years ago is 48% Black today.
92. The area near Fort Totten was nearly all Black prior to being upzoned to MU-10 is 78% Black today.
93. There is a clear and consistent pattern in Washington of Black displacement from other areas which have been rezoned at MU-10.
94. Dr. Golash-Boza stated: "Because there were not planning safeguards in place to buffer those neighborhoods from the rezoning and immense land use changes, the increased development activity and increase in land values have dramatically shifted the demographics of those areas." ZC Transcript, March 18, 2023, citing Dr. Golash-Boza, at page 15, lines 13-17.



**THE CREATION OF AN IZ BUILDING WITH ONE-THIRD “AFFORDABLE” HOUSING UNITS AND TWO-THIRDS MARKET-RATE HOUSING WILL NOT MEET THE NEEDS OF LOW-INCOME BLACK FAMILIES IN DC**

95. One-quarter of all households in DC earn less than \$50,000. Half of Black households in DC earn less than \$54,401 whereas half of White households earn more than \$161,812. See Exhibit Nos. 473 & 699.
96. A family with a head of household who earns \$25 an hour has an annual household income of \$52,000 a year. This includes people who work at Target, Starbucks, CVS, Safeway, and even the DC government. The city relies on these workers to provide essential services and these low-paid workers – the majority of whom are Black - deserve to be able to afford to live in the city where they work.
97. The creation of an IZ building with 30% “affordable” housing and 70% market-rate housing would not meet the needs of low-income Black families in DC. IZ housing designed for people who make 60% of AMI would be out of reach even for a single person working full time at CVS, and much less for a family.
98. Housing where the majority of units are market-rate is not enough to mitigate displacement pressures impacting black residents. This is confirmed in the University of California and Berkeley Urban Displacement Project [report](#) referenced in OP’s [Post-hearing Supplemental Report: Zoning Commission Case No. 23-02](#), which argues that displacement could be mitigated with a mid-size building made up of entirely affordable or subsidized housing.
99. As discussed in prior [testimony](#), due to systemic racial wealth gaps in Ward One, black residents represent a higher percentage of low-income and extremely low-income households, including within the 0-30% AMI range. Upzoning 1617 U St. to MU-10 would thus harm black and low-income residents because it will likely result in a high-density building with little to no units affordable for extremely low-income households.
100. Moreover, in the case of 1617 U Street, N, which is currently a city-owned police and fire station, DC Law 10-801 authorizes the city to reduce the required number of affordable units even further to make up financing for other public services, including the alleged return of the police and fire stations, and possibly a library. See DC Code § 10-801 (b-3) at (4) & (6). This provision further decreases the potential number of affordable units that would exist on the site.
101. Per the expert memorandum at Exhibit No. 616, a solution to “meaningfully mitigate displacement pressures” and to help create housing for residents with working-class incomes would be “a custom or special-purpose zone at 1617 U Street, one whereby the community works with the Office of Planning to decide parameters” that “requir[e] a substantial volume of affordable housing and much deeper levels of affordability and to require substantial numbers of family-sized units that have three or more bedrooms.” ZC Transcript, March 18, 2023, Dr. Golash-Boza, at page 16, lines 6-13.

[End of Findings of Fact]

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on this date one copy of the forgoing was sent via email to the following

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