

11 DCMR, Subtitle Z, §402.1(d) requires co-op members in co-op buildings of less than 25 units to be individually notified. The 1621A-1627A Association Inc., is a limited equity cooperative association formed in 1991 with the assistance of the DC Department of Housing. The failure to notify these low and moderate income families living directly across the street from the site is a denial of their due process rights fails the racial equity policies of the Comp Plan. <https://dchousing.coop/2020/03/04/creating-and-sustaining-limited-equity-cooperatives-in-washington-dc/>

6. ***It is very disturbing that the attestation to the notice of mailing claims to have mailed notices to 5 different property owners who have no addresses listed on the mailing matrix.*** It is impossible to mail a notice to someone if there is no address listed on the matrix. This should have been a red flag that there was something wrong with the mailing list.

It is easy to see that the mailing was done manually since 3x10 mailing label sheets were used and the address labels are often placed crookedly on the envelopes. *Did no one at the Zoning Commission notice that the addresses were missing for these 5 Property Owners when they manually placed labels on the envelopes?* This is even more perturbing since the readily available public property information on the OTR website has the mailing addresses for all 5 of these property owners. This among other reasons given herein calls into question the reliability of the attestation for the January 8 hearing.

- I. ***The Attestation Attached to the Mailing Matrix for the Notice of Public Hearing on January 8, 2024 Is Materially Inaccurate***

The Certificate, verifying all persons legally entitled to be served by first class mail of the Notice of Public Hearing on January 8, 2024 were served, is materially inaccurate on multiple counts. The Attestation states:

“As Secretary to the Commission, I hereby certify that on November 21, 2023, copies of this Z.C. Notice of Rescheduled Public Hearing for Case No. 23-02 were sent via electronic mail, or by first-class, postage prepaid ... to the following ... Property Owners Within 200 Feet (see attached list provided by Applicant) ...

ATTESTED BY Sharon S. Schellin, Secretary to the Zoning Commission Office of Zoning

The *Merriam Webster Dictionary* defines “attest” as follows:

- “1 (a) to affirm to be true or genuine ...
specifically: to authenticate by signing as a witness
(b) to authenticate officially

Below is a list of 16 Property Owners within 200 feet who were completely left off the mailing matrix and were not mailed by this Commission with a copy of the Notice of Public Hearing for the January 8, 2024 hearing in this case.

There may be *more* than the 16 Property Owners within 200 feet who were left off the mailing matrix attached to the certificate of mailing. *The below are the Property Owners so far identified by the Movants* who received no notice of either the November 20, 2023 hearing or the January 8, 2024 hearing or their legal right to seek party status according to this Commission’s own mailing matrix at IZIS #498.

**PROPERTY OWNERS WITHIN 200 FEET WHO ARE NOT ON THE MAILING LIST
USED BY ZONING COMMISSION
TO GIVE NOTICE OF THE JANUARY 8, 2024 HEARING**

Property Owner’s Name	Property Address	Date of Purchase (Date Deed Recorded)
MANNING, MEREDITH	1622 FLORIDA AVE NW	1/23
JENNINGS, ROBERT J	1613 V ST NW	5/23
BARRINGER, ERIN	1639 V ST NW	6/22
NEILSEN, ALEX	1608 V ST NW	6/23
TAGHAVI, SOULMAZ	2030 16TH ST NW # 1	11/19
PRICE, KATHY Z	2030 16TH ST NW # 2	2/20
PEARSON, WALTON D	2030 16TH ST NW # 3	8/22
BOBYS, MATTHEW	2030 16TH ST NW # 4	6/23
PRICE, KATHY Z	2030 16TH ST NW # P-2	2/20
BOBYS, MATTHEW	2030 16TH ST NW # P-1	6/23
DEMPSEY, SEAN	2028 16TH ST NW # 2	11/23
LEWIS, EMILY B	2024 16TH ST NW # C	10/23
GONZALEZ, VERA I	2000 16TH ST NW # 302	9/23
JABLON, DAKOTA P	2000 16TH ST NW # 405	3/23
AHMED, EROL Z	2000 16TH ST NW # 604	10/23
KAPIL, VINESH G	2000 16TH ST NW # 605	10/23

Further, it is clear from a review of the records that **no Property Owners who bought their properties on or after June 2022 were mailed a Notice of the January 8, 2024 hearing.** The subject site was also *never re-posted* with the new January 8, 2024 hearing information, leaving no reasonable way for the 16 Property Owners listed above, the 5 Property Owners listed below or other nearby Property Owners to know of the January 8, 2024 hearing and, most importantly, their right to seek party status.

Five (5) additional Property Owners not listed above were listed on the mailing matrix at IZIS #498 but never received any notice of either the November 20, 2023 or the January 8, 2024 because only their names were listed on the mailing matrix but no mailing addresses. *Despite the attestation and the certificate of service it would be impossible to mail notices to owners who have no addressees listed on the mailing matrix.*

Even a cursory review by the staff of the Zoning Commission, the Office of Zoning staff or the Office of Planning, which is the Applicant, would have witnessed the following missing addresses in various places on the mailing matrix (IZIS Exhibit 498):

KOVELA, SHARATH KOVELA, SUVARNA 21758 IANNIS SPRING DR ASHBURN VA 20148-4143	DODSON, JEFFREY L 2000 16TH ST NW # 604 WASHINGTON DC 20009-3446	ZILBERKWEIT, ERIC M ZILBERKWEIT, ERIC 2026 16TH ST NW APT 4 WASHINGTON DC 20009-3441
WOLFGANG, MAGALI	JAZAYERI, NAVEED	CLAUSSEN, ROBERT H
PIERCY, JANICE PIERCY, ELIZABETH A 1624 U ST NW # 302 WASHINGTON DC 20009-6215	DILWORTH, ANDREW T 909 HIDDEN JEWEL LN WAKE FOREST NC 27587-4226	LEBAS, ADRIENNE 2032 16TH ST NW # 7 WASHINGTON DC 20009-3443
SEARLES, JON JON SEARLES206 N UNION ST APPLETON WI 54911-5532	WERNER, MICHAEL WERNER, MONICA A	
LYNCH, ADAM S	SEARLES, JON JON SEARLES206 N UNION ST APPLETON WI 54911-5532	
	LYNCH, ADAM S	

As the below table shows and the Office of Tax and Revenue site confirms, Magali, Werner, Jazayeri, Claussen and Lynch are all current owners of property within 200 feet of the site. The addresses for each of the five were readily and easily obtainable.

**MAILING LIST USED BY THE ZONING COMMISSION TO GIVE NOTICE OF THE JANUARY 8, 2024
HAD ONLY NAME OF BELOW OWNERS BUT NO ADDRESSES -- ADDRESSES WERE EASILY OBTAINABLE
(OTR PROPERTY TAX RECORDS HAVE EACH OWNER'S ADDRESS AS SHOWN BELOW)**

Property Owner's Name on Mailing List	Address on Mailing List	Property Address
JAZAYERI, NAVEED	NONE	1939 17TH ST NW # 2
CLAUSSEN, ROBERT H	NONE	1935 17TH ST NW # A
LYNCH, ADAM S	NONE	2000 16TH ST NW # 2
WERNER, MICHAEL	NONE	2000 16TH ST NW # 401
WOLFGANG, MAGALI	NONE	1624 U ST NW # 400

The Certificate of Service and attestation are obviously materially inaccurate. Even a cursory review would have shown that the above 5 Property Owners would not be sent *any* notice of the January 8, 2024 hearing, denying these neighbors their due process rights, including the right to notice.

II. 21 Affidavits From Property Owners Are Attached Signed Under Penalty Of Perjury That They Received No Notice Of The January 8, 2024 Hearing, Including 18 Owners The Zoning Commission's Attestation Claims Were Mailed Notices

Twenty-one (21) Affidavits are attached, signed under penalty of perjury, from Property Owners who state that they never received in the mail Notice of the January 8, 2024 Hearing.

Eighteen (18) of these Affidavits are from Property Owners the Commission claims to have served with a copy of the January 8, 2024 hearing by mail.

These Affidavits should be accepted and credited as true. They are signed under oath by various Property Owners *along on the east, west and north sides of the subject site*. The geographic distribution

of the Affidavits across the entire area of those entitled to receive notice supports Movants' position that there was a systemic failure to give notice to neighbors legally entitled to receive notice.

The below Map illustrates the widespread defect in Notice for the January 8, 2024 Hearing.

MAP SHOWING PROPERTY OWNERS WHO DID NOT RECEIVE NOTICE FROM THE COMMISSION OF THE JANUARY 8, 2024 HEARING

(Yellow are Properties where the Owner signed an Affidavit of No Service. Green are Properties where one or more owners were not listed on the Mailing Matrix the Commission used to give Notice of the January 8, 2024 Hearing or listed with no address.

Purple is the Embassy of Angola which the Commission continued to serve at a non-existent address after USPS told the Commission it was a bad address for the Embassy and returned the prior Notice)



In Z.C. Case No. 22-25, the Attorney General emphasized deeper and more thorough notice is needed for hearings in cases like this instant case, not less. A great deal of the Attorney General's submission in No. 22-25 is devoted to the importance of expanding notice and increasing public participation. <https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=312391>

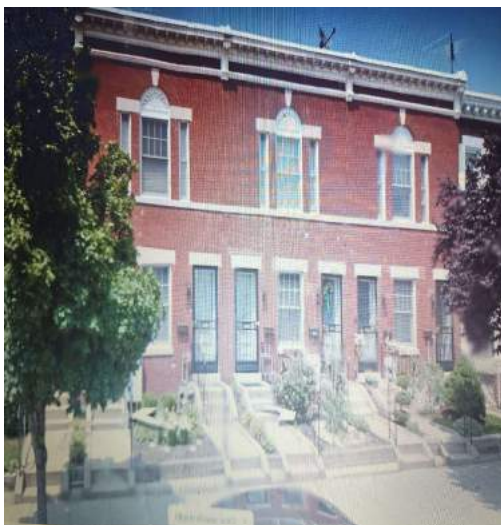
III. The entire condo building at 2030 16th Street was left off the mailing list for the January 8, 2024 Hearing



A review of the mailing matrix used by the Zoning Commission to send out notice of the January 8, 2024 hearing (IZIS #498), leaves off completely *all* owners of the condo building at 2030 16th ST NW shown to the left. The owners' names were easily and readily identifiable on the OTR website all within approximately 25 feet of the subject site.

IV All Co-op members of the 1621-1627 V Street Co-op were left off the mailing list

The Zoning Commission also failed to mail to *any* of the individual Co-op members of the 1621A– 1627A Association, Inc., a Notice of the January 8, 2024 hearing.



These Co-op members live directly across the street from the police station on the site at issue but were never provided any notice of any hearing in ZC Case 23-02. Further, these Co-op members were never provided Notice by this Commission of their right to seek party status and what party status means. In acting in this way the Commission violated its own regulations at Subtitle Z, §402.1(d) and seriously disadvantaged these Co-op members.

**PHOTO SHOWING THE 1621A-1627A CO-OP BUILDINGS ON THE RIGHT AND
THE POLICE STATION ON THE SITE DIRECTLY ACROSS THE STREET FROM THE CO-OP MEMBERS WHO
RECEIVED NO NOTICE FROM THIS COMMISSION**



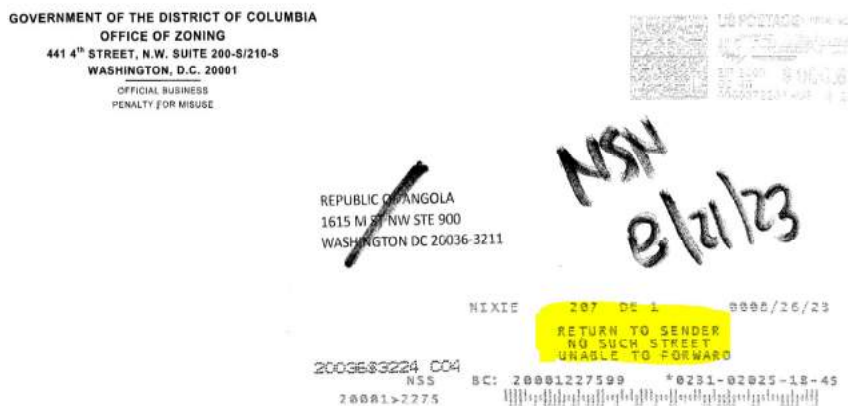
- IV. Notice to the **Embassy of Angola**, less than 200 feet from the site, was mailed by the Commission to a non-existent address

The Embassy of the *Republic of Angola* is shown below left and its position in relation to the site is shown in purple below right. As a Property Owner within 200 feet of the site this embassy and the Angolan government were legally entitled to Notice from this Commission of the January 8, 2024 hearing and its right to seek party status to protect its legal interests.



Instead, what this Commission did is send Notice to the Republic of Angola of the November 20, 2023 Public Hearing in this case to a non-existent address, ***twice***, at 1615 M St NW #900 and got

back *twice* a notice from USPS that there was no such address. *See* IZIS #323 The Commission then mailed to the Embassy a Notice of the January 8, 2024 hearing to exactly the same address the Commission already knew was bad. 1615 M Street has no 9th floor. Having learned from USPS in August 2023, several months earlier, that the address was bad, the Zoning Commission could have mailed notice of the January 8, 2024 Hearing directly to the Embassy on 16th Street but chose not to do so, thereby providing the Embassy with no effective notice of the January 8, 2024 Hearing nor providing the Embassy with the legally required notification of its right to seek party status to protect its interests.



SUMMARY REVIEW

There are fatal material defects with the Notice of Rescheduled Public Hearing issued by the Commission for the January 8, 2024 Hearing.

It is indisputable that at least 21 Property Owners within 200 feet of the site, so far identified, did not get Notice of the January 8, 2024 Hearing and were not informed of their right to seek Party Status and what that means, because the Zoning Commission left **16 Property Owners** off the mailing matrix completely and incredibly attested to mailing to another **5 Property Owners** without using any mailing addresses. *This attestation is a formal legal act and its obvious inaccuracy is a serious ethical concern.*

21 more Property Owners submitted sworn Affidavits that they did not receive any Notice from the Commission of the January 8, 2024 Hearing and their right to seek Party Status.

Further, the Commission **failed to notify an entire condo building** within 25 feet of the site **and failed to notify any of the individual Co-op members of an entire Co-op building** directly across the street from the site

Finally, the **Embassy of Angola** is less than 200 feet from the site. The Commission mailed a Notice of the January meeting to the same address that the Post Office had already told the Commission in August was a bad address. This is particularly concerning on comity grounds because the property is owned by a foreign government.

CONCLUSION

In all more than **40 different Property Owners within 200 feet** of this site were not provided the legally required notice of the January 8, 2024 Hearing required under 11 DCMR, Subtitle Z, §402.1(d) nor did this Commission inform these **40+** Property Owners of “The requirements for participation as a party” and the importance of that status in a contested case, as required by 11 DCMR, Subtitle Z, §402.2.

This upzoning is the prelude to DMPED’s attempt to have a massive 11 story, 650 unit apartment building constructed on this site. Failure to grant Property Owners their *due process rights* under the Subtitle Z in this *contested* case, is not only fundamentally wrong but will likely cause extensive and unnecessary future litigation.

For all the foregoing reasons Movants respectfully request the Commission grant this motion; and, if the Applicant wishes to proceed, to reset this hearing on at least 40 days notice as required under 11 DCMR, Subtitle Z, §402.1, using a *corrected address mailing list*. Movants have in this Motion provided to the Commission all defects in the mailing list that they are aware of.

Respectfully submitted,



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Randall Jones
2109 17th St NW
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609 213-1875
rjj0302@gmail.com
(Representative for Randall Jones)

CERTIFICATE OF SERVICE

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

Daniel Lyons
DMPED
Daniel.Lyons@dc.gov

Jennifer Steingasser, Deputy Director
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Jennifer.Steingasser@dc.gov

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1B@anc.dc.gov

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Edward V. Hanlon, Esq.

1/4/2024
Date

DECLARATION

My name is TIMOTHY GERSON
(Print Name)

I am the owner or co-owner of the property known as:

1612 V St. NW Washington, DC 20009
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.


Signature

1/1/2024
Date

DECLARATION

My name is Angelique L. Arrington
(Print Name)

I am the owner or co-owner of the property known as:

1621 V. ST NW Washington, DC 20009
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.

Angelique L. Arrington 1/1/2024
Signature Date

DECLARATION

My name is Howard Clark
(Print Name)

I am the owner or co-owner of the property known as:

1633 V St. NW, WDC 20009
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.

Howard Clark
Signature

1/1/2024
Date

DECLARATION

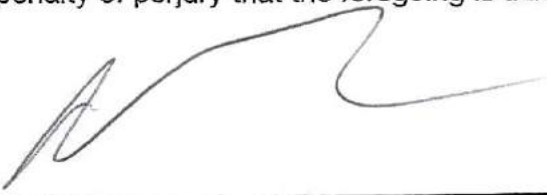
My name is alex neilsen
(Print Name)

I am the owner or co-owner of the property known as:

1608 v Street
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.



Signature

12/20/23
Date

DECLARATION

My name is Salome Waites Burton
(Print Name)

I am the owner or co-owner of the property known as:

1625 "V" St. NW Washington, DC. 20007
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.

Salome W. Burton 12-19-23
Signature Date

DECLARATION

My name is CHARLES BIEN
(Print Name)

I am the owner or co-owner of the property known as:

2022 16th ST NW
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.

Charles Bien 12/19/23
Signature Date

DECLARATION

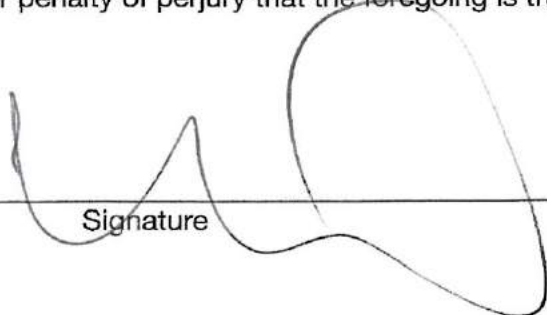
My name is Mark Mitchell
(Print Name)

I am the owner or co-owner of the property known as:

1935 17th St NW WDC 20009
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.

 12/19/23
Signature Date

DECLARATION

My name is Roy Hennicott
(Print Name)

I am the owner or co-owner of the property known as:

2034 17th St. NW Washington DC 20009
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.

Roy O. Hennicott
Signature

12/19/23
Date

DECLARATION


My name is ELENA MONDO
(Print Name)

I am the owner or co-owner of the property known as:

2036 17TH STREET NW - WASHINGTON DC
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.



Signature

12/19/2023
Date

DECLARATION

My name is Danielle Brian
(Print Name)

I am the owner or co-owner of the property known as:

2100 17th St NW
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.

DBrian
Signature

Dec 20, 2023
Date

DECLARATION

My name is Thomas Doyle
(Print Name)

I am the owner or co-owner of the property known as:

2102 17th St NW
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.

Tom Doyle 12/20/23
Signature Date

DECLARATION

My name is Gregory Adams
(Print Name)

I am the owner or co-owner of the property known as:

2105 17th St, NW, Wash., DC 20009
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.

Gregory G. Adams
Signature

12/20/2023
Date

DECLARATION

My name is RANDAL - JONES
(Print Name)

I am the owner or co-owner of the property known as:

2109 17TH ST NW
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.

Randal Jones
Signature

12/20/2023
Date

DECLARATION

My name is Sarah Gilmore
(Print Name)

I am the owner or co-owner of the property known as:

1702 Seaton St NW Washington DC 20009
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.


Signature

12/19/23
Date

DECLARATION

My name is Bonnie McGowan
(Print Name)

I am the owner or co-owner of the property known as:

1703 Seaton St NW
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.

Bonnie M
Signature

12/19/23
Date

DECLARATION

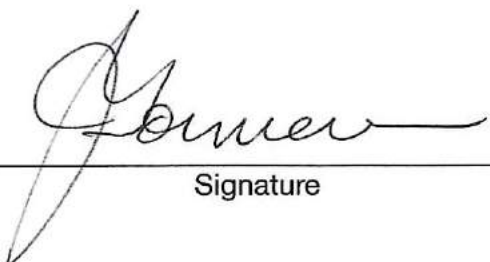
My name is JOSEPH GORMAN
(Print Name)

I am the owner or co-owner of the property known as:

1708 SEATON ST NW WASH DC
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.

 Signature 12/19/23 Date

DECLARATION

My name is Linda Watson
(Print Name)

I am the owner or co-owner of the property known as:

1710 Seaton St NW - Washington DC 20009
(Address)

Neither I nor any co-owner of the above property received any notice by mail that there is a hearing scheduled for January 8, 2024 in Zoning Commission Case 23-02 which involves the potential upzoning of 1617 U St NW and 1620 V St NW.

I declare under penalty of perjury that the foregoing is true and correct.

Linda J. Watson 12-19-23
Signature Date