

**BEFORE THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**

**REVISED STATEMENT IN SUPPORT OF APPLICATION FOR A ZONING MAP  
AMENDMENT FROM THE R-1-B ZONE TO THE MU-4 ZONE**

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**2026 JACKON STREET, NE  
SQUARE 4220, LOT 802**

**THE NEW MACEDONIA BAPTIST CHURCH**

**MARCH 10, 2022**

**I. INTRODUCTION.**

THE NEW MACEDONIA BAPTIST CHURCH (the “**Applicant**”), owner of the property located at 2026 Jackson Street, NE (Square 4220, Lot 802) (the “**Subject Property**”) submits this statement in support of a Map Amendment Application (the “**Application**”) to amend the Zoning Map of the District of Columbia (the “**Zoning Map**”) to rezone the Subject Property from R-1-B to MU-4. A Zoning Map showing the current zoning of the Subject Property was submitted with the original statement in support (See Exhibit 6B).

As described herein, the proposed zoning of the Subject Property is consistent with the Comprehensive Plan Future Land Use Map (the “**FLUM**”). A copy of the FLUM Map was also included with the original statement in support (See Exhibit 6C). The Subject Property, which is currently zoned R-1-B, is designated as Moderate-Density Commercial and Moderate-Density Residential on the FLUM. It is located in the Woodridge neighborhood and is adjacent to Rhode Island Avenue, NE, which is designated as a Main Street Mixed-Use Corridor by the Comprehensive Plan Generalized Policy Map. With the hope of spurring moderate mixed-use development of the unimproved Subject Property, the Applicant is requesting to rezone the Property from R-1-B to MU-4. The requested Map Amendment to rezone the Subject Property to MU-4 would be consistent with the Comprehensive Plan (“**Comp Plan**”) and FLUM designation for the Subject Property. Mixed-use development would be more appropriate for the site than a single-family dwelling due to its proximity to Rhode Island Avenue and a Main Street Mixed-Use Corridor. The rezoning would result in more affordable units as this development would be designated as an IZ Plus (“**IZ+**”) development. Furthermore, the requested rezoning is not inconsistent with the Comp Plan when analyzed through a racial equity lens.

**II. DESCRIPTION OF THE SUBJECT PROPERTY AND SURROUNDING AREA.**

The Subject Property is located in the R-1-B Zone. It is a corner lot which also abuts Rhode Island Avenue, NE and the MU-4 Zone. It is currently unimproved. The Subject Property is bounded by Jackson Street, NE to the south and 22<sup>nd</sup> Street, NE to the east. Abutting the Subject Property to the north is a church. Abutting the Subject Property to the west is a detached single-family dwelling. Jackson Street and 22<sup>nd</sup> Street serve as the boundaries between the R-1-B and MU-4 Zone. To the south/southwest, across Jackson Street, there are commercial properties fronting on Rhode Island Avenue. To the north/northeast, across 22<sup>nd</sup> Street there are more commercial properties fronting on Rhode Island. The Zoning Map more clearly shows the boundaries of the Subject Property. Photographs of the Subject Property and surrounding area have been included with this Application. As shown on the FLUM, the Subject Property is designated Moderate Density Commercial and Moderate Density Residential. While not directly located in the Main Street Main Corridor Area, the Subject Property is approximately 35 feet from the boundary, as demonstrated by the Comprehensive Plan Generalized Policy Map.

**III. DEVELOPMENT CAPACITY.**

**A. Zone Change Overview**

The Subject Property is currently zoned R-1-B. The current R-1-B zone development standards include:

- Use: limited non-residential uses; residential use is limited to detached single-family dwellings
- Maximum Height: 40 feet, 3 stories
- Maximum Lot Occupancy: 40%
- Maximum FAR: N/A

The proposed MU-4 zone development standards include:

- Maximum Height: 50 feet

- Maximum Lot Occupancy: 60% for residential; (75% with Inclusionary Zoning) 100% for commercial (subject to rear yard requirements)
- Maximum FAR: 2.5; 3.0 with Inclusionary Zoning

The expectation is that the underutilized lot would become more attractive for mixed-use development with retail uses on the ground floor and new residential multifamily use above, including affordable dwelling units. The Map Amendment allows the minimum amount of density necessary to attract such investment. The Subject Property's current zoning is inconsistent with the Comprehensive Plan, particularly because the R-1-B Zone does not permit most commercial uses nor multi-family dwellings. Such limitations are incompatible with the anticipated land uses under the Subject Property's Mixed Use – Moderate Density Residential / Moderate Density Commercial FLUM designation.

### **B. IZ Plus Analysis**

In this case, going from the R-1-B Zone to the MU-4 Zone will trigger a 650% increase in FAR if the maximum permitted FAR (3.0) is utilized. The change in percentage will be enough to trigger a 20% set aside requirement per Chapter C of the Zoning Regulations. Included with this Updated Statement is an exhibit detailing approximate projected IZ square footage amounts ("IZ Plus Analysis") based on the maximum permitted footprint and FAR for the MU-4 zone. As demonstrated on Page 1 of the IZ Plus Analysis, were a future development to maximize the permitted IZ lot occupancy (75%) and FAR (3.0) and do an entirely residential development, including cellar space, the total expected IZ square footage could be upwards of 5,600 net square feet. For a mixed-use development where the cellar and part of the first floor were occupied by non-residential space, the total expected IZ square footage could still be expected to be approximately 4,500 net square feet. If the average unit sizes range from 600 net square feet to 800 net square feet, a potential development could provide between 6-8 IZ units, at

least two of which would be likely to have two or more bedrooms based on the proportionality rule.

**IV. STANDARDS APPLICABLE TO A ZONING MAP AMENDMENT AND COMPLIANCE WITH THE COMPREHENSIVE PLAN**

**A. Overview**

The requested Zoning Map amendment is submitted as a contested case pursuant to 11-Z DCMR § 202.1(e). Pursuant to the Zoning Act of 1938, approved June 20, 1938, as amended ((52 Stat. 797; D.C. Official Code § 6-641.01 et seq. (2012 Repl.)) (the “Zoning Act”), there are a number of criteria that must be applied by the Zoning Commission in adopting and amending the Zoning Regulations and Zoning Map. The Zoning Act states that the Zoning Regulations are designed to “promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital ....”

The Zoning Act further provides that:

“[z]oning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.” D.C. Code § 6-641.02.

The Subject Property is designated as Moderate-Density Commercial and Moderate-Density Residential on the Comprehensive Plan Future Land Use Map. Pursuant to Z § 304.7(d), an Applicant for a Map Amendment must provide a “detailed description of the Map Amendment’s consistency with the Comprehensive Plan and any other adopted public policies and active

programs related to the subject site.” The Subject Property is categorized within the “Upper Northeast Area Element” in the Comprehensive Plan (10A-DCMR, Chapter 24). There are a number of Comprehensive Plan policies which encourage infill development on vacant sites. Rezoning the site and permitting development consistent with the MU-4 zone would help achieve the applicable policies, allow for the development of an underutilized site adjacent to a Main-Street Mixed-Use Corridor, and further the Comprehensive Plan Map designations of moderate-density commercial and residential uses.

**B. Framework Element and Policy Maps**

In terms of the general Framework Element outlined in Title 10A, Chapter 2, the comprehensive plan encourages infill housing: “Other sites, including failed housing projects and ailing business districts, also present opportunities. There are also hundreds of small “infill” sites scattered throughout the city, especially in the northeast and southeast quadrants. Together, these areas hold the potential for thousands of new units of housing and millions of square feet of office and retail space” (10A DCMR § 205.5.). The proposal will provide infill development on an underutilized site and has the potential to provide new housing and commercial uses.

Regarding the Comp Plan Generalized Policy Map, the Property is located in a “Neighborhood Conservation” Area; however, the Property is approximately 35 feet from a Main Street Mixed-Use Corridor. The proposed amendment is not inconsistent with the Generalized Policy Map as Neighborhood Conservation Areas still allow for limited redevelopment opportunities: “The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible

with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map.” (10A DCMR § 223.5)

While not located directly on a Main Street Mixed-Use Corridor, it is directly adjacent. The Comprehensive Plan encourages neighborhood development around Main Street: “The service area for Main Streets can vary from one neighborhood (e.g., 14<sup>th</sup> Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.” (10A DCMR § 223.14) The proposal for the Subject Property will allow for a complementary use adjacent to a Main Street. Any lower-level retail would foster economic opportunities and serve the neighborhood, while residential use would provide additional foot traffic and patronage to the existing buildings within the Main Street corridor adjacent to the site.

Finally, the proposed Map Amendment is consistent with the designation on the FLUM. As indicated on the FLUM, the Subject Property is designated as “moderate density commercial and moderate density residential.” The MU-4 (previously C-2-A) Zone is a corresponding zone district for moderate density commercial and moderate density residential uses: “This designation is used to define shopping and service areas that are somewhat more intense in scale and character than the low-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Buildings are larger and/or taller than those in low density commercial areas but generally do not

exceed five stories in height. The corresponding Zone districts are generally C-2-A, C-2-B, and C-3-A, although other districts may apply.” (10A DCMR- 225.9). Any proposed development on the site is subject to IZ+ and will foster a diverse community of renters or owners.

### **C. Racial Equity Lens**

As a result of the most recent Comp Plan amendment process, a primary focus of the Comp Plan, as reflected throughout its various policies, is achieving racial equity. The Framework Element of the Comp Plan defines racial equity as the moment when “race can no longer be used to predict life outcomes and outcomes for all groups are improved.” 10A DCMR § 213.7. Indeed, the importance of equity to District residents was made abundantly clear when the DC Office of Planning (OP) conducted its DC Values survey in Spring 2019. In addition to equity, District residents also expressed concerns about rising costs and inequitable access to opportunities for housing, businesses, employment, and other necessities. Overall, livability, equity, and safety were considered the most critical values. 10A DCMR §§ 107.17 – 107.22. As stated in the Framework Element, equity is both an outcome and a process. 10A DCMR § 213.6. Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. It is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. An important factor to advancing racial equity is to acknowledge that equity is not the same as equality. *Id.*

As a process, we apply a racial equity lens when those most impacted by structural racism are meaningfully involved in the creation and implementation of the institutional policies and practices that impact their lives, particularly people of color.” 10A DCMR § 213.9. For its part, the Commission shall apply a racial equity lens when reviewing zoning requests against the relevant standard of review set forth in the Zoning Act and/or the Zoning Regulations.



In this case, the Commission shall evaluate the requested Zoning Map amendment through a racial equity lens to make its determination as to whether the requested rezoning is not inconsistent with the Comp Plan as a whole. In its supplemental report filed in Z.C. Case No. 20-24 (the “Barry Farm Text and Map Amendment”), OP stated “[t]he direction to consider equity as part of its [Comp Plan] consistency analysis indicates that the equity analysis is intended to be based on the policies of the Comp Plan and part of the Commission’s consideration of whether a proposed zoning action is ‘not inconsistent’ with the Comp Plan, rather than a separate determination about a zoning action’s equitable impact. And as is the case whenever the Commission considers Comp Plan consistency, the scope of the review and Comp Plan policies that apply will depend on the nature of the proposed zoning action.” See Z.C. Case No. 20-24, Exhibit 176 at p. 3.

The Map Amendment will further the goals around racial equity. Specifically, the change in zoning will facilitate the creation of a new development that will bring (1) market-rate and affordable housing; and (2) employment and business opportunities. First, by rezoning the Property through this IZ+ Zoning Map Amendment, any redevelopment will create significant market rate and affordable housing, above what would be required as a matter-of-right. Second, because of the ability to provide commercial uses on this site, there will be opportunities for businesses and employment. Additionally, any development will trigger enhanced sustainability requirements. The amendment will also provide a different type of housing than what would traditionally be available on this site (one single-family home vs. affordable, multi-family housing). Instead of this single lot being available for one person or one family, at a high price tag, it can be made available for many families and many of the units will be affordable units. New development would create new patrons for small businesses along Rhode Island Avenue and

revitalize this underutilized corner adjacent to a Main Street. In conclusion, the Map Amendment is not inconsistent with the Comprehensive Plan, including the Comprehensive Plan's racial equity goals. Therefore, as detailed above, the Commission's approval of the rezoning would further actions that would increase racial equity.

**D. Other Citywide Elements**

**1. Land Use Element:**

While not an exhaustive list, the proposed Map Amendment advances the policies of the Land Use Element as follows:

***Action LU-1.4.B: Zoning Around Transit***

With public input, develop and use zoning incentives to facilitate new and mixed-use development, and particularly the provision of new housing, and new affordable housing in high opportunity areas to address more equitable distribution, 307.20

***Policy LU-1.5.1: Infill Development***

Encourage infill development on vacant land within Washington, DC, particularly in areas where there are vacant lots that create gaps in the urban fabric and detract from the character of a commercial or residential street. Such development should reflect high-quality design, complement the established character of the area and should not create sharp changes in the physical development pattern. 308.6)

***Policy LU-1.5.2: Long-Term Vacant Sites***

Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures that would address these constraints. 308.7

The proposed Map Amendment will encourage infill mixed-use development with new housing, and new affordable housing, on a vacant property which currently detracts from both commercial and residential streets, as it is also visible from Rhode Island Avenue, NE. The lot is difficult to develop because of the limitations of the current zoning and size of the lot. The proposed rezoning will complement the established character of the adjacent area, which is also zoned MU-4.

## 2. Transportation Element

While not an exhaustive list, the proposed Map Amendment advances the policies of the Transportation Element as follows:

### ***Policy T-1.2.2: Targeted Investment***

Target planning and public investment toward the specific corridors with the greatest potential to foster neighborhood improvements, create equitable outcomes that reduce barriers and transportation burdens, and enhance connectivity across Washington, DC and corridors that serve as gateways to the District, welcoming visitors, residents, and workers. 404.5

### ***Policy T-1.2.3: Discouraging Auto-Oriented Uses***

Discourage certain uses, like drive-through businesses or stores with large surface parking lots and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas. 404.6

### ***Action T-1.3.A: Regional Jobs/Housing Balance***

Continue the efforts to promote infill, mixed-use, housing, particularly affordable housing, and transit-oriented development at the regional level, design transportation systems that connect District residents to local jobs, and provide opportunities for non-resident workers to also live in Washington, DC. 405.10

The proposed Map amendment will replace the existing surface parking area with a site that can developed with a new mixed-use building. This will encourage investment in this site and area. It should also increase pedestrian safety adjacent to a key boulevard, Rhode Island Avenue, and Main Street corridor.

## 3. Housing Element

While not an exhaustive list, the proposed Map Amendment advances the policies of the Housing Element as follows:

### ***Policy H-1.1.1: Private Sector Support***

Encourage or require the private sector to provide both new market rate and affordable housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.3

### ***Policy H-1.1.4: Mixed-Use Development***

Promote moderate to high-density, mixed-use development that includes affordable housing on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed-use corridors and high-capacity surface transit corridors, and around Metrorail stations. 503.6

***Policy H-1.1.3: Balanced Growth***

Strongly encourage the development of new housing, including affordable housing, on surplus, vacant, and underused land in all parts of Washington, DC. Ensure that a sufficient supply of land is planned and zoned to enable the District to meet its long-term housing needs, including the need for low- and moderate-density single-family homes, as well as the need for higher-density housing. 503.5

***Policy H-1.2.9: Advancing Diversity and Equity of Planning Areas***

Proactively plan and facilitate affordable housing opportunities and make targeted investments that increase demographic diversity and equity across Washington, DC. Achieve a minimum of 15 percent affordable units within each Planning Area by 2050. Provide protected classes (see H-3.2 Housing Access) with a fair opportunity to live in a choice of homes and neighborhoods, including their current homes and neighborhoods. 504.17

***Action H-1.2.H: Priority of Affordable Housing Goals***

To advance racial equity in housing, prioritize public investment toward housing production and preservation serving very-low and extremely-low income households. Prioritize public investment in the new construction of, or conversion to, affordable housing in Planning Areas with high housing costs and few affordable housing options. Consider land use, zoning, and financial incentives where the supply of affordable units is below a minimum of 15 percent of all units within each area. 504.29

The proposed Map Amendment will encourage new housing on vacant land which will help meet the need for higher-density and affordable housing in the area. It will also aid in advancing the goal of achieving 15% affordable units within the planning area.

4. Environmental Protection Element

While not an exhaustive list, the proposed Map Amendment advances the policies of the Environmental Protection Element as follows:

***Policy E-4.1.1: Maximizing Permeable Surfaces***

Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce runoff. 615.3

***Policy E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff***

Promote an increase in tree planting and vegetated spaces to reduce stormwater runoff and mitigate the urban heat island, including the expanded use of green roofs in new

construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces. 615.4

The proposed amendment would allow for the redevelopment of the lot, which is currently improved with a paved, impermeable parking lot. It would allow for the development of a new building compliant with the Green Energy codes, which could include green roofs and other planting elements currently not on site.

5. Economic Development Element:

While not an exhaustive list, the proposed Map Amendment advances the policies of the Economic Development Element as follows:

***Policy ED-1.1.4: Promote Local Entrepreneurship***

Support District residents, including women-owned businesses and equity impacts enterprises (small, resident-owned Black and Brown business) seeking entrepreneurship opportunities through layered programs, including technical assistance, promotion of District products and services, and market development. 703.15

The proposed Map Amendment would allow for commercial use on this site, which is currently limited to only one, single-family dwelling. This would further the above-referenced goals in allowing more opportunities for women-owned and minority-owned businesses.

6. Upper Northeast Area Element:

While not an exhaustive list, the proposed Map Amendment advances the policies of the Economic Development Element as follows:

***Policy UNE-1.1.2: Compatible Infill***

Encourage compatible residential infill development throughout Upper Northeast neighborhoods, especially in Brentwood, Ivy City, and Trinidad, where numerous scattered vacant residentially- zoned properties exist. New and rehabilitated housing in these areas should meet the needs of a diverse community that includes renters and owners; seniors, young adults, and families; and persons of low and very low-income, as well as those of moderate and higher incomes. 2408.3

The proposal will encourage infill development on a vacant property.

V. CONCLUSION.

2026 Jackson Street, NE  
Map Amendment Application- Updated Statement

The Applicant is submitting this Petition to amend the Zoning Map for the Subject Properties from R-1-B to MU-4 as is consistent with the Comprehensive Plan, the FLUM, and the policies noted above.

Respectfully Submitted,

*Alexandra Wilson*

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Alexandra Wilson  
Sullivan & Barros, LLP  
March 10, 2022

## Certificate of Service

I certify that on March 14, 2022 I served a copy of this submission to the following:

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