



Z.C. Case No. 23-02

ALEXANDRA CAIN, ASSISTANT ATTORNEY GENERAL

EQUITABLE LAND USE SECTION

PUBLIC HEARING – JANUARY 8, 2024

OAG Recommends Approval

The Map Amendment is consistent with the density anticipated for **this specific site** by the Comprehensive Plan's maps; and

The Map Amendment furthers Comprehensive Plan provisions calling for affordable housing, especially on public sites — including **this specific site** — to foster equitable growth to realize the Comprehensive Plan's goal of an inclusive city.

Zoning Commission's Charge: Promote Public Welfare as Guided by CP

The Zoning Act empowers the Commission to promulgate zoning maps and regulations in order “*to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia*”

“*Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan ... [and] shall be designed to ... promote health and the general welfare ... 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.*”

DC Code §§ 6-641.01-0.2 (*see also* Subtitle X § 500.3)

Proposed MU-10 Zone is consistent with the FLUM

In 2021, the Mayor & Council amended the Comprehensive Plan's Future Land Use Map (FLUM) to establish the appropriate density for **this specific site** as High Density Residential, which explicitly anticipates:

*“high rise apartment buildings ... with densities typically greater than a FAR of 4.0 ... the RA-4 and **RA-5 Zone Districts** are consistent with the High Density Residential category and others zones may also apply.”*

(CP § 227.8)

Proposed MU-10 Zone is consistent with the FLUM

The RA-5 zone has a maximum 90 ft height and maximum density of 7.2 FAR

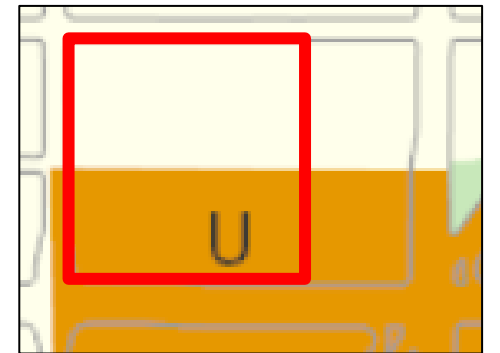
The proposed MU-10 zone has the exact same height and density limits and thus is consistent

(Subtitle F §§ 201.1, 201.4, 203.2, and Subtitle G §§ 201.1, 203.2)

The proposed MU-10 Zone is consistent with the GPM

The Comprehensive Plan's Generalized Policy Map (GPM) anticipates increases in density, particularly to address housing needs

Southern half (orange) = *Main Street Mixed Use Corridor*
“Some corridors are underutilized, with capacity for redevelopment[, which should] *foster economic and housing opportunities ...*”

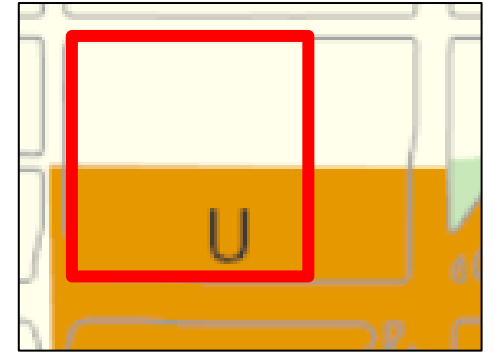


(CP § 225.14)

Proposed MU-10 Zone is consistent with the GPM

Northern half (yellow) = *Neighborhood Conservation Area*

“The guiding philosophy ... is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs



Densities ... are guided by the Future Land Use Map and Comprehensive Plan policies ...

In areas with access to opportunities, services, and amenities, more levels of housing affordability should be accommodated.

Areas facing housing insecurity ... and displacement should emphasize preserving affordable housing”

(CP §§ 225.5 & 225.14)

Affordable Housing Is Essential

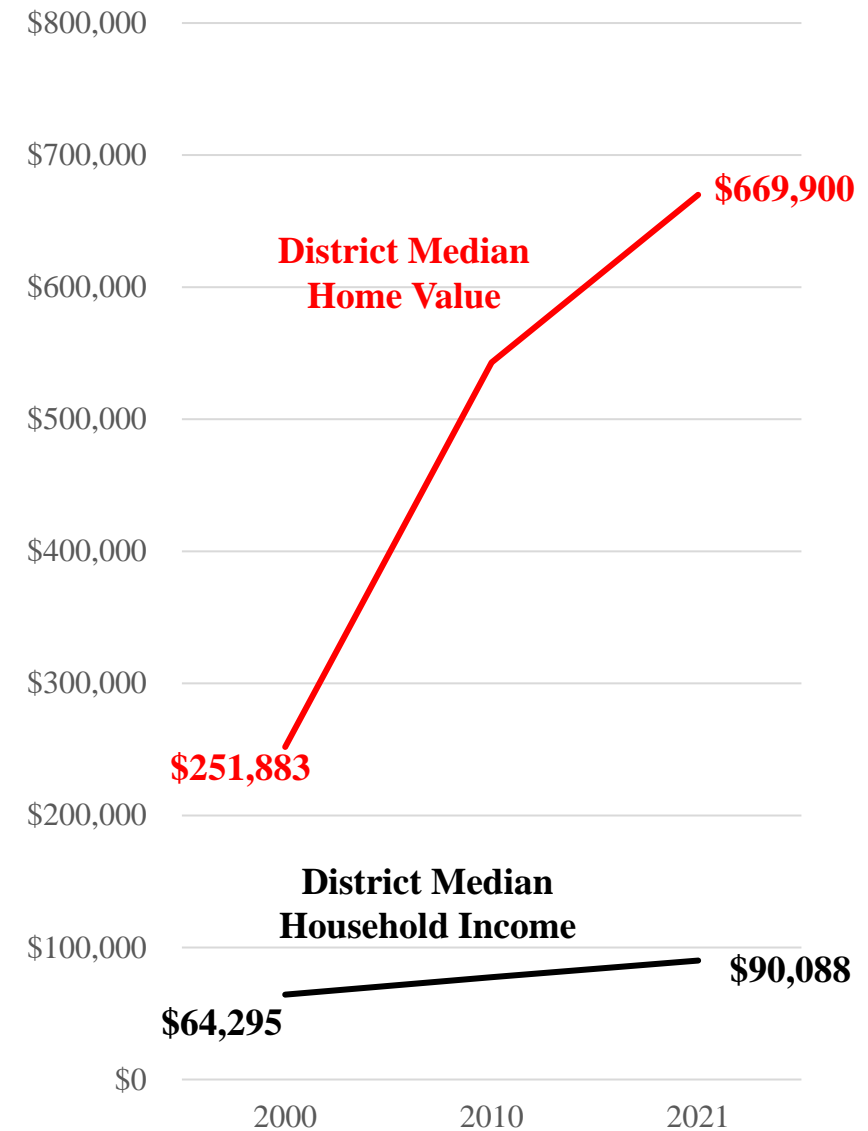
“An equitable and inclusive city includes access to housing that is healthy, safe, and affordable for a range of household types, sizes, and incomes in all neighborhoods.”

A citywide problem requires citywide solutions – ones that overcome the legacy of segregation, avoid concentrating poverty, and afford the opportunity to stay in one’s home and not be displaced.”

(CP § 219.1)

“The rising cost of housing is one of the most pressing and critical issues facing the District and the region.”

(CP § 206.1)



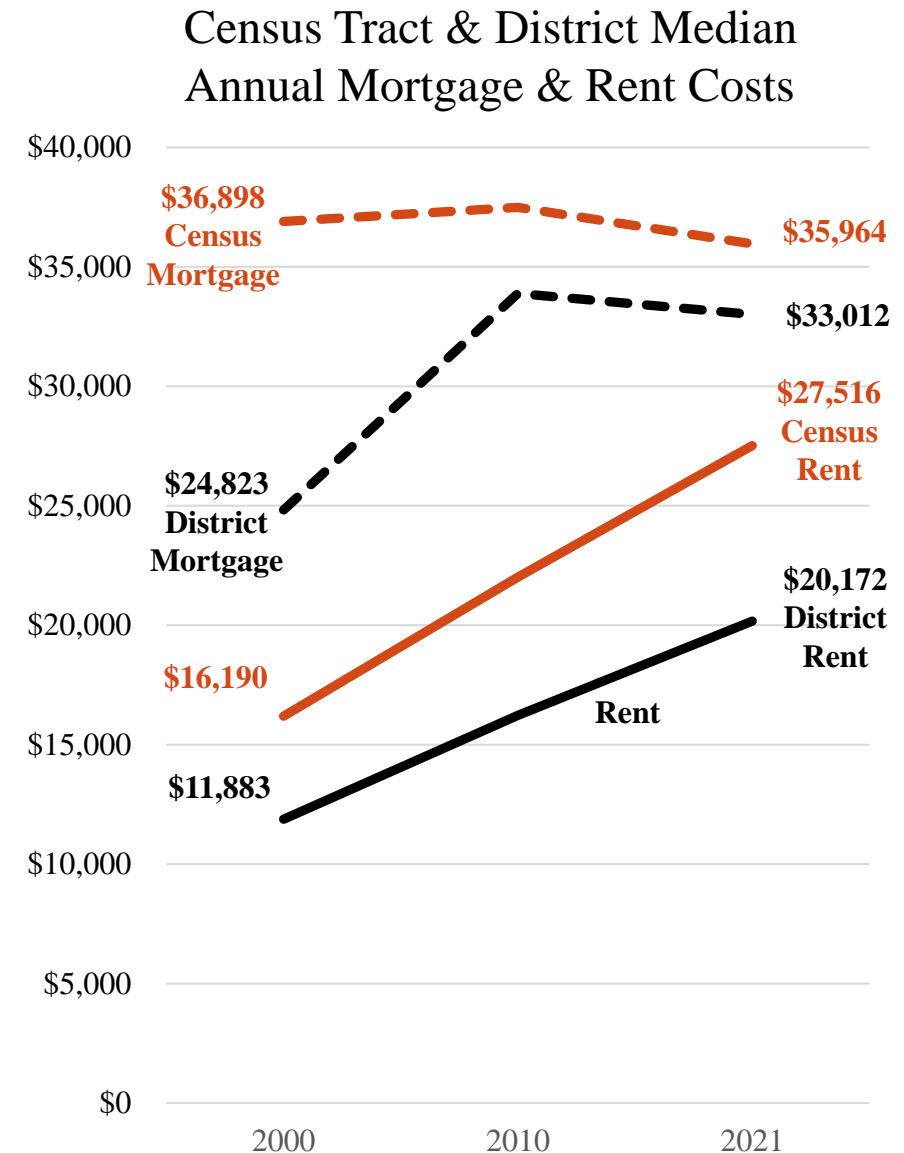
Source: [DP04 – Selected Housing Characteristics – ACS 1-year Estimates – 2021](#)
[DP04 – Selected Housing Characteristics – ACS 1-year Estimates - 2010](#)
[DP4 - Profile of Selected Housing Characteristics: 2000](#)
[S1901 – Income in the Past 12 Months – 2021](#)
[S1901 – Income in the Past 12 Months – 2010](#)
[DP3 – Profile of Selected Economic Characteristics: 2000](#)

“Housing opportunities should be increased for people at all income levels so that Mid-City can remain a diverse neighborhood.

The District-wide rise in housing prices has particularly impacted Mid-City, as costs have soared beyond what many local residents can afford.

Moderate-income families and lower-income residents are being priced out of the area, and there are concerns that the community is becoming affordable only to persons with high incomes.”

(CP § 2007.3)



Sources: District Data: DP4 – Selected Housing Characteristics – 2000 Decennial Census; DP04 – Selected Housing Characteristics – 2010 ACS 5-Year Estimates; S2503 Financial Characteristics – 2021 ACS 5-Year Estimates & DPO04 Selected Housing Characteristics – 2021 ACS 5-Year Estimates ; Census Tract Data: DP4 – Profile of Selected Housing Characteristics – 2000 Decennial Census; DP04 – Profile of Selected Housing Characteristics – 2010 ACS 5-Year Estimates; DP04 – Profile of Selected Housing Characteristics – 2021 ACS 5-Year Estimates. (Note: income in inflation adjusted dollars).

Equitable Growth Requires Affordable Housing

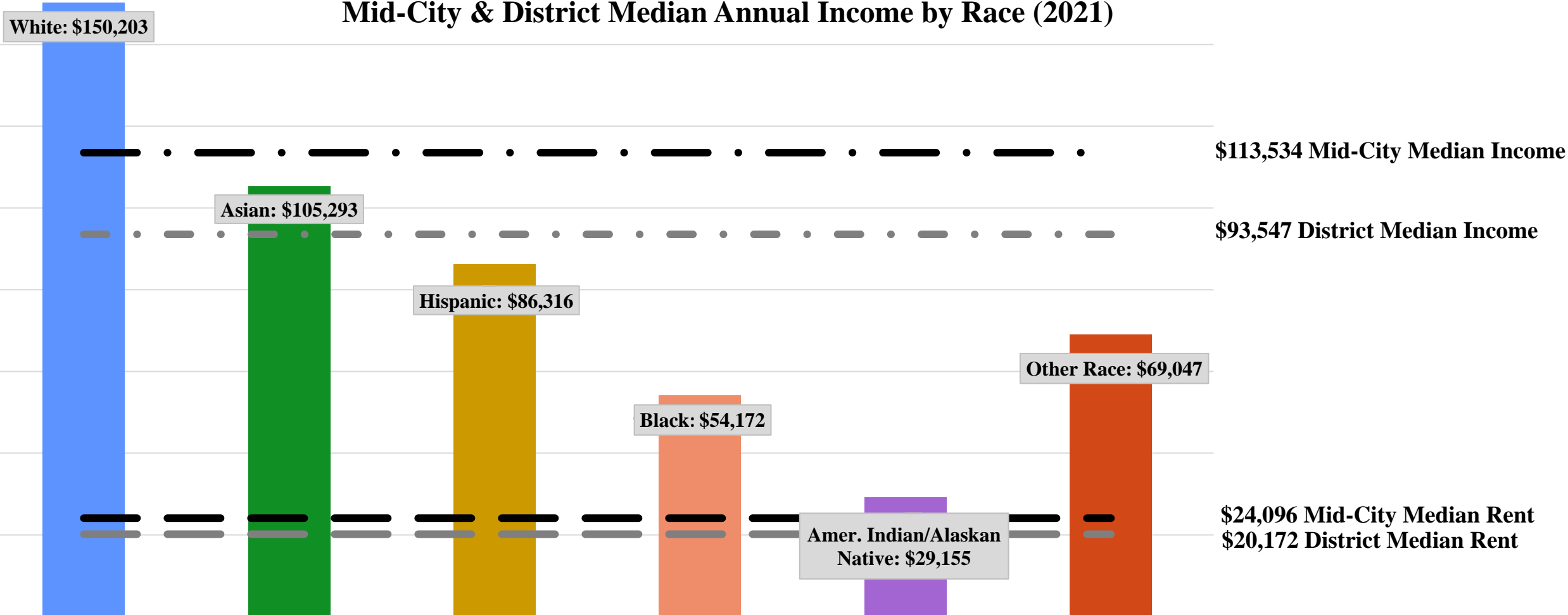
*“The District seeks to create and support an equitable and inclusive city. **Growth must be managed equitably to support all District residents, including vulnerable communities and District protected classes.**”*

“We must recognize that managing growth and change includes addressing the historic, structural, and systemic racial inequities and disenfranchisement of many District residents.”

(CP § 219.1)

Mid-City Needs Affordable Housing for Equitable Growth

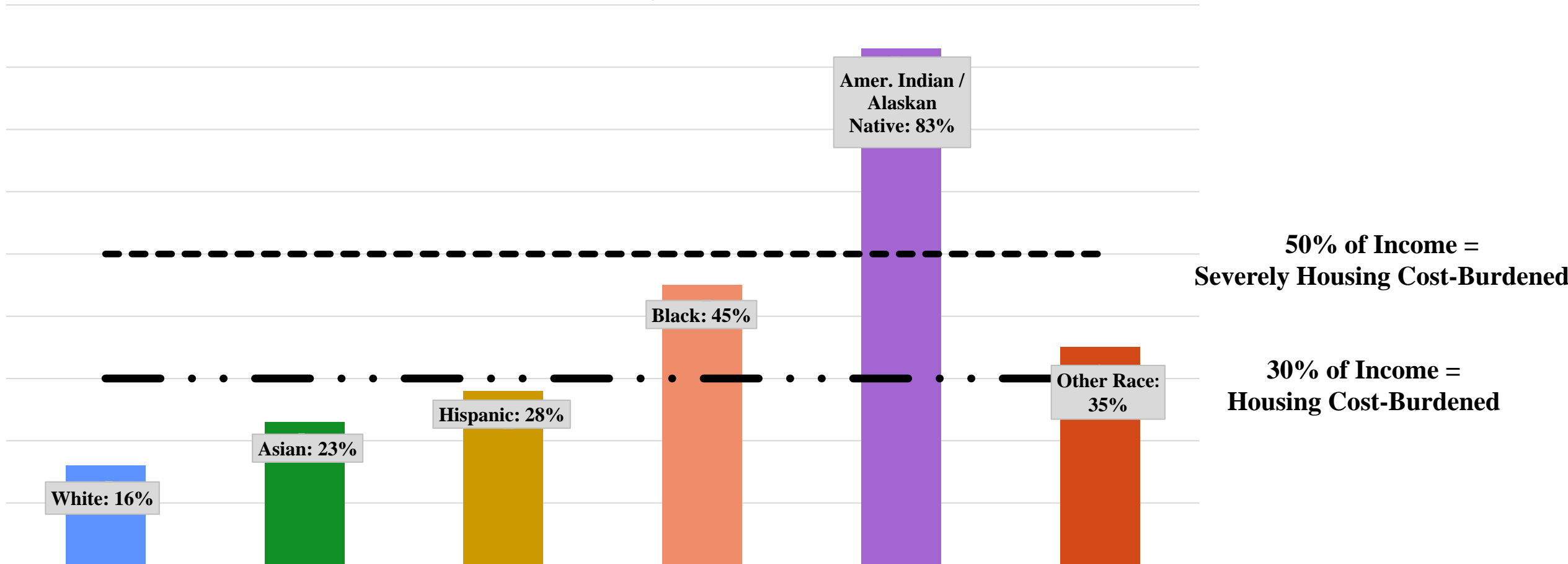
Mid-City & District Median Annual Income by Race (2021)



Source: OP's [Racial Equity Data 2017-2021 ACS by Area Elements](#); District Data: [S2503 Financial Characteristics – 2021 ACS 5-Year Estimates](#) & [DPO04 Selected Housing Characteristics – 2021 ACS 5-Year Estimates](#) (Note: income in 2021 inflation adjusted dollars)

Mid-City Needs Affordable Housing for Equitable Growth

Mid-City Median Annual Rent (\$24,069) as a Percentage of Median Household Annual Income by Race (2021)



Source: OP's [Racial Equity Data 2017-2021 ACS by Area Elements](#)

Area Element Specifically Identifies Site for More Affordable Housing

Use of Public Sites

*“Utilize public land at the ... **MPD 3rd District Headquarters** to create mixed-use neighborhood landmarks that acknowledge and continue the history of U Street as a Black business corridor.*

Added density at these public sites should be used to create a significant amount of new affordable housing...”

(Policy MC-2.3.7 - CP § 2013.11)



Affordable Housing is Needed in Transit-Rich and Amenity-Rich Areas

“Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods.

Development on such sites must ... encourage housing and amenities for low-income households, who rely more on transit.”

(CP § 508.4)

Site is Located in a Transit-Rich and Amenity-Rich Area



- Within 1/2 mile of Metro
- Adjacent to S9 and 90 priority bus routes

Affordable Housing is Needed in Transit-Rich and Amenity-Rich Areas

“Concentrated residential housing combined with a mix of other uses around Metro stations and high-capacity surface transit corridors ... is also proven to reduce a household’s combined cost of housing and transportation ...

The reduction in transportation costs provides greater affordability for the typical household living in the District than one living farther out, where housing is less expensive but more dependent on automobiles ...”

(CP § 219.7)

Leverage Public Sites for Affordable Housing

“When a development project depends on public subsidies, surplus land, and/or entitlements such as Zoning Map or Future Land Use Map amendments, ... the District should leverage the enhanced value of the land that results.

The enhanced value shall meet the equity needs of DC’s neighborhoods in the form of deeply affordable housing and other priorities detailed in the Comprehensive Plan.

The leverage can take the form of deeply affordable housing units in excess of the Inclusionary Zoning requirements ... or other tools supported by the Comprehensive Plan.”

(CP § 229.3)

Leverage Public Sites for Affordable Housing

“Require that 20 to 30 percent of the housing units built on publicly owned sites disposed of for housing [or] co-located with local public facilities ... are reserved for a range of affordable housing with long-term commitments to maintain affordability”

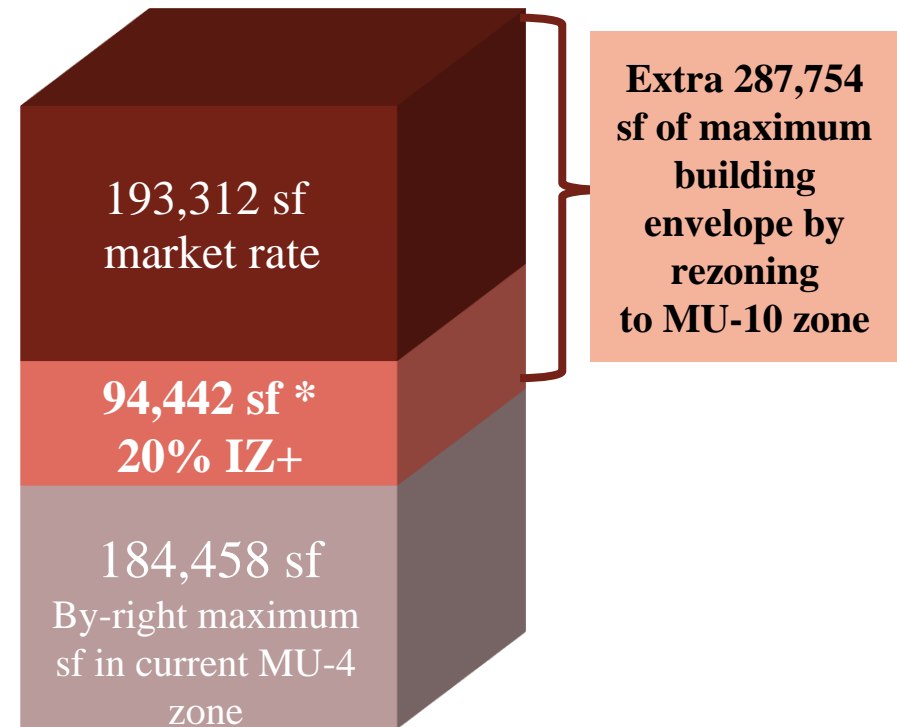
“Prioritize the provision of affordable housing in areas of high housing costs”

(CP § 504.12)

Extra Density Enables Affordable Housing

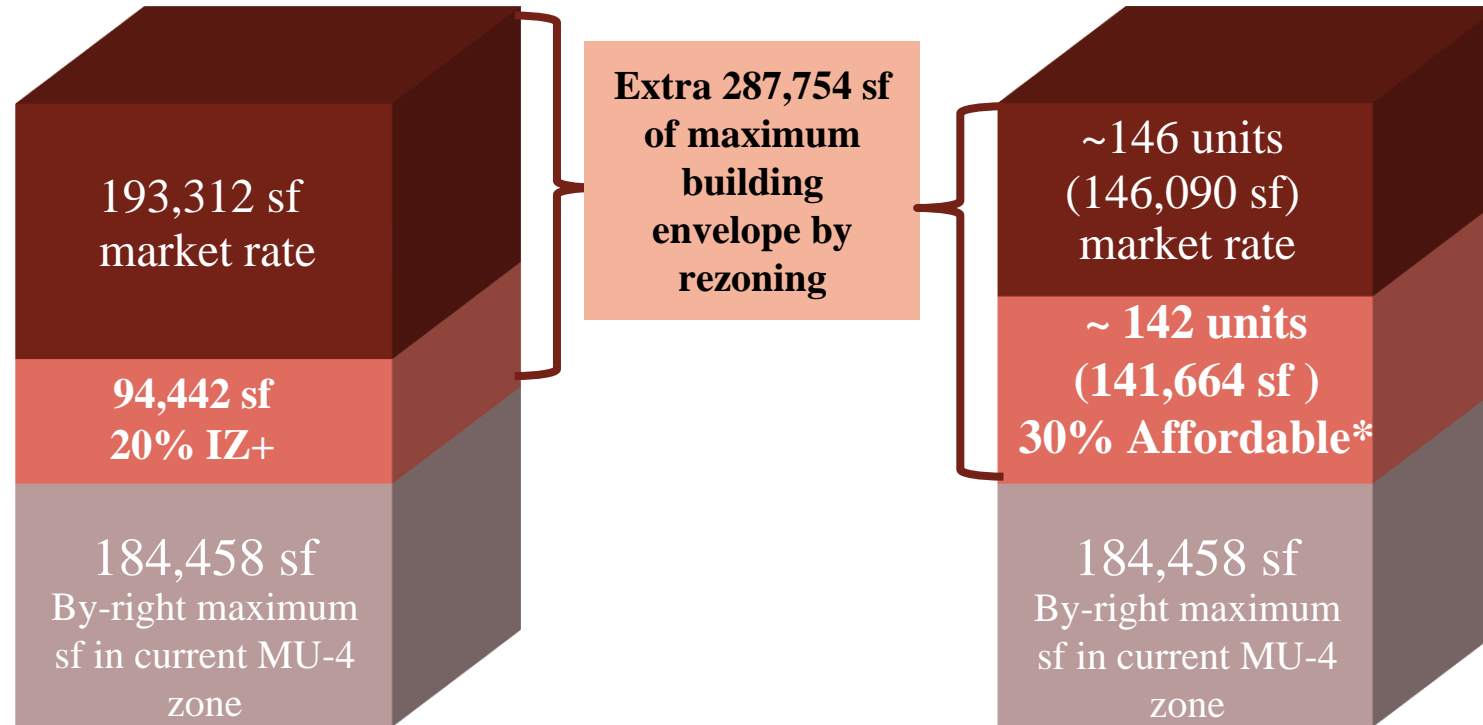
The Map Amendment must reserve **at least 20%** of the gross residential square footage for affordable housing under the Inclusionary Zoning Plus (IZ+) requirements

(Subtitle X § 502)



* Assuming maximum build-out for exclusively residential uses

Public Site Requires More Affordable Housing



20% of sf = IZ+
Minimum

30% of Units = Affordable Housing
Surplus & Disposition

*Assuming maximum build-out for exclusively residential uses and ~1000 sf/1 unit

Public Site Requires Deeper Levels of Affordability

	Map Amendment IZ+	Public Site Surplus & Disposition Process
For Rent	60% Median Family Income (MFI)	1/4 at 30% MFI (very low income) 3/4 at 50% MFI (low income)
For Sale	80% MFI	1/2 at 50% MFI (low income) 1/2 at 80% MFI (moderate income)

(Subtitle X § 500.3)

D.C. Code §§ 10-801(b-3)(2), (n)(3)-(n)(5)

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Transition Setbacks Are Not Necessary for CP Consistency

OP Text Amendment (Z.C. Case No. 23-26) proposes site specific setback and side yard requirements.

However:

- Setbacks are not required for CP consistency.
- Setbacks will reduce building footprint, which will reduce amount of housing and affordable housing that can be provided.

If the Commission Adopts the Setbacks, They Should Be Adopted as Conditions on Map Amendment—Not as a Separate Text Amendment

The Commission has the authority under the Zoning Act to impose conditions



Conditions Enforceable by a Covenant

- Map Amendment would not be effective until the execution and recordation of a covenant against the property requiring the proposed side yard and setback requirements.
- Covenant could be modified or extinguished by the Commission only upon a finding that the impact the condition was intended to mitigate is no longer present.

Covenants Are Already Used to Enforce Zoning Requirements

- Covenants required by Zoning Regulations (Subtitle A § [303.2](#), [306.1](#));
- Inclusionary Zoning (Subtitle C §§ [1001.6](#), [1006.6](#), [1006.7](#), [1006.8](#), [1007.3](#));
- Planned Unit Developments (Subtitle X §§ [311.3](#), [311.4](#), [702.10](#); Subtitle Z § [604.10](#), [703.6](#));
- Voluntary Design Review (Subtitle X § [606.3](#), [606.4](#));
- Loading berths (Subtitle C § [903.6](#));
- Density/Historic credits in Downtown zones (Subtitle I §§ [305.3](#), [800.3](#), [800.4](#), [805](#), [806.3](#), [806.4](#), [807.6](#), [807.7](#), [807.9](#), [807.12](#), [807.15](#), [807.17](#), [807.18](#));
- Combined Lot Developments (Subtitle C § [1200.4](#); Subtitle K §§ [511.2](#), [511.3](#), [511.4](#), [1009.3](#), [1009.4](#), [1009.5](#));
- St E zone FAR limits (Subtitle K §§ [602.6](#), [602.7](#), [602.8](#)); **and**
- Walter Reed zone FAR limits (Subtitle K §§ [902.5](#), [920.7](#), [920.8](#)).

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If the Commission determines that setback requirements are necessary to mitigate Map Amendment impacts, they should be imposed as conditions on the Map Amendment.

Public Contact Information

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