

WMATA

Z.C. Application No. 24-02

Square 5123 Lots 1-9, 35, 800, and 801
Square 5170 Lots 9, 10, 809, and 814
PAR 0184 0100

Map Amendment to Rezone Property from PDR-1 and RA-1 to MU-5B

Zoning Commission | Public Hearing | July 8, 2024

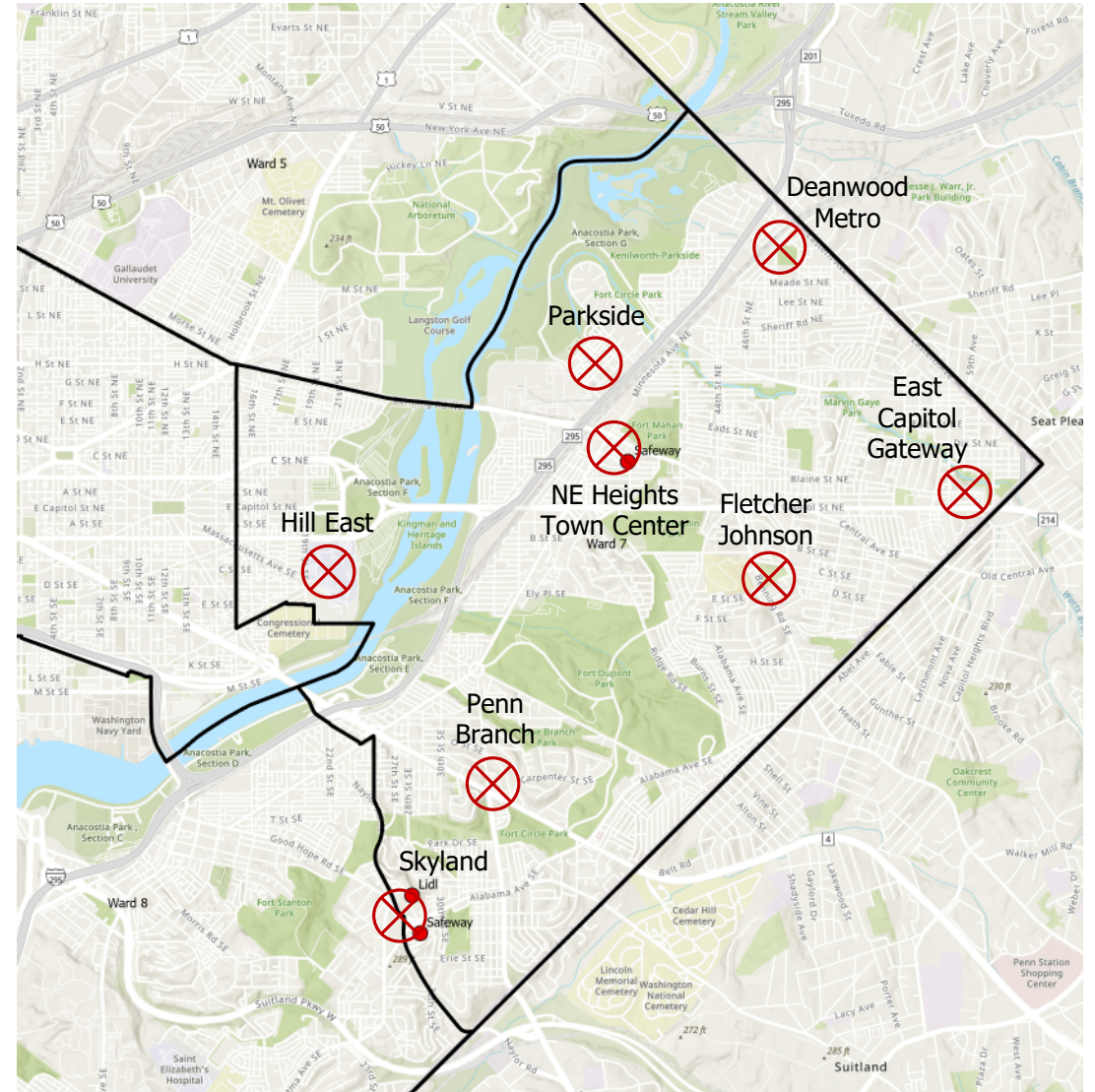
Ward 7 Development Context

Ongoing developments that will help address community and neighborhood needs:

- **NE Heights Town Center** D.C. Department of General Services (“DGS”) headquarters (approx. 230K sf) and additional mixed-use development (incl. grocery store)
- **East Capitol Gateway** new 55,000 sf grocery store.
- **Fletcher Johnson** mixed-use development, including a medical care facility.
- **Deanwood Metrorail** mixed-use development and new public library

Approved FY25 District budget contains the following Ward 7 investments:

- \$25M for infrastructure to support new full-service grocery at East Capitol Gateway
- \$22M to lay groundwork for future development at Fletcher Johnson
- \$24M for new standalone Deanwood Library



Evaluation of Potential Comp Plan Inconsistencies

The potential policy inconsistencies present in the proposed Zoning Map amendment relate to policies calling for affordable housing above normal IZ requirements near Metrorail and on publicly owned sites, and avoidance of overwhelming contrasts in building intensity and scale during infill development or redevelopment of sites.

Action LU-1.4.C (Metro Station and Inclusionary Zoning)

“Encourage developments in and around Metro station areas to exceed the affordable units required by the Inclusionary Zoning Program, with appropriate bonus density and height allowances. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required.”

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Policy H-1.2.4 (Housing Affordability on Publicly Owned Sites)

*“Require that 20 to 30 percent of the housing units built on publicly owned sites disposed of for housing, co-located with local public facilities, or sites being transferred from federal to District jurisdiction, are reserved for a range of affordable housing with long-term commitments to maintain affordability, seeking to maximize production of extremely low- and very low-income for rental units, and very low- and low-income households for ownership units and family-sized units. **Prioritize the provision of affordable housing in areas of high housing costs.** Explore strategies at these redeveloping sites to enable seniors in the surrounding community to have opportunities to age in place, and to provide housing opportunities for residents at risk of displacement in the surrounding community. Consider Universal Design and visitability.*”

Action H-1.2.E (Leveraging Inclusionary Zoning)

*“Review and consider expansion of the Inclusionary Zoning program as needed to encourage additional affordable housing production throughout the District. Examine and propose greater IZ requirements when zoning actions **permit greater density or change in use.** Factors supporting a greater requirement may include high-cost areas, **proximity to transit stations** or high-capacity surface transit corridors, and **when increases in density or use changes from production, distribution, and repair (PDR) to residential or mixed-use.** Consider requirements that potentially leverage financial subsidies, such as tax-exempt bonds. ”*

Evaluation of Potential Comp Plan Inconsistencies

Addressing **Non-Mandatory** Language in the Comp Plan

“The Mid–City Area Element’s policy favoring moderate- and medium-density development on the site **is not expressed in unambiguously mandatory terms**. Rather, that policy is one of several basic **objectives [that] should be pursued** in developing the site, and the policy states that development on the site should consist of moderate- to medium-density housing, retail, and other compatible uses. **The term “should” often is properly interpreted to “suggest or recommend a course of action,” rather than to “describe a course of action that is mandatory.”** *McMillan* at 1034.

Addressing **Mandatory** Language in the Comp Plan

“That provision, however, appears in a larger framework that describes the site-specific provisions in a less mandatory way—as basic objectives [that] should be pursued in the re-use of the McMillan Sand Filtration site. Moreover, **even Comprehensive Plan policies that are expressed in entirely mandatory terms may conflict with each other**. In such circumstances, **the Commission would need to determine which policy to pursue**. For these reasons, **we are doubtful that the policy favoring retention of open space would be mandatory in all circumstances.**” *McMillan* at 1036.

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Basis for consistency...

- These two provisions of the Comp Plan are not policies.
- “The Implementation Element describes how the Comprehensive Plan’s recommended actions are to be carried out, **and by which government agencies**.” See Comp Plan Introduction @ Section 105.1.
- The proposal is for a standalone Zoning Map amendment and not for a specific development.
- The Commission has already expanded the IZ program in creating IZ Plus, and in so doing created a mechanism that allowed for deviations from IZ Plus based upon “mitigating circumstances,” such as locations that already have an overconcentration of affordable housing.

*“...The Office of Planning shall review each such application and submit a report that recommends whether the application should be set down for a hearing, with the report on a map amendment application to include whether the application is: (c) Appropriate for IZ Plus per Subtitle X § 502, **including mitigating circumstances**, if any, and an alternative zone, if appropriate.”*

11-Z DCMR 400.5(c)

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Basis for consistency...

- Set asides above 20 percent fall outside IZ and are germane to District land dispositions (D.C. Code 10-801), which WMATA is not subject to.
- 20 – 30 percent affordable housing would perpetuate continued overconcentration of affordable housing in Wards 7 and 8, and impact ability to attract higher-quality amenities.
- Conflict with Housing Element goal of 15% affordable housing per Planning Area; Housing Equity Report goals; and Comp Plan guidance regarding equitable distribution of affordable housing, overconcentration of affordable housing, and mixed-income neighborhoods.

Policy H-1.2.3 (Affordable and Mixed-Income Housing)

“Focus investment strategies and affordable housing programs to distribute mixed-income housing more equitably across the entire District...**avoid further concentrations of affordable housing** and meet fair housing requirements.”

Policy H-1.2.11 (Inclusive Mixed-Income Neighborhoods)

“Support mixed-income housing by encouraging affordable housing in high-cost areas and **market rate housing in low-income areas...**”

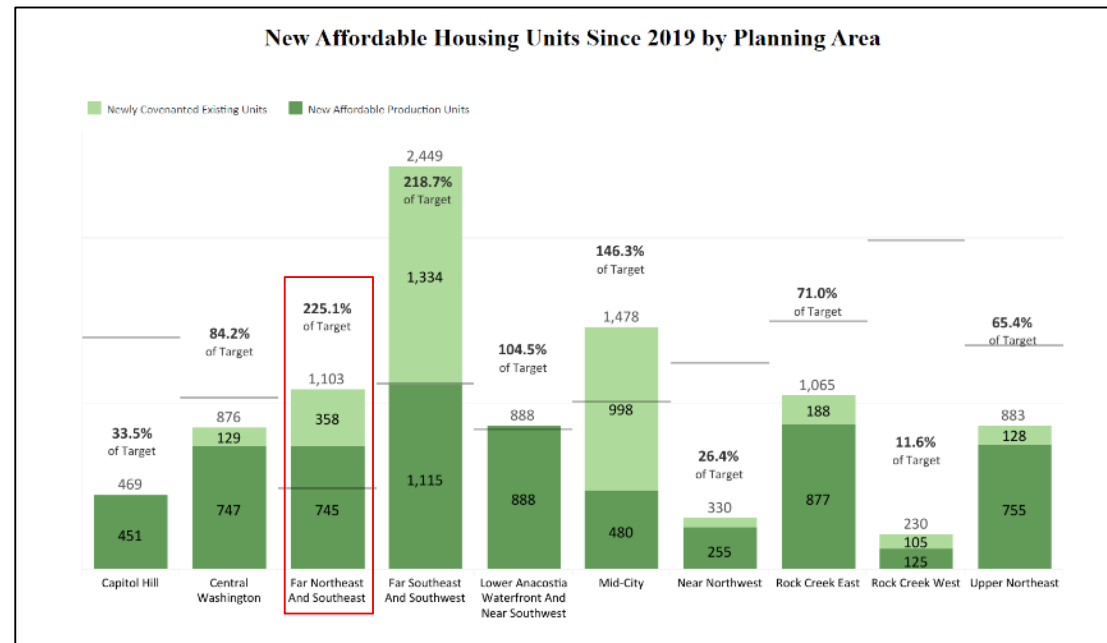
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Action H-1.2.F (Establish Affordability Goals by Area Element)

*“Establish measurable housing production goals by Planning Area through an analysis of best practices, housing conditions, impediments, unit and building typology, and forecasts of need. Include a **minimum share of 15 percent affordable housing** by 2050, along with recommendations for incentives and financing tools to create affordable housing opportunities to meet fair housing requirements, particularly in high housing cost areas.”*

Planning Area	Total Units	Percent of Total Units District Wide	Affordable Units	Percent of Affordable Units District Wide	Percent Affordable of Area Units	Affordable Projects
Capitol Hill	28,163	8%	1,753	3%	6%	47
Central Washington	15,897	5%	2,664	5%	17%	29
Far Northeast and Southeast	37,527	11%	9,576	19%	26%	103
Far Southeast and Southwest	30,738	9%	15,517	31%	50%	138
Lower Anacostia Waterfront and Near Southwest	14,115	4%	3,059	6%	22%	30
Mid-City	50,184	15%	6,820	13%	14%	156
Near Northwest	54,549	16%	4,004	8%	7%	64
Rock Creek East	30,568	9%	2,518	5%	8%	85
Rock Creek West	48,836	14%	471	1%	1%	10
Upper Northeast	32,295	9%	4,489	9%	14%	75
Total	342,872	100%	50,871	100%	15%	737

Source: HousingInsights.org, OP.



Source: Comp Plan Housing Element, Section 514.5, Figure 5.11

Source: DMPED 36,000 by 2025 Dashboard (<https://open.dc.gov/36000by2025/>)

Evaluation of Potential Comp Plan Inconsistencies

Policy H-1.2.11 (Inclusive Mixed-Income Neighborhoods)

“Support mixed-income housing by encouraging affordable housing in high-cost areas and market rate housing in low-income areas...”

2018 - 2022	Ward 7	FNS Planning Area	Deanwood
Median Household Income (MHHI)	\$62,243	\$55,769	\$53,394
% District MHHI (\$101,722)	61%	55%	52%
% Wash MSA MFI (\$152,100)	34%	37%	35%
Median Rent	\$1,190	\$1,084	\$1,160
IZ Median Rent 60% MFI Households (Across All Unit Types)	\$1,585		

Sources: OP Hearing Report, 2018 – 2022 ACS (5-Year Estimates), OP Ward and Planning Area profiles (<https://opdatahub.dc.gov/pages/district-of-columbia-profiles>), U.S. Census Bureau

Multi-Family Developments

Note: IZ units currently exist only at the 50%, 60%, and 80% MFI levels.

Bedrooms	30% of MFI Units		50% of MFI Units		60% of MFI Units	
	Max. Rent	Max. Purchase Price	Max. Rent	Max. Purchase Price	Max. Rent	Max. Purchase Price
Co-Living	500	-	830	-	1,010	-
Studio	680	54,600	1,110	128,000	1,350	164,600
1	720	50,200	1,190	128,800	1,440	168,100
2	850	36,900	1,440	131,200	1,730	178,300
3	1,010	45,100	1,680	155,100	2,020	210,100
4	1,140	62,500	1,910	188,300	2,290	251,100

<https://dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/2022-6-24%20IZ%20ADU%20price%20schedule.pdf>