District of Columbia Office of Planning

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Philip Bradford, AICP, Development Review Specialist
MBR
Maxine Brown-Roberts, Associate Director, Development Review

DATE: October 19, 2026

SUBJECT: ZC Case 26-09 – OP Set down Report – Proposed Text Amendment to Subtitle A § 301 and Subtitle C § 302

I. REQUEST

On September 25, 2026, Goulston & Storrs LLP, on behalf of Urban Atlantic Development LLC (Applicant) submitted an application to:

- Amend Subtitle A § 301 and Subtitle C § 302 to allow for a theoretical lot subdivision by public access easement on Lot 134 in Square 3977;
- Take emergency action to adopt the proposed text amendment and set the petition down for a public hearing; and
- Authorize an immediate publication of the proposed rulemaking for the petition.

II. RECOMMENDATION AND PROPOSED TEXT AMENDMENT

The Office of Planning (OP) recommends that the Zoning Commission **set down for public hearing** an amendment to the text of the Zoning Regulations as follows (text to be deleted is marked in **~~bold and strikethrough~~** **and text to be added is <u>bold underline</u>**):

1. Amendments to SUBTITLE C, GENERAL RULES

Chapter 3 SUBDIVISION, Subsection 302.2 of § 302 SUBDIVISION REGULATIONS is amended as follows:

302.2 Each new primary building and structure shall be erected on a separate lot of record in all R, RF, and RA zones, except as follows:

<u>(a) For a theoretical lot subdivision by public access easement on Lot 134 in Square 3977, provided:</u>

<u>(1) Each building shall meet all of the development standards for the zone based on a plan of theoretical subdivision where individual theoretical lots serve as boundaries for assessment of compliance with the Zoning Regulations;</u>

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(2) Each theoretical lot has a public access easement approved by the District Department of Transportation;

(3) The theoretical subdivision has been reviewed pursuant to the Large Tract Review procedures of Title 10, Chapter 23 of the D.C. Municipal Regulations; and

(4) Notwithstanding the provisions of Subtitle A Section 301.4, a building permit application for construction of any building within the theoretical subdivision may be processed, and any work authorized may be carried to completion, pursuant to the provisions ~~of provisions~~ [1]of the Zoning Regulations in effect as of [INSERT DATE EMERGENCY REGULATION TAKES EFFECT] so long as an application for the first building within the theoretical subdivision was legally filed with, and accepted as complete by the Department of Buildings on or before that date.

(b) For other theoretical lot subdivisions:

(1) As provided for in the theoretical lot subdivision regulations of Subtitle C § 305.1;

(2) Buildings and structures erected in conformance with an approved campus plan, medical campus plan, or private school plan; and

(3) Buildings and structures erected in conformance with an approved planned unit development.

~~**(c)**~~

2. Amendments to SUBTITLE A, AUTHORITY AND APPLICABILITY

Chapter 3 ADMINISTRATION AND ENFORCEMENT, Subsection 301.3 of § 301 BUILDING PERMITS is amended to add a new 301.3(i) as follows:

301.3 Except as provided in the building lot control regulations for Residence Districts in Subtitle C and § 5 of An Act to amend an Act of Congress approved March 2, 1893, entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, approved June 28, 1898 (30 Stat. 519, 520, as amended; D.C. Official Code § 9-101.05, a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that

[1] The Office of Planning has struck through this portion of the proposed text from the applicant as it is an error.

each structure will be on a separate lot of record; except a building permit may be issued for:

(a) Buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia;

(b) Boathouse, yacht club, or marina that fronts on a public body of water, is otherwise surrounded by public park land, and is zoned MU-11;

(c) Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure;

(d) Trapeze school and aerial performing arts center to be constructed pursuant to Subtitle K;

(e) A structure in the USN zone to be constructed on an air rights lot that is not a lot of record;

(f) Buildings and structures approved as part of a campus or private school plan or medical campus plan;

(g) Playing fields and associated accessory structures to support such fields and, if permitted by the Zoning Commission, an unenclosed pavilion, on the unzoned property comprising and abutting the Robert F. Kennedy Memorial Stadium, subject to Subtitle A § 209.2(c); ~~**and**~~

(h) Buildings and structures within the SEFC-4 Zone District pursuant to Subtitle K, Chapter 2**; and**

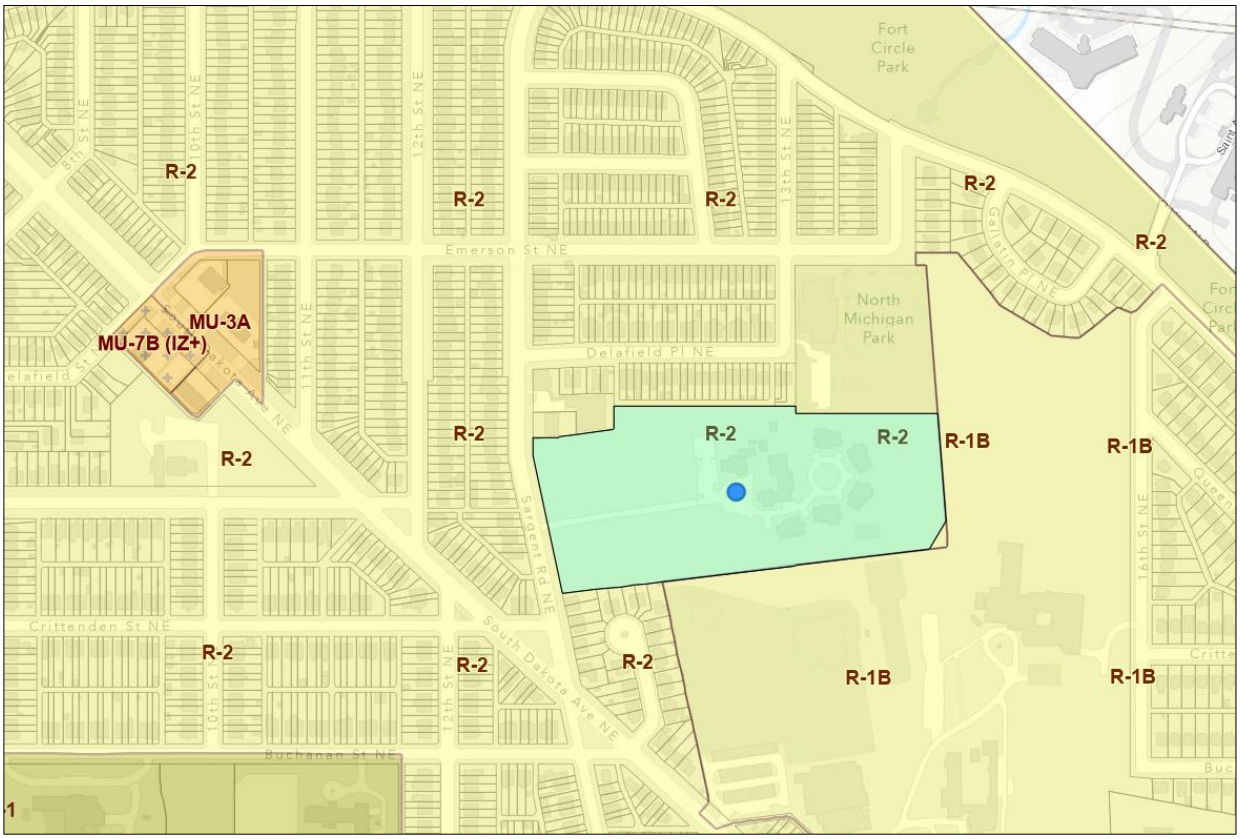
(i) A theoretical lot subdivision by public access easement as provided for in Subtitle C § 302.2(a).

Emergency Action:
Consideration of emergency action and the publication of the proposed rulemaking for the petition is the purview of the Zoning Commission.

III. PROPOSED DEVELOPMENT

The Applicant seeks to redevelop the subject property, located in the R-2 zone, with a new subdivision consisting of 166 single unit, semi-detached dwellings. The proposed homes will be for sale and will comply with IZ requirements, setting aside 10% of the gross floor area (GFA) for households earning 80% of the area median income (AMI). The proposed project contains 170 new lots, one of which will preserve the existing 1928 schoolhouse and repurpose it into an amenity space for the community. Access to the lots will be provided by private streets within public access easements. New sidewalks, landscaping, and open space are also proposed.

Site Location and Approved Site Plans





IV. BACKGROUND

This subject property, 4801 Sargent Road, NE (Square 3977, Lot 0134), was required to go through the Large Tract Review process under Section 2300.1 of Title 10 of the District of Columbia Municipal Regulations (DCMR) which directs the Office of Planning conduct a coordinated interagency review to:

> *(a) Review, prior to the filing of applications for building or construction permits, all large tract development projects comprising three (3) acres or more and any commercial or mixed-use commercial development of fifty thousand square feet (50,000 ft.2) or more gross floor area (above grade) and cellar area (below grade);*
>
> *(b) Review, in the case of large tract development of ten (10) acres or more, all applications for subdivision authorizations and for multiple building covenants under § 108.7 of the District of Columbia Building Code (DCMR Title 12); and comprising three (3) to ten (10) acres, if in the judgment of the Director of the Office of Planning, such review is necessary; and*
>
> *(c) Review requests for subdivisions of tracts and land comprising three (3) to ten (10) acres, if in the judgment of the Director of the Office of Planning such review is necessary.*

The proposal was deemed to need Large Tract Review as it was a development of large property of more than three acres, in a low density area. LTR is not a process that results in an "approval" or "denial". In this way, it is unlike most District review processes. Instead, it is an administrative review by District agencies and the community to identify issues and through an interagency review process provide feedback to the developer of a generally by-right project, prior to applying for building permits.

After review by the relevant agencies and extensive community input, on September 23, 2025, OP issued a report for Large Tract Review Case No. 2025-01 for the site which noted that the application addressed the goals of the Large Tract Review regulations (Exhibit 2E - OP Large Tract Review Report)

After the Large Tract Review report was issued, the project continued through the entitlement process and during the subdivision process to record the lots, the DC Office of the Surveyor concluded that the proposed lots cannot utilize a public access easement as a substitute for public street frontage. After months of work attempting to find a solution, the applicant proposes the text amendment to remedy the gap between the Zoning Regulations and the Subdivision Regulations in Title 10-B, Chapter 27.

V. ANALYSIS

The proposal is a matter-of-right, R-2 development and is not located within an area covered by a neighborhood or Small Area Plan. The proposal has already gone through the Large Tract Review process with OP and other district agencies as required due to the size and type of development proposed.

While the Zoning Regulations currently allow record lots with either lot frontage on a public street or public access easement, the Subdivision Regulations require each lot to have frontage on a public street or alley, without the option of utilizing a public access easement. This project originally

envisioned creating 170 new record lots with access via public access easements on private streets. Such configurations have been approved elsewhere in the District such as row homes at St. Elizabeths East, north of Alabama Avenue, SE. Due to changes in leadership in the DC Office of the Surveyor and a different interpretation of the Regulations, it is not possible for this project to proceed under past precedent of allowing a record lot subdivision without public street frontage. This text amendment would therefore change the Zoning Regulations to create a development pathway for this theoretical lot subdivision with public access easements, and removes the Subdivision Regulations from the equation. OP intends to study the Zoning Regulations further to ensure consistency with the Subdivision Regulations and other policies of the Office of the Surveyor; however, given the challenging environment facing housing construction in the District, OP views the text amendment as being appropriate to allow this project to move forward as an emergency action as outlined below.

Emergency Action

The request for emergency action to amend the Regulations would create a path to allow the project to proceed as intended by allowing the theoretical lot subdivision with frontage on a public access easement instead of public streets. This configuration has already received support from DDOT through the LTR process. The project has secured financing and has continued to make progress through the development process with the District at a time when few projects are moving forward.

The Applicant states that bringing the proposal to fruition is quite advanced as the design was completed last year, and permits were filed for the site work as well as related approvals from DDOT, DOEE, and DC Water at the beginning of the year. All approvals have been secured for the first phase of the development and reviews are well underway for the remaining phases. Permits issued or currently under review include:

- Site work for first phase - Approvals in place for DC Water and DOEE.
- Excavation permit for site. Approvals in place.
- Public space permit for site. Approvals pending payment of tree removal permit
- Site work remaining phases - Reviews ongoing with DOEE and DC Water.

Final approvals and issuance of permits are dependent on the resolution of the creation of the lots in order to obtain DC Water approvals.

The project would provide a substantial amount of new for-sale homes subject to IZ at a time where housing production is greatly needed. OP supports the adoption of the text amendment as an emergency action to resolve the disconnect between the Zoning Regulations and Subdivision Regulations and create much needed homeownership housing.

VI. PLANNING CONTEXT

As described in the Introduction (Chapter 1 Introduction, Section 103, Attachment I), the Comprehensive Plan is the centerpiece of a "Family of Plans" that guide public policy in the District. The Introduction goes on to note three "Tiers" of Planning (Chapter 1 Introduction, Section 104, Attachment II), including:

a. Citywide policies

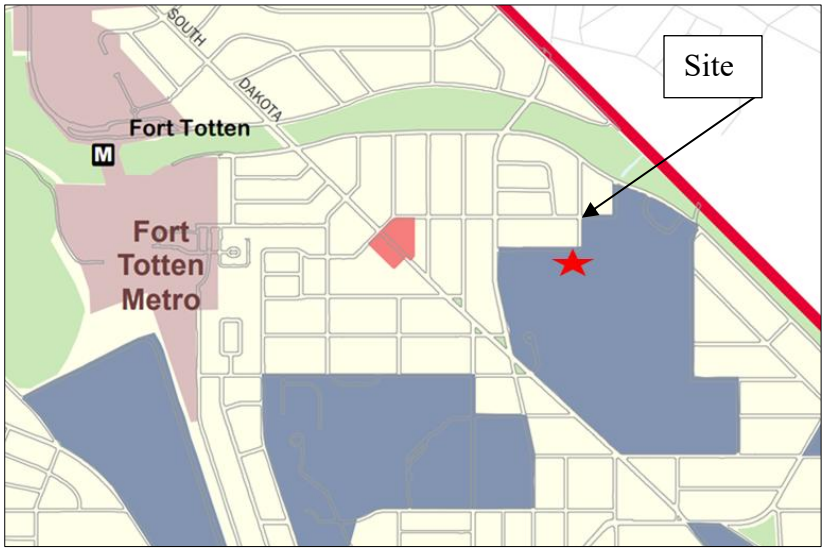
b. Ward-level policies

c. Small area policies.

A. COMPREHENSIVE PLAN MAPS

The proposal would be not inconsistent with Comprehensive Plan objectives for the Upper Northeast Planning Area and would advance key Land Use, Transportation, Housing, Environmental Protection, Economic Development, Urban Design, Historic Preservation and Infrastructure goals, by allowing for the redevelopment of vacant and underutilized sites with a large residential development potential in the North Michigan Park neighborhood.

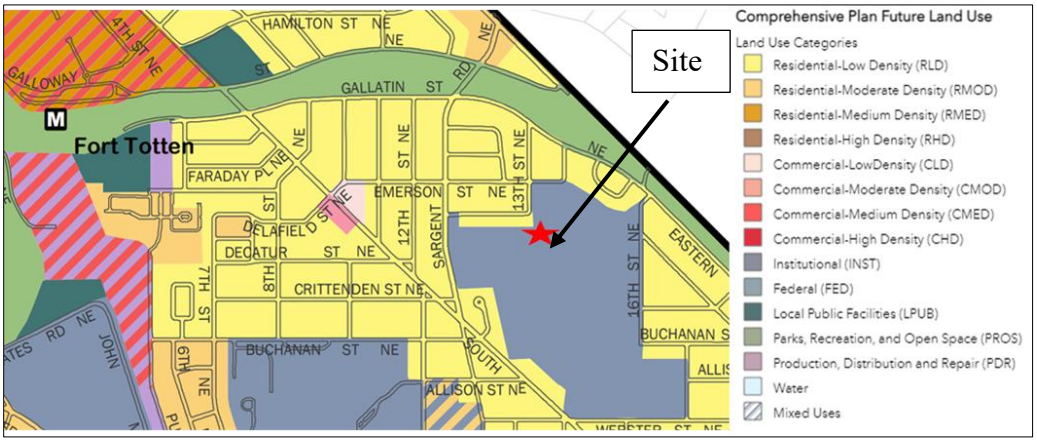
A. Generalized Policy Map



The Comprehensive Plan Generalized Policy Map describes the subject site as an Institutional Use area. The guidance within the Comprehensive Plan for these areas states *: Much of the land identified as institutional on the map represents colleges and universities; change and infill can be expected on each campus consistent with campus plans. Other institutional sites, including hospitals and religious orders, likewise may see new buildings or facilities added. Policies in the Land Use and the Educational Facilities Elements address the compatibility of such uses with surrounding neighborhoods. 225.22*

The Generalized Policy Map Designation for the site reflects the surrounding areas legacy of institutional uses. St. Anselm's Abbey is located directly east of the subject property, the North Michigan Park Recreation Center is directly north, and the subject property itself previously functioned as Father Flanagan's Boys Town which was previously a Saint Gertrudes School. The site is not within a Future Planning Analysis or Resiliency Focus Area. The project is not inconsistent with the GPM recommendation as many areas mapped Institutional are zoned residential and the R-2 zoning district of the property enables a by-right development of semi-detached homes, which this text amendment would support.

B. Future Land Use Map



The Future Land Use Map (FLUM) also indicates that the site is appropriate for Institutional uses, consistent with past uses. The Institutional designation is used for "*land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. While included in this category, smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. Institutional uses are also permitted in other land use categories." 227.18*

The Framework Element further states: *The Map does not show density or intensity on institutional and local public sites. If a change in use occurs on these sites in the future (for example, a school becomes surplus or is redeveloped), the new designations should be comparable in density or intensity to those in the vicinity, unless otherwise stated in the Comprehensive Plan Area Elements or an approved Campus Plan. (p. 2-62)*

The subject property is zoned R-2, which permits single unit semi-detached homes which this text amendment would support. While the Future Land Use Map designates the site as institutional given the uses historically found on the property, the designation does not preclude the site from being developed as a residential subdivision consistent with the R-2 zoning, which is also consistent with the surrounding density and use. The proposed development would reactivate an underutilized parcel and would result in new housing, open space, and landscaping to enhance the neighborhood through appropriate infill development. The Comprehensive Plan Area Elements or any approved Campus Plan do not provide any additional guidance for this site.

B. COMPREHENSIVE PLAN WRITTEN ELEMENTS

Citywide Elements:

Land Use Element

Policy LU-1.4.6: Development Along Corridors*. Encourage growth and development along major corridors, particularly priority transit and multimodal corridors. Plan and design development adjacent to Metrorail stations and corridors to respect the character, scale, and integrity of adjacent neighborhoods, using approaches such as building design, transitions, or buffers, while balancing against the District's broader need for housing. 307.14*

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-2.1.1: Variety of Neighborhood Types *Maintain a variety of neighborhoods, ranging from low-density to high density. The positive elements that create the identity and design character of each neighborhood should be preserved and enhanced while encouraging the identification of appropriate sites for new development and/or adaptive reuse to help accommodate population growth and advance affordability, racial equity, and opportunity. 310.7*

Policy LU-2.1.5: Support Low-Density Neighborhoods *Support and maintain the District's established low-density neighborhoods and related low-density zoning. Carefully manage the development of vacant land and alterations to existing structures to be compatible with the general design character and scale of the existing neighborhood and preserve civic and open space. 310.12*

The proposed text amendment would enable the development of a new for-sale development of semi-detached homes on a large, underutilized site, promoting infill development on vacant land and providing new low-density development that fits into the existing neighborhood. The development would advance affordability through the provision of IZ units and increase homeownership opportunities within Ward 5 and the District as a whole.

Transportation Element

Policy T-1.1.4: Transit-Oriented Development *Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. Encourage development projects to build or upgrade the pedestrian and bicycle infrastructure leading to the nearest transit stop to create last-mile connections. Pedestrian movements and safety should be prioritized around transit stations. 403.10*

Policy T-1.4.1: Street Design for Placemaking *Design streets, sidewalks, and transportation infrastructure—such as bike racks and other public places in the right-of-way—to support public life, in addition to their transportation functions. This includes incorporating seating, plantings, and the design of spaces for gathering, lingering, and engaging in commerce and social or cultural activities. 406.2*

Policy T-2.4.1: Pedestrian Network*. Develop, maintain, and improve pedestrian facilities. Improve the District's sidewalk system to form a safe and accessible network that links residents across Washington, DC. 411.5*

The proposed text amendment would enable the construction of 166 new homes including 17 affordable homes with new sidewalks, enhanced streetscapes and new connectivity within the North Michigan Park neighborhood. The site is also located directly adjacent to the WMATA C71 bus line and a short walk from the D30 and within the ½ mile to 1 mile buffer from the Fort Totten Station serving Metro Green, Red and Yellow lines, allowing for new home ownership opportunities near existing transit.

Housing Element

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-1.1.3: 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-1.1.7: Large Sites *Accommodate a significant share of the District's projected housing demand in new neighborhoods developed on large sites. Prioritize housing, particularly affordable housing preserved for long-term affordability. These neighborhoods should include or have access to well-planned retail, public schools, attractive parks, open space and recreation, as well as needed supportive services for older adults and persons with disabilities and enable resilient, innovative neighborhood- level energy systems. The new neighborhoods should include a variety of housing types, including housing for families, older adults, and other needed types, serving a diverse population and a variety of income levels. 503.9*

Policy H-1.1.9: Housing for Families *Encourage and prioritize the development of family-sized units and/or family-sized housing options which generally have three or more bedrooms, in areas proximate to transit, employment centers, schools, public facilities, and recreation to ensure that the District's most well-resourced locations remain accessible to families, particularly in areas that received increased residential density as a result of underlying changes to the Future Land Use Map. Family-sized units and/or family-sized housing options include housing typologies that can accommodate households of three or more persons and may include a variety of housing types including townhomes, fourplexes and multi-family buildings. To address the mismatch between meeting the needs of larger households and the financial feasibility of developing family-sized housing, support family-sized housing options through production incentives and requirements that address market rate challenges for private development that may include zoning, subsidies or tax strategies, or direct subsidy and regulatory requirements for publicly owned sites. 503.11*

Policy H-1.3.1: Housing for Larger Households *Increase the supply of larger family-sized housing units for both ownership and rental by encouraging new and retaining existing single-family homes, duplexes, row houses, and three- and four-bedroom market rate and affordable apartments across Washington, DC. The effort should focus on both affordability of the units and the unit and building design features that support families, as well as the opportunity to locate near neighborhood amenities, such as parks, transit, schools, and retail. 505.8 Policy*

H-1.3.2: Tenure Diversity *Encourage the production of both renter- and owner-occupied housing, including housing that is affordable at low-income levels, throughout the District. 505.9*

The approval of the proposed map amendment would support the policies above by allowing a private sector developer to construct a significant number of new homes on a large vacant site. The proposed homes would be family sized semi-detached homes able to accommodate families. While a significant portion of new construction within the District has been for rent multi-family housing, this project would bring much needed for sale units along with 17 IZ units to the district in a time where very few projects are moving forward due to interest rates, construction costs, inflation and softening demand, thus increasing tenure diversity.

Environmental Protection Element

Policy E-1.1.2: Urban Heat Island Mitigation*. Wherever possible, reduce the urban heat island effect with cool and green roofs, expanded green space, cool pavement, tree planting, and tree protection efforts, prioritizing hotspots and those areas with the greatest number of heat-vulnerable residents. Incorporate heat island mitigation into planning for GI, tree canopy, parks, and public space initiatives. 603.6*

Policy E-2.1.2: Tree Requirements *in New Development. Use planning, zoning, and building regulations to promote tree retention and planting, as well as the removal and replacement of dying*

trees when new development occurs. Tree planting and landscaping required as a condition of permit approval should include provisions for ongoing maintenance. 605.6

***Policy E-2.1.3: Sustainable Landscaping Practices**. Encourage the use of sustainable landscaping practices to beautify the District, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity. District government, private developers, and community institutions should coordinate to significantly increase the use of these practices, including planting and maintaining mostly native trees and other plants on District-owned land outside the right-of-ways in schools, parks, and housing authority lands. 605.7*

***Policy E-2.3.2: Grading and Vegetation Removal** Encourage the retention of natural vegetation and topography on new development sites. Prevent or require mitigation of construction practices that result in unstable soil and hillside conditions. Grading of hillside sites should be minimized, and graded slopes should be quickly revegetated for stabilization. 607.3*

***Policy E-3.2.7: Energy-Efficient Building and Site Planning** Include provisions for energy efficiency and for the use of alternative energy sources in the District's planning, zoning, and building standards. Encourage new development to exceed minimum code requirements and contribute to energy efficiency and clean energy goals. 612.9*

***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*

***Policy E-4.1.3: GI and Engineering** Promote GI and engineering practices for rainwater reclamation and wastewater reuse systems. GI practices include green roofs, bioretention facilities, permeable pavement, and rainwater harvesting. Green engineering practices include emerging wastewater treatment technologies, constructed wetlands, and purple pipe systems or other design techniques, operational methods, and technology to reduce environmental damage and the toxicity of waste generated. 615.5*

***Policy E-4.4.1: Mitigating Development Impacts** Future development should mitigate impacts on the natural environment and anticipate the impacts of climate change, resulting in environmental improvements wherever feasible. Construction practices that would permanently degrade natural resources without mitigation should not be allowed. 618.3*

***Policy E-6.1.3: Control of Runoff** Continue to implement water pollution control and management practices aimed at reducing runoff and pollution, including the flow of sediment and nutrients into streams, rivers, and wetlands. 622.8*

The adoption of the proposed text amendment would allow for the construction of a new subdivision incorporating the latest best practices for stormwater management and energy efficiency. The development would include significant new tree plantings and new landscaping which would also mitigate the urban heat island and the impact of the new development itself.

Parks, Recreation and Open Space Element

***Policy PROS-1.2.2: Improving Accessibility** Improve accessibility to and within the major park and open space areas through pedestrian safety and street crossing improvements, wayfinding signage, bike lanes and storage areas, perimeter multiuse trails within select parks, and adjustments to bus routes where appropriate. All parks should be accessible by foot, and most should be accessible by bicycle. Seek to provide access within parks for all ages and abilities consistent with park use and*

recognize that paved trails are accessible to wheelchair users, whereas dirt, cinder, and wood chip trails can present challenges for these users. 805.8

Policy PROS-4.3.3: Common Open Space in New Development *Work with developers for new and rehabilitated buildings to include green roofs, rain gardens, landscaped open areas, and other common open space areas that provide visual relief and aesthetic balance. 819.5*

Policy PROS-4.3.5: Residential Yards *Recognize the value of residential yards as a component of the District's open space system and discourage increased coverage of such areas by buildings and impervious surfaces while balancing that value against other District priorities such as the creation of affordable housing. 819.7*

The proposed text amendment would further the policies of the Parks, Recreation and Open Space Element by creating new connections to the North Michigan Park Recreation Center through the new pedestrian network within the proposed subdivision. The project would also add new potential users for the existing recreation center and also provide a new common open space within the development, along with other yards and open spaces providing a balanced approach of utilizing private and public open spaces.

Implementation Element

Policy IM-1.1.9: Monitor Development Requirements, Benefits, Amenities, and Other Commitments

Monitor and ensure commitments made through the development review process are implemented, including development requirements, benefits, amenities, or actions offered for incentives. 2502.14

Policy IM-1.3.1: Updating Land Use Controls

Regularly review and update the District's land use controls and building codes to eliminate obsolete regulations and develop new regulations that address emerging issues, land uses, building types, and technologies. 2504.3

The proposed text amendment accomplishes these Comprehensive Plan policy goals by solving an administrative issue within the Districts' land use regulations for Zoning and Subdivisions and creates a specific site-specific path forward for this development by allowing the theoretical lots to be subdivided with frontage on public access easement instead of a public street. The Zoning Commission established public access easements as a by-right development option for single family housing as part of the ZR 16 update to the Regulations and multiple housing developments have been approved utilizing this approach.

Area Elements:

Upper Northeast Area Element

The property is located in the Upper Northeast Planning area, which encompasses 5,739 acres or about 13% of the District's land area and is bound by the District of Columbia border with Maryland at the northern / eastern border and Florida Avenue, Benning Road and the Anacostia waterfront to the south. The application is consistent with the following policies of the Planning Area:

Policy UNE-1.1.1: Neighborhood Conservation *Encourage growth while enhancing the neighborhoods of Upper Northeast, such as Michigan Park, North Michigan Park, University Heights, Woodridge, Brookland, Queens Chapel, South Central, Lamond-Riggs, and Arboretum. The residential character of these areas should be preserved while allowing new housing opportunities*

for all incomes. Places of historic significance, gateways, parks, and important cultural and social places should likewise be preserved and enhanced. 2408.2

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*

Policy UNE-1.2.3: Highlighting Local Cultural Resources *Develop new means to highlight the historic and cultural resources in Upper Northeast, such as improved signage and trails connecting the Fort Circle Parks, organized tours of the area's religious landmarks, and tours of historic homes in Brookland and other parts of the community. 2409.3*

Policy UNE-1.2.7: Institutional Open Space *Recognize the particular importance of institutional open space to the character of Upper Northeast, particularly in and around Brookland, Woodridge, and Gallaudet University/Trinidad. Opportunities also exist for connections between the Gallaudet campus and the network of open spaces to the west, including the Metropolitan Branch Trail and the Burnham Spine, which lead to Union Station and the National Mall. In the event that large institutional uses are redeveloped in the future, pursue opportunities to dedicate substantial areas as new neighborhood parks and open spaces. Connections between Upper Northeast open spaces and the network of open space between McMillan Reservoir and Fort Totten should also be pursued. 2409.7*

The proposed text amendment would enable the construction of an infill subdivision that has already gone through community input and received support from the ANC and numerous District agencies. It would preserve and adaptively reuse a historic school building and surround it with a new public space that serves the future neighborhood, and provide new development and housing opportunities in an area that has limited opportunities and sites available for such a large project.

C. EQUITY

Subtitle X § 1300.2 of Title 11 requires that the Zoning Commission determine that a proposed petition for a text amendment to the Zoning Regulations "*is not inconsistent with the Comprehensive Plan and other adopted public policies and active programs related to the subject text.*" The direction to consider equity "as part of its Comprehensive Plan consistency analysis" indicates that the equity analysis is intended to be based on the policies of the Comprehensive Plan and part of the Commission's consideration of whether a proposed zoning action is "not inconsistent" with the Comprehensive Plan. One of the ways the Comprehensive Plan seeks to address equity is by supporting additional housing for residents. The Comprehensive Plan recognizes that without increased housing, the imbalance between supply and demand creates challenges for many residents, particularly low-income residents.

More than a quarter of land within the district (28.1%) is dedicated to residential use (205.3). While this may seem like a large portion of land within the district, increased demand and competition for housing from higher-wage households has made the District one of the most expensive cities to live in the county (204.15). The addition of 166 new owner-occupied dwelling units on a large, under-utilized site will help the District meet housing production goals and provide additional housing capacity.

Population by Race and Ethnicity

Table 1: Population / Race or Ethnicity Districtwide and in the Upper Northeast Planning Area 2012 – 2016 and 2020 – 2024)

Race or Ethnicity	Districtwide 2012 - 2016	Upper Northeast 2012 – 2016	Upper Northeast % 2012 - 2016	Districtwide 2020 - 2024	Upper Northeast 2020 - 2024	Upper Northeast % 2020 - 2024
Total Population	659,009	70,451	100%	681,294	74,049	100%
White alone	266,035	12,877	18.3%	258,050	15,960	21.55%
Black or African American alone	318,598	50,355	71.5%	286,997	43,928	59.32%
American Indian and Alaskan Native alone	2,174	439	0.6%	2,528	595	.80%
Asian alone	24,036	1,335	1.9%	29,748	2,337	3.16%
Native Hawaiian and other Pacific Islander alone	271	12	0%	336	9	.01%
Some other race alone	29,650	3,665	5.2%	37,984	4,334	5.85%
Two or more races	18,245	1,769	2.5%	65,651	6,887	9.30%
Hispanic or Latino	69,106	6,797	9.6%	81,152	8,861	11.97%

Between 2012-2016, the Upper Northeast Planning Area, the largest portion of the population were Black residents at 71.5%. The next largest group were White residents at 18.3%. In the 2019-2024 period, the percentage of White residents increased to 21.55% with Black residents decreasing to 59.32%. Asian, two or more races, and Hispanic or Latino residents also increased between the two periods. The data appears to indicate that the population within the Upper Northeast Planning Area is becoming more diverse, with significant new multi-family housing construction occurring within the Historic Florida Avenue Market (Union Market), and near Rhode Island Ave, Brookland-CUA, and Fort Totten Metro Stations.

Median Household Income

Table 2: Median Income Districtwide and in the Upper Northeast Planning Area (2012 – 2016 and 2020 – 2024)

Race or Ethnicity	Districtwide 2012-2016	Upper Northeast 2012-2016	Districtwide 2019 – 2024	Upper Northeast 2020 – 2024
Total Population	$72,935	$55,720	$110,689	$93,163
White alone	$119,654	$107,152	$170,843	$181,643
Black or African American alone	$40,560	$47,712	$60,780	$74,173
American Indian and Alaskan Native alone	$51,306	N/A	$67,557	$68,362
Asian alone	$91,453	$70,238	$126,507	$156,067

Native Hawaiian and other Pacific Islander alone	N/A	N/A	N/A	N/A
Some other races	$41,927	$38,781	$89,683	$74,062
Two or more races	$83,243	$78,598	$122,979	$95,006
Hispanic or Latino	$60,848	$47,581	$116,177	$86,147

The median income of the Upper Northeast Planning Area was lower than the District for both the 2012-2016 and 2020-2024 time periods. The median income for the planning area saw an approximately $38,000 increase between the time periods. This increase closely mirrored the increase District wide which was approximately $38,000.

The Black or African American population had the second lowest median income of all segments of the population with available income information during both time periods ($47,712 and $74,173). The median income of all groups increases within the planning area between the time periods with White, Asian and Two or more race groups leading the group of highest earners. The planning area as a whole has a median household income below the average; however many groups have a higher median household income within Upper Northeast than they do on average within the District.

Housing Tenure

Table 3: Owner Occupied Households Districtwide and in the Upper Northeast Planning Area (2012 – 2016 and 2020- 2024)

Race or Ethnicity	Districtwide 2012-2016	Upper Northeast 2012- 2016	Upper Northeast % 2012 - 2016	Districtwide 2020 - 2024	Upper Northeast 2020 - 2024	Upper Northeast % 2020 - 2024
Total Owner Occupied	40.7%	12,296	46.1%	41.5%	14,636	45%
White alone	47.8%	2,431	54.1%	48.6%	3,955	56.5%
Black or African American alone	35.9%	9,206	45.9%	35.3%	8,804	42.8%
American Indian and Alaskan Native alone	32.9%	27	21.1%	22.1%	128	61.7%
Asian alone	39.4%	146	32.7%	39.4%	458	45.6%
Native Hawaiian and other Pacific Islander alone	9.1%	0	N/A	29.%	0	N/A
Some other races	17.5%	278	26.5%	28.7%	310	24.3%
Two or more races	32.7%	209	40.6%	42.8%	983	41.5%

Hispanic or Latino	30.9%	577	30.6%	37.7%	1,077	38.4%

Table 4: Renter Occupied Households Districtwide and in the Central Washington Planning Area (2012 – 2016 and 2020 – 2024)

Race or Ethnicity	Districtwide 2012-2016	Upper Northeast 2012-2016	Districtwide 2020 - 2024	Upper Northeast 2020 - 2024
Total Renter Occupied	59.3%	53.9%	58.5%	54.9%
White alone	52.2%	45.9%	51.4%	43.5%
Black or African American alone	64.1%	54.1%	64.7%	57.2%
American Indian and Alaskan Native alone	67.2%	78.9%	77.9%	38.3%
Asian alone	60.6%	67.3%	60.6%	54.4%
Native Hawaiian and other Pacific Islander alone	90.9%	N/A	70.6%	N/A
Some other races	82.5%	73.5%	71.3%	75.7%
Two or more races	67.3%	59.4%	57.2%	58.5%
Hispanic or Latino	69.1%	69.4%	62.3%	61.6%

The rising cost of housing in the District limits the ability to provide housing for a variety of household types, including family, senior housing, rental and ownership housing, and housing for all income levels. Given the characteristics of the District, only a small amount of the total land area (28.1%) is dedicated to residential use (205.3). Scarcity of land increases the cost of new housing, limits the availability of housing, and intensifies housing cost burdens, particularly for lower- and middle-income households. The Comprehensive Plan states that *"residents of lower-income households in the District and, therefore, face a disproportionate share of the problems caused by housing insecurity and displacement" (206.4).*

Between 2012-2016 and 2020-2024, the percentage of owner occupancy in the District rose slightly from 40.7% to 41.5%. In the Upper Northeast Planning Area, there was a slight decrease in owner occupancy. Owner occupancy decreased for Some other race and Two or More Races while rose for other groups. Renter occupied housing slightly increased in the Upper Northeast Planning area between the two time periods. These changes are not consistent with changes in the rest of the district and may be attributed to large amounts of new rental housing being constructed within the planning area boundaries between the two time periods. A new for-sale project within the planning area would likely present new ownership opportunities at market rate and IZ units diversifying housing tenure and providing new types of housing within the planning area.

Special Populations

Relative to the District average, the Upper Northeast Planning Area had a higher percentage of seniors, children, and disabled residents. Between both time periods the percentage of disabled residents decreased slightly while those under 18 rose to 21%. Creating new housing options in the planning area could greatly benefit families with children, or the elderly trying to age in place.

Table 5: Special Populations Districtwide and in the Upper Northeast Planning Area (2012-2016 and 2020-2024)

Age Group	Districtwide 2012-2016	Upper Northeast 2012-2016	Districtwide 2020 - 2024	Upper Northeast 2020 - 2024
Persons 65 or older	11.4%	14.3%	13%%	14%
Persons under 18	17.4%	19.7%	19%%	21%
Disability Rate	11.3%	15.5%	11.5%	13%

General Economic Characteristics

Table 6: General Economic Characteristics of the Planning Area and District

Characteristic	Districtwide 2012-2016	Upper Northeast 2012-2016	Districtwide 2020 - 2024	Upper Northeast 2020 - 2024
Unemployment Rate	8.7%	13%	6%	8%
Cost Burdened Households	38.6%	42.3%	34%	37%
Poverty Rate	17.9%	18.6%	15.4%	16.6%

In summary, Table 6 above shows that the unemployment rate, percentage of cost burdened households, and the poverty rate within the planning area and the District decreased between the time periods. In 2020-2024 the unemployment rate within the planning area is at 8%, which is higher than the Districtwide rate.

The cost burden in the planning area is similar but higher than the District average with 34% in the District and 37% cost burdened households within the planning area.

Similarly, the poverty rate decreased in both the District and the Planning area, however, the poverty rate decreased at a greater rate across the District than it decreased within the Upper Northeast Planning Area.

The Comprehensive Plan notes that residents of color represent most lower-income households in the District, and therefore, face a disproportionate share of problems caused by housing insecurity and displacement (Framework Element 206.4). Therefore, it could be inferred that Black households would make up a higher percentage of cost burdened households in this planning area, and correspondingly, would be more likely to benefit from any addition of affordable units that the subject proposal could provide under the proposed development.

Progress Toward Meeting the Mayor's 2025 Housing Equity Goals

As shown in the figure below, the Deputy Mayor for Planning and Economic Development's (DMPED) 36,000 by 2025 Dashboard highlights that the Upper Northeast Planning Area has not met the Mayor's 2025 affordable housing goal and is at 66% of the target goal. Through the

proposed text amendment, the production of 166 new for sale homes with 17 IZ units would provide a significant addition of new homes to the planning area, meeting both housing production and housing affordability goals for the District as a whole. OP notes that the housing equity goals are designed to achieve a minimum of 15% in a planning area, and that they are minimums only.



Racial Equity Tool Part 4 – Zoning Commission Evaluation Factors

Factor	Question	OP Response
Direct Displacement	Will the zoning action result in displacement of tenants or residents?	The site is currently vacant and contains buildings that formerly housed a schoolhouse built in 1928, other buildings on site were most recently used by Boy's Town DC, a non-profit that has ceased operations on the site in 2024. Therefore, OP does not believe the text amendment would result in displacement.
Indirect Displacement	What examples of indirect displacement might result from the zoning action?	No indirect displacement is anticipated.
Housing	Will the action result in changes to: • Market Rate Housing • Affordable Housing • Replacement Housing	The text amendment, if adopted, could result in more housing opportunities for the area, which would include affordable units, at a minimum consistent with the IZ program.

Factor	Question	OP Response
Transportation	Will the action result in: • Access to public transit • Transportation improvements	The proposed text amendment would provide new homes with easy access to the existing WMATA C71 and D30 bus lines. The development of the site would also create new neighborhood serving sidewalks enhancing pedestrian connectivity.
Physical	Will the action result in changes to the physical environment such as: • Public Space Improvements • Streetscape Improvements	The text amendment could likely result in improvements to adjacent public space and streetscapes improvements as part of any new development on the site. The schoolhouse building is intended to be preserved and serve as a neighborhood serving open space.
New Jobs/ Access to Jobs	Is there a change in access to job opportunities	The approval of the text amendment and construction of the subdivision would result in new construction jobs to build the new homes and associated infrastructure. The new housing would also be located adjacent to two bus lines providing access to jobs across the District.
Community	How did community outreach and engagement inform/change the zoning action?	The proposed project went through the Large Tract Review process prior to the filing of the proposed text amendment through the Large Tract Review process OP distributed application materials to property owners within 200' of the site, a community meeting was held between ANC SMD 5A02 and OP on September 20, 2025.The applicant also met with the North Michigan Park Civic Association on October 7th and ANC 5A SMD 02 on October 8th, 2026 to provide an update on the project and the text amendment.

VII. SUMMARY OF PLANNING CONTEXT ANALYSIS AND RECOMMENDATION

The proposed text amendment would not be inconsistent with the recommendations of the Future Land Use Map and Generalized Policy Maps and would not be inconsistent with the policies and recommendations of the Citywide Elements of the Comprehensive Plan and the Upper Northeast Area Element. On balance, the proposed text amendment is also not inconsistent with the Comprehensive plan when viewed through a racial equity lens. The project that this text amendment would facilitate has also gone through the Large Tract Review process and thus been reviewed by all pertinent District agencies for consistency with their respective policies and regulations.

Therefore, OP recommends that the Zoning Commission set down this case for public hearing and take emergency action on the proposed text amendment.

VIII. ANC

The subject property for the proposed text amendment is located within ANC 5A. While there is a letter of support from ANC 5A in the record in Exhibit 2H, OP would note that this letter of support is from the Large Tract Review application process and is not a letter in support for the proposed text amendment. The applicant continues to engage the ANC and community regarding the project with an update given to ANC-5A (02) on October 8th, 2026 which outlined the project status and the proposed text amendment.