

Statement of Purposes and Objectives

This proposed text amendment to Subtitle C, Section 302.2 and Subtitle A, Section 301.3 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations) will create a by-right theoretical lot subdivision option, using a public access easement in lieu of a dedicated public street, for the property located at 4801 Sargent Road NE, Square 3977, Lot 134 (the “**Property**”). This petition (“**Petition**”) is filed by Urban Atlantic Development LLC (“**Petitioner**”), the contract purchaser of the Property, and satisfies the requirements for a text amendment pursuant to Subtitle X, Section 1300 of the Zoning Regulations.

The proposed text amendment is necessary to resolve a discrepancy between the Zoning Regulations, which expressly allow for a record lot subdivision to rely on access via a public access easement, and the Subdivision Regulations, which do not expressly allow for such subdivision. This discrepancy is holding up the permitting and construction of 166 new for-sale homes at the Property. For the reasons set forth below, we also respectfully request that the Zoning Commission for the District of Columbia (“**Commission**”) take emergency action to adopt this text amendment, in addition to setting the Petition down for a public hearing and authorizing publication of proposed rulemaking. The Petitioner has financing in place and is scheduled to close on the transaction before the end of the year, but the transaction cannot close until this issue is resolved. Despite extensive efforts over the past six months, the District has been unable to administratively resolve the discrepancy, and so the amendment is necessary to allow the Petitioner to complete permitting and acquisition of the Property.

I. Purposes and Objectives

The Property is a twelve-acre tract improved with the former campus of Father Flanagan’s Boys Town, which wound down its operations in 2024 and is now under contract for sale to the Petitioner. The Property is located in the North Michigan Park neighborhood of Ward 5. Urban Atlantic Development LLC proposes to divide the Property into approximately 169 new lots to develop 166 new for-sale single-family semi-detached homes, including 17 affordable homes, together with related streets, sidewalks, and open spaces (the “**Project**”). The Project reserves a one-acre portion of the Property at its center around the original building that was constructed by the Benedictine sisters to house St. Gertrude’s School of Arts and Craft as well as an alley of trees that leads from Sargent Road to the 1928 school building, and in response to a request from the Historic Preservation Office, the Petitioner expects to designate the structure and surrounding area as a historic landmark upon completion of the development. The Project will also significantly improve the site and bring it into compliance with current stormwater management regulations.

The Project is by right under the Zoning Regulations, which permit a subdivided record lot to be created along a private right-of-way established by a public access easement rather than a dedicated public street. Subtitle C, Section 303.1 The Zoning Commission established the public access easement as a by-right development option for single-family housing as a part of the 2016

Zoning Regulations, and multiple housing developments have been approved since that time utilizing this approach.

The Petitioner's proposed subdivision and use of a public access easement were reviewed through the Large Tract Review ("LTR") process administered by the District of Columbia Office of Planning ("OP"). OP's Final Report for LTR Case No. 2025-01 concluded that the Project is generally consistent with the purposes and goals of the LTR regulations and, on balance, is not inconsistent with the Comprehensive Plan, and the Project received the support of key reviewing agencies, including the District Department of Transportation ("DDOT"), Fire and Emergency Management Services ("FEMS") and the Office of the Zoning Administrator, as well as a conceptual vote of support from Advisory Neighborhood Commission 5A ("ANC 5A"). The Zoning Administrator further confirmed that each of the proposed lots complies with all applicable requirements of the Zoning Regulations, including lot width, lot area, lot occupancy, yard, and pervious surface requirements, based on the public access easement serving each lot. Copies of the OP LTR Report (which includes DDOT's recommendation), FEMS's letter of support, ANC 5A's letter of support, and the Zoning Administrator's written determination are attached to the Petition.

Notwithstanding this record of by-right zoning compliance and interagency and community support, the Petitioner's subdivision application was halted at the recordation stage. The D.C. Surveyor departed from past agency practice and concluded, in a conservative reading of the Subdivision Regulations (Title 10-B of the District of Columbia Municipal Regulations), that because those regulations do not expressly reference a public access easement as a substitute for public street frontage, they only permit the creation of record lots with frontage on a dedicated public street – even though the Zoning Regulations expressly permit such lots. The Petitioner worked cooperatively for approximately six months with officials at the Department of Buildings and other agencies to identify an administrative interpretation or other solution to allow the Project to move forward, but no administrative fix is available to resolve this disconnect between the Zoning Regulations, which permit a record lot subdivision served by a public access easement, and the Subdivision Regulations, which do not expressly authorize one.

The purpose of this text amendment is to close that regulatory gap and allow the Project to proceed by creating an explicit, self-contained by-right subdivision pathway for the Property. The Petition is narrowly limited to the Property because the Project has demonstrated reliance on the established Zoning Regulations and secured DDOT approval of the form of public access easement as well as verified full compliance with zoning development standards on a theoretical subdivision basis and undertaken an interagency review through the Large Tract Review process. A corresponding amendment to Subtitle A, Section 301.3 aligns the building permit lot-of-record requirement with this new subdivision pathway, consistent with the numerous other narrow, project-specific exceptions already found in that section.

The proposed text amendment accomplishes several objectives that further the purposes of the Zoning Regulations and advance District policies:

- The Petition facilitates the development of 166 new for-sale homes, including 17 affordable homes reserved for households earning up to 80% of the Area Median Income consistent with the District’s Inclusionary Zoning requirements, on a large, underutilized site well suited to accommodate a significant share of the District’s housing production goals.
- The Petition reaffirms the already-adopted process established in the 2016 Zoning Regulations by allowing the public access easement approach to be implemented through theoretical lots rather than record lots, and thus works around the antiquated standards in the 1967 Subdivision Regulations.
- The Petition upholds the extensive steps that were already taken by Petitioner in reliance on this process, including not only the LTR process but also advanced design work and permitting reviews by DOEE, DDOT, and DC Water and significant transactional and financial commitments based on development approvals diligently pursued and achieved during the LTR process with not only the seller but also with the homebuilder and both debt and equity sources.

II. Rationale for the Specific Proposed Text Amendments

This Petition proposes the following amendments to the text of the Zoning Regulations to effectuate the foregoing purposes and objectives.

<u>Section to be Amended</u>	<u>Rationale for Amendment</u>
Subtitle C, Section 302.2(a)	Section 302.2 generally requires that each new principal building be erected on a separate lot of record in residential zones. The proposed amendment adds a narrow exception, applicable only to the Property, allowing a theoretical lot subdivision by public access easement, provided that: (1) each lot meets all applicable development standards for the zone based on a plan of theoretical subdivision; (2) each theoretical lot has a public access easement approved by DDOT; and (3) the theoretical subdivision has been reviewed pursuant to the Large Tract Review procedures. These conditions mirror the review the Property has already undergone and thus only facilitate the already-approved Project.

<u>Section to be Amended</u>	<u>Rationale for Amendment</u>
	A related provision clarifies that a building permit application for the first building within the subdivision may proceed under the Zoning Regulations in effect as of the amendment's effective date, so long as that application is filed and accepted as complete by the Department of Buildings by that date. This ensures that the overall theoretical subdivision fully vests with the first building permit, which is necessary to provide the parties with the assurances needed to close the transaction.
Subtitle A, Section 301.3(i)	Section 301.3 generally requires that a building permit not be issued unless the land has been divided into separate lots of record, subject to a list of specific, narrow exceptions already codified in subsections (a) through (h), including campus plans, planned unit developments, and the SEFC-4 Zone District. The proposed amendment adds a new subsection (i) that conforms this building permit requirement to the new theoretical lot subdivision by public access easement authorized in Subtitle C, Section 302.2(a), consistent with the structure and precedent of the existing exceptions in this section.

III. Justification for Emergency Rulemaking

In addition to setting the Petition down for a public hearing and authorizing publication of proposed rulemaking, the Petitioner asks the Commission to take emergency action to adopt this text amendment. Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505(c)), authorizes an agency to adopt a rule on an emergency basis, effective immediately, where the agency determines that emergency action is necessary for the immediate preservation of the public peace, health, safety, welfare, or morals. The Commission recently exercised this authority last year in analogous circumstances when removed a ten-foot front setback requirement applicable to a single parcel in the St. Elizabeths East Campus StE-18 zone in order to allow construction of a fully designed and funded replacement public library to proceed without a costly and delay-inducing redesign. See Z.C. Case No. 12-08E.

Here, the permitting and financing urgency parallels the exigency in Z.C. Case No. 12-08E. The Petitioner has already completed advanced design and submitted its permits for the civil work as well as for related approvals from multiple agencies and utilities including DDOT, DOEE, and

DC Water.¹ All approvals have been secured for the first phase of the Project and reviews are underway for the remaining phases. The Petitioner has also secured its financing sources, but it has had to delay closing twice (first June, then from October) as it attempted to resolve the administrative disconnect. Closing is now scheduled for November. However, the individual permits for the first homes—necessary to secure financing and close the transaction—remain on hold pending resolution of the lot control issue. **As the Commission is well aware given the number of time extensions on its dockets that have explained the challenges in securing financing in the current environment of limited capital interest and rising interest rates, it is critical that the Petitioner is able to secure the permits and close the transaction as soon as possible.**

Emergency action is even more appropriate here because the Petitioner in this matter proceeded fully based on the express language already in the Zoning Regulations and merely seeks an administrative correction to resolve an unintended obstacle to the Commission’s intent that was created by a narrow reading of the text of the Subdivision Regulations. Moreover, the Petitioner expended significant resources (and precious time) working in good faith with the District on administrative solutions to the obstacle, but such a solution could not be reached. Utilizing theoretical rather than record lots for subdivision by public access easement resolves the disconnect and allows the Project move forward.

But for timely approval of the proposed amendment, the Petitioner would need to seek approval for a theoretical lot subdivision from the Board of Zoning Adjustment – even though the Project as designed fully complies with the by-right requirements of the Zoning Regulations. Theoretical lot approval by the BZA is intended to be reserved for developments that seek flexibility from the lot area, lot width, and lot occupancy for the individual theoretical lots, and it represents an inequitable burden on the Petitioner especially when the Project was not designed to take advantage of the flexibility otherwise afforded by the process. Moreover, theoretical lot review is unnecessarily duplicative of the LTR review that was completed over a year ago.² Alternatively, the Petitioner would be forced to dedicate, construct, and secure acceptance of a public street network on the Property, which requires a lengthy 18-24 month process to secure D.C. Council approval of the street dedication, construction of the roadways, and an expensive and cumbersome process to secure DDOT approval for the acceptance of the completed streets—all before any subdivision plat could be recorded or any home could be constructed.

¹ These permits include (BCIV 2600043 and BCIV 2600096), approvals from DOEE and DC Water related to the civil permits, and related public space permits for work in public space (TOPS 485005)

² Compare 11-C DCMR §§ 304.5 - 305.5 (the filing requirements and scope of review for theoretical lot subdivisions) with 11-B DCMR §§ 2301 – 2302 (the filing requirements and scope of review for LTR applications). Both processes involve a similar review of site plans against District laws and regulations, including the Comprehensive Plan, as well as a consideration of potential traffic, neighborhood, design, public facilities, quality of life, and environmental impacts, with both opportunity for community review and interagency recommendations coordinated by the Office of Planning.

Emergency action here is necessary to preserve the public welfare represented by the delivery of 166 new homes, including 17 affordable homes, which is necessary to further the District's housing goals. This is particularly acute not only because of the well-established need for for-sale, family-sized housing but also because of the particular limitation on new housing starts given current economic conditions. Emergency action will also facilitate the acquisition of this underutilized site, which will provide the District with important tax revenue not only through the recordation taxes but also through return of the property to the tax rolls. Finally, the sale of the Property will further Boys Town's charitable mission through proceeds realized at closing.

For these reasons, the Commission should conclude that emergency action to adopt this text amendment is necessary for the immediate preservation of the public welfare, and should take emergency action to adopt the Petition effective immediately upon its vote.

IV. Consistency with the Comprehensive Plan and Other Adopted Public Policies

Pursuant to 11-X DCMR § 1300.2, as part of its review the Commission must find the Petition to be "not inconsistent" with the Comprehensive Plan ("**Comp Plan**") and with other adopted public policies and active programs related to the subject text. As stated in the Framework Element, in deciding as to Comp Plan consistency, "the [Commission] must consider the many competing, and sometimes conflicting, policies of the [Comp Plan], along with the various uses, development standards and requirements of the zone districts. It is the responsibility of the [Commission] to consider and balance those policies relevant and material to the individual case...and clearly explain its decision-making rationale." 10A DCMR § 224.8. To approve the Petition, the Commission must consider and balance potential Comp Plan consistencies and inconsistencies to make an overall determination as to whether the Project is "not inconsistent" with the Comp Plan when read as a whole.

Equity, and particularly racial equity, is a primary focus of the Comp Plan, especially in the context of zoning where certain priorities stand out, including affordable housing, avoiding displacement of existing residents, and creating / increasing access to opportunity. The Framework Element states that equity is both an outcome and a process, and exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. 10A DCMR § 213.6. The Comp Plan emphasizes that considerations of equity, and particularly racial equity must be part of a District agency's evaluation and implementation of Comp Plan policies and actions. The Commission considers racial equity as an integral part of its analysis as to whether a proposed zoning action is "not inconsistent" with the Comp Plan. 10A DCMR § 2501.8. To assist the Commission in applying a racial equity lens to its Comp Plan determinations, the Commission developed a Racial Equity Tool (published on February 3, 2023) that applicants are expected to utilize throughout the process of a proposed zoning action.

Per **Part I (Racial Equity Analysis Submissions – Guidance Regarding the Comprehensive Plan)** of the Racial Equity Tool, the Petitioner has conducted a thorough

evaluation of the Project’s consistency with Comp Plan policy guidance. In conducting this evaluation, the Petitioner has thoroughly considered the goals and policies of each Comp Plan element. For the Citywide Elements that contain policies that are directly applicable to the Petition, a brief narrative is provided explaining how the Petition is not inconsistent with that element. In addition, the Petitioner’s evaluation includes a specific assessment of potential Comp Plan inconsistencies. As set forth below, upon evaluation the Petitioner finds that the Petition is not inconsistent with the Comp Plan when read as a whole through a racial equity lens.

A. Comprehensive Plan Maps

The proposed text amendment is consistent with the guidance and direction in the Comprehensive Plan, as confirmed in detail by OP’s LTR Report. The Land Use Element supports the development of vacant and underused land within established low-density neighborhoods in a manner compatible with the surrounding character and scale, including through policies encouraging development along priority transit corridors and improving the visual quality of neighborhoods through landscaping, tree planting, and public realm enhancements. The Housing Element strongly encourages the development of new housing, including affordable housing, on surplus, vacant, and underused land, and supports large sites accommodating a significant share of the District’s housing production, including family-sized, for-sale housing options. The Transportation Element supports assessment of development impacts using multimodal standards and the development of safe and connected pedestrian networks, both of which the Project advances through its Comprehensive Transportation Review and its proposed pedestrian connection to the North Michigan Park Recreation Center. The Environmental Protection Element and the Parks, Recreation and Open Space Element are advanced through the Project’s substantial tree planting, retention of mature trees, removal of decades-old artificial fill, and modernized stormwater management. The Urban Design Element and Historic Preservation Element are advanced through the Project’s preservation of the historic 1928 School Building and the open space that surrounds it as the physical and ceremonial center of the redeveloped site.

Because this text amendment does not change the underlying R-2 zoning, density, height, or use of the Property, and instead only enables the recordation mechanism for a Project that OP, DDOT, and the Zoning Administrator have already reviewed and found consistent with these Comprehensive Plan policies, the amendment does not alter or diminish that consistency; it preserves it.

B. Comprehensive Plan Elements

Upper Northeast Area Element

The Petition is not inconsistent with the policies set forth in the Upper Northeast (“UNE”) Area Element. The Property is located within the North Michigan Park neighborhood, an area the

Element expressly identifies for growth while preserving its residential character and allowing new housing opportunities for all incomes. The redevelopment of the Property that will be facilitated by the Petition, 166 new for-sale semi-detached homes on a vacant institutional campus, is compatible with surrounding low-density residential development and furthers the UNE Element's call for compatible residential infill and new housing on large institutional sites. The Project also advances UNE policies by preserving the historic 1928 School Building and surrounding open space, maintaining significant green space, and highlighting local cultural resources through the anticipated historic landmark designation. In addition, the redevelopment facilitated by the Petition responds to the UNE Element's recognition of the particular importance of institutional open space in Upper Northeast by dedicating substantial areas as new neighborhood open spaces and pursuing a pedestrian connection to the North Michigan Park Recreation Center (UNE-1.1.1, UNE-1.1.2, UNE-1.2.2, UNE-1.2.3, UNE-1.2.7).

Land Use Element

The Petition is not inconsistent with the policies set forth in the Land Use (“LU”) Element. The LU Element calls for the development of land within low-density residential neighborhoods in a manner consistent with the character and scale of the existing neighborhood, and the Project's 166 semi-detached homes match the housing type and density of surrounding development in the R-2 zone. The Project furthers the LU Element's infill development and neighborhood beautification policies by redeveloping a large, vacant institutional campus with compatible housing, extensive new landscaping and tree plantings, and safe streetscapes. The LU Element also encourages conformance with existing zoning when institutional uses cease to operate, and the Project does exactly that by developing the former Boys Town campus with by-right residential uses consistent with the underlying R-2 zoning. Finally, the Project supports the LU Element's policies for development along corridors by providing new housing near a priority transit corridor served by the D30 Metrobus route and approximately one mile from the Fort Totten Metrorail station (LU-1.4.6, LU-1.5.1, LU-2.1.3, LU-2.1.5).

Transportation Element

The Petition is not inconsistent with the policies set forth in the Transportation Element. The Petitioner's Comprehensive Transportation Review prepared for the LTR process demonstrates that the Project will not significantly impact the surrounding roadway network, and the design integrates extensive new sidewalks, pedestrian mews, and a proposed connection to the North Michigan Park Recreation Center that will improve pedestrian and bicycle connectivity. The Project provides one parking space per new home and 10 short-term bicycle parking spaces, and the site's single vehicular access point from Sargent Road minimizes curb cuts in a manner consistent with the Element's emphasis on pedestrian-friendly design. The Property is served by the D30 Metrobus route, a priority corridor, and is approximately one mile from the Fort Totten

Metrorail station, supporting the Element’s policies favoring transit-oriented development and multimodal connectivity. The Project’s internal street network features car-free pedestrian areas fronting the homes that support placemaking and public life consistent with the Element’s streetscape design goals (T-1.1.2, T-1.1.4, T-1.4.1, T-2.2.2, T-2.4.1).

Housing Element

The Petition is not inconsistent with the policies set forth in the Housing Element, and the proposed text amendment is critical to delivering 166 new for-sale semi-detached homes, including 17 affordable homes reserved for households earning up to 80% MFI, consistent with the District’s Inclusionary Zoning requirements. The Project directly advances the Element’s goal of accommodating a significant share of the District’s projected housing demand on large sites by developing an underutilized 12-acre parcel with family-sized, owner-occupied housing proximate to transit, schools, and the North Michigan Park Recreation Center. The Petition, and Project, also further the Element’s policies encouraging balanced growth by facilitating both market-rate and affordable housing on vacant land, and its for-sale tenure directly responds to the Element’s call for tenure diversity and increased supply of family-sized housing to retain and attract families with children. The Element specifically encourages private-sector production of new housing at locations consistent with District land use policies, and the Project’s by-right development of semi-detached homes in the R-2 zone is squarely within that framework. Without the proposed text amendment, these 166 homes—including 17 affordable homes—cannot proceed to construction, making this Petition essential to furthering the District’s housing production goals (H-1.1.1, H-1.1.3, H-1.1.7, H-1.1.9, H-1.3.1, H-1.3.2).

Environmental Protection Element

The Petition is not inconsistent with the policies set forth in the Environmental Protection (“EP”) Element. The Project incorporates meaningful open spaces, retains existing mature trees along the historic allee, and includes approximately 225 new tree plantings across the Property, furthering the Element’s policies on tree retention, urban heat island mitigation, and sustainable landscaping. The Project will remove prior artificial fill deposited during Metro construction and bring the site into full compliance with current stormwater management requirements through bioretention facilities and an engineered drainage system, advancing the EP Element’s policies on reducing runoff, erosion control, and green infrastructure. The redevelopment will also achieve the minimum 30% pervious surface requirement for each lot, and taken as a whole, approximately 40% of the Property will be maintained as planted pervious surfaces, supporting the Element’s goals for landscaping and green roofs to reduce stormwater runoff. Site planning will comply with District best practices for soil stabilization and erosion control, consistent with the Element’s grading and vegetation removal policies (E-1.1.2, E-2.1.2, E-2.1.3, E-2.3.1, E-2.3.2, E-4.1.2, E-4.1.3).

Parks, Recreation, and Open Space Element

The Petition is not inconsistent with the policies set forth in the Parks, Recreation, and Open Space (“PROS”) Element. Facilitated by the proposed text amendment, the Project integrates both common open spaces and individual residential yards to provide residents with access to meaningful outdoor areas, including a central green space surrounding the preserved 1928 School Building that will serve as a gathering area for the new neighborhood. The Project’s site plan features pedestrian-oriented, car-free mews that front the homes, creating landscaped open areas that provide visual relief and aesthetic balance consistent with the PROS Element’s common open space policies. The Project is also exploring a pedestrian connection to the adjacent North Michigan Park Recreation Center, which would improve accessibility to existing recreational facilities consistent with the Element’s goals for improving access to parks and open spaces. Each lot will maintain a minimum 30% pervious surface, recognizing the value of residential yards as a component of the District’s open space system while balancing that value against housing production priorities (PROS-1.2.2, PROS-4.3.3, PROS-4.3.5).

Evaluation of Potential Comp Plan Inconsistencies

The foregoing Comp Plan analysis thoroughly demonstrates the numerous ways in which the Petition aligns with the policies and goals of the Comp Plan, including the FLUM and GPM. However, as explained in multiple decisions by the D.C. Court of Appeals (“**Court**”), it is not sufficient to simply identify the policies that would be advanced when evaluating a proposal for consistency with the Comp Plan. Rather, because there is intentional overlap within and between the Comp Plan elements, a Comp Plan evaluation must recognize potential inconsistencies and explain why the inconsistencies are outweighed by other Comp Plan policies and/or competing considerations. The Court has provided the following specific guidance:

The Comp Plan is a broad framework intended to guide the future land use planning decisions for the District. Thus, even if a proposal conflicts with one or more individual policies associated with the [Comp] Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the [Comp] Plan as a whole. The Comp Plan reflects numerous occasionally competing policies and goals, and, except where specifically provided, the [Comp] Plan is not binding. Thus, the Commission may balance competing priorities in determining whether a proposal would be inconsistent with the Comp Plan as a whole. If the Commission approves a [proposal] that is inconsistent with one or more policies reflected in the [Comp] Plan, the Commission must recognize these policies and explain [why] they are outweighed by other, competing considerations.” *Friends of McMillan Park v.*

District of Columbia Zoning Comm’n, 149 A.3d 1027, 1035 (D.C. 2016) (“*McMillan*”) (internal citations and quotations omitted).

The Implementation Element reflects similar guidance: “[r]ecognize the overlapping nature of the [Comp Plan] elements as they are interpreted and applied. An element may be tempered by one or more of the other elements.” 10-A DCMR § 2504.6.

Consistent with the guidance provided in the Implementation Element and by the Court, the Petitioner conducted a thorough Comp Plan evaluation using a racial equity lens and, as detailed throughout this statement, finds the proposal not inconsistent with the Comp Plan when read as a whole. In conducting its evaluation, the Petitioner was careful to identify any instances where the proposal may be viewed as being inconsistent with certain Comp Plan policies. Upon review, the Petitioner did not identify any potential policy inconsistencies that warrant acknowledgement, and balancing against other Comp Plan policies and considerations that will be advanced by the Project.

C. Other Adopted Public Policies and Active Programs

The proposed text amendment also supports the Mayor’s Housing Initiative established by Mayor’s Order 2019-036, which identifies housing and affordable housing production as a core District goal and directs District agencies to identify and remove unnecessary and burdensome regulatory impediments to housing production and to find more efficient means to accelerate permit issuance. The disconnect between the Zoning Regulations and the Subdivision Regulations that this text amendment resolves is precisely the type of unintended regulatory impediment that the Mayor’s Order directs agencies to identify and eliminate.

V. Community Outreach and Engagement

The Framework Element states that racial equity is a process, and that as the District grows and changes, it must do so in a way that builds the capacity of vulnerable, marginalized, and low-income communities to fully and substantively participate in decision-making processes. 10-A DCMR § 213.7. As a process, a racial equity lens is employed when those most impacted by structural racism are meaningfully involved in the creation and implementation of the policies and practices that impact their lives. The Commission’s Racial Equity Tool emphasizes community outreach and engagement, which are expected to begin at the inception of any proposed zoning action. All submissions to the Commission shall be accompanied by a discussion of efforts taken by applicants to engage the community early in the zoning process. The information contained in table below addresses the questions set forth in **Part II (Community Outreach and Engagement)** of the Racial Equity Tool. As demonstrated below, the Petitioner has engaged with the community, and it will continue to do so during the design review process.

Community Outreach and Engagement
Description of affected community (including defining characteristics).
ANC 5A, North Michigan Park Civic Association, Queens Chapel Civic Association, and informal discussions with ANC 5A Commissioners, neighbors, and representatives of other nearby stakeholders such as the adjacent St. Anselm's.
Characteristics of the affected community that influenced outreach plan / efforts.
The affected community is engaged with clear visions on community growth and needs. Community members express that they are often under engaged in development decisions and not often prioritized as critical stakeholders. The community has experienced development projects “flip” quickly, and as a result has not benefited from the opportunity to work with development teams over time. Additionally, the community expressed a desire for development teams to be more active in listening to and partnering with the community in which they are working.
Outreach methods utilized (including specific efforts employed to meet community needs and circumstances).
ANC and civic association public meetings, other in-person and virtual meetings, email correspondence, phone calls
Community outreach timeframe / dates of major meetings and points of engagement
Prior to starting the LTR process, the Petitioner commenced regular engagement with the surrounding community regarding the proposed Project. These efforts included multiple presentations to ANC 5A, presentations to the North Michigan Park Civic Association, and the Queens Chapel Civic Association, and informal discussions with ANC 5A Commissioners, neighbors, and representatives of other nearby stakeholders such as the adjacent St. Anselm's. At ANC 5A's June 25, 2025 regular public meeting, ANC 5A issued a resolution in conceptual support of the proposed Project.
Members of the affected community that would potentially benefit from the proposed zoning action.
Nearby property owners that currently experience stormwater issues that potentially originate on the Property but will be fully resolved when the Property is redeveloped in accordance with current DOEE stormwater management requirements.
Members of the affected community that would potentially be burdened by the proposed zoning action.
Surrounding property owners potentially burdened by increased vehicular traffic generated by the future homes.
Community input on existing conditions and current challenges that have resulted from past or present discrimination, and current ongoing efforts in the affected community to address these conditions.
No specific input received

Potential positive outcomes of the proposed zoning action identified by the affected community.
· New homeownership opportunities for families on land that will not displace any existing residents, in a location proximate to public facilities and transit access to employment centers, and that the addition of 166 new owner-occupied dwelling units on a large, underutilized site will help address disparities in homeownership, income, and employment reflected in the demographic data for the Upper Northeast Planning Area
Potential negative outcomes of the proposed zoning action identified by the affected community.
· No specific negative outcomes identified
Changes / modifications made to the proposed zoning action that incorporate / respond to input received from the affected community.
The Petitioner’s extensive community engagement, including multiple presentations to ANC 5A and neighboring civic associations, has resulted in meaningful changes to the Project responding to community feedback. Among other changes, the Petitioner agreed to: · Set back development 60-100 feet from the alley behind the homes on Delafield Place that runs along the northern edge of the Property, improve the buffer as a bioretention area to control stormwater runoff, construct a fence along the buffer, and set back the fence from the property line to allow for additional room for vehicle maneuvering in the alley. · Phase construction staging in conjunction with the lot development, with corresponding adjustments to safety fencing, sediment and erosion control, and construction entrances. · Construct a new sidewalk along Sargent Road, set back further from the curb to allow for additional space for the existing large street trees, and participate in community improvement for the triangular green spaces at the intersection of Sargent Road and South Dakota Avenue. · Redevelop the Property to current stormwater management regulatory standards, which results in a significant increase in on-site bioretention areas and stormwater retention compared to current conditions. · Create publicly accessible sidewalks and roadways, including connections from Sargent Road to the North Michigan Park Recreation Center. · Provide sufficient onsite parking to support homeowners and their guests. ANC 5A remains in support of the Project, as evidenced by its May 2026 letter in support of the Petitioner’s public space application.

Efforts taken to mitigate potential negative outcomes identified by the affected community.

- See above for steps taken by the Petitioner to modify the future development on the Property to address community comments and concerns.

VI. Evaluation of Zoning Action Through a Racial Equity Lens

The Framework Element states that “equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities.” 10-A DCMR 213.6. As an outcome, racial equity is achieved when race no longer determines one’s socioeconomic outcomes, and when everyone has what they need to thrive no matter where they live or their socioeconomic status. 10-A DCMR § 213.9. The table below correlates the potential outcomes of the Petition with specific themes related to racial equity that are enumerated **Part IV (Criteria to Evaluate a zoning Action through a Racial Equity Lens)** of the Commission’s Racial Equity Tool. As demonstrated below, the outcomes of the Petition have the potential to positively advance equitable development through improvements in land use, employment, and access to opportunity.

Direct Displacement	The Project will not result in any direct displacement of existing residents or businesses as the Property is currently vacant.
Indirect Displacement (Economic and Cultural)	Indirect displacement of tenants or residents is not expected to occur in the area surrounding as a result of the proposed text amendment. The new homes that will be constructed on the Property as a result of the proposed text amendment are not likely to cause a substantial increase in property value assessments of nearby properties, and thus increased property taxes, to such a degree that would cause displacement of existing residents.
Housing	The proposed text amendment will result in increased housing in the Upper Northeast planning area. Specifically, approximately 166 new for sale townhomes will be constructed on the Property, including approximately 17 affordable homes.
Physical	The proposed text amendment will result in physical improvements of the Property and adjacent public space. Specifically, the redevelopment of the Property that will be facilitated by the proposed text amendment will result in new housing, improved stormwater management, and new pedestrian sidewalks and open space for new homeowners.
Access to Opportunity	The proposed text amendment will increase access to homeownership by facilitating redevelopment of the Property will approximately 166 new <u>for sale</u> homes, including approximately 17 affordable homes.

Community	The future redevelopment of the Property with approximately 166 new homes, of which 17 will be affordable, will help meet housing demand in the neighborhood. It will also provide new homeownership opportunities for families on land that will not displace any existing residents, in a location proximate to public facilities and transit access to employment centers, and that the addition of 166 new owner-occupied dwelling units on a large, underutilized site will help address disparities in homeownership, income, and employment reflected in the demographic data for the Upper Northeast Planning Area
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VII. Conclusion

The proposed text amendment resolves an unintended disconnect between the Zoning Regulations and the Subdivision Regulations for a fully-vetted, by-right subdivision that has already been confirmed to comply with the Zoning Regulations and found not inconsistent with the Comprehensive Plan. The amendment is narrowly tailored to the Property, does not alter the density, height, or use otherwise applicable to the Property, and is necessary to allow the Project, including 166 new homes and 17 affordable homes, to proceed to closing and construction. For the reasons stated herein, the Commission should take emergency action to adopt the proposed text amendment, set the Petition down for a public hearing, and authorize publication of proposed rulemaking.

Date: September 25, 2026