

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Crystal Myers, Development Review Specialist  
*JLS*  
 Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

**DATE:** April 1, 2022

**SUBJECT:** Setdown Report: Application for a Map Amendment to Rezone 2026 Jackson St. NE from R-1-B to MU-4.

**I. RECOMMENDATION**

The Office of Planning recommends that the Zoning Commission **set down** this application for a map amendment to rezone 2026 Jackson St. NE from R-1-B to MU-4.

The MU-4 zone has the potential to implement the recommendations of the recently updated Comprehensive Plan (2021) and on balance, would not be inconsistent with the Comprehensive Plan. It is also appropriate for IZ Plus.

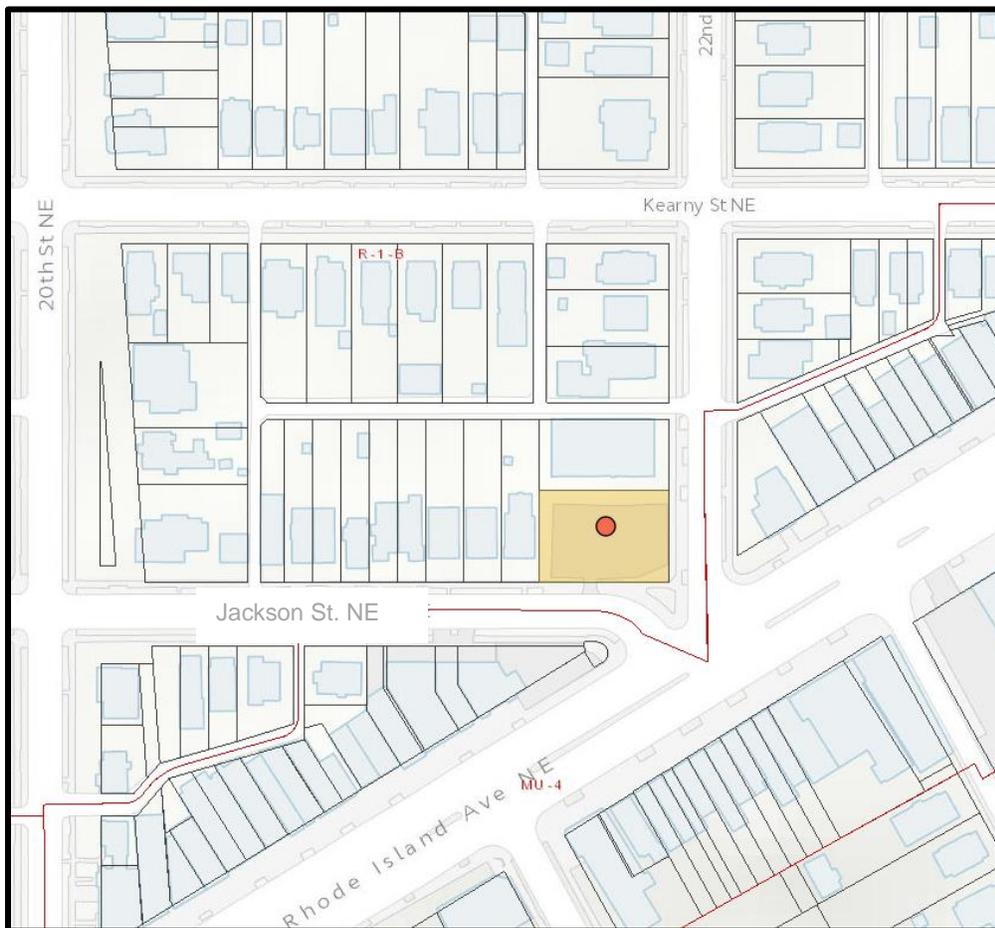
**II. PETITION-IN-BRIEF**

<b>Petitioner</b>	New Macedonia Baptist Church
<b>Proposed Map Amendment:</b>	R-1-B to MU-4
<b>Address and Legal Description</b>	Square 4220; Lot 802
<b>Ward and ANC:</b>	Ward 5/ANC 5C
<b>Property Size:</b>	9,430 sq.ft
<b>Future Land Use Map Designation:</b>	Mixed Use (Moderate Density Residential / Moderate Density Commercial)
<b>Generalized Policy Map Designation:</b>	Neighborhood Conservation Area

### III. SITE AND AREA DESCRIPTION

The subject site is the parking lot of the Applicant's church. The site is bounded by Jackson St. NE to the south, 22nd St. NE to the east, the Applicant's church is to the north, and R-1-B houses to the west and further north and of the site. The adjacent property, the Applicant's church at 3200 22<sup>nd</sup> St. NE, recently received Board of Zoning Adjustment approval for variance relief to convert into a 10-unit apartment building, (BZA 20630).

The site sits at the intersection of Jackson St. NE, 22<sup>nd</sup> St. NE, and Rhode Island Ave. NE, which all have MU-4 zoned properties directly across the street from the site.



### IV. DEVELOPMENT CAPACITY OF EXISTING AND PROPOSED ZONES

The Applicant is requesting a map amendment to rezone the subject site from R-1-B to MU-4, which would allow it to provide a moderately dense mixed-use development similar to the neighboring MU-4 developments along Rhode Island Avenue, NE.

**Existing R-1-B Zoning:** *The R-1-B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots.*

**Proposed MU-4 Zoning:** *The MU-4 zone is intended to permit moderate density mixed-use development...in low and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers..*

**Comparison Zoning Chart: Development Standards and Uses**

	<b>Existing Zone: R-1-B</b>	<b>Proposed Zone: MU-4</b>
Density	5,000 square feet min per lot = 1 lot with one dwelling unit	Total FAR: 2.5 Res.: 3.0 Non-residential: 1.5
Maximum Lot Occupancy	40%	Res.: 60%; Res. IZ: 75% Commercial: 100%
Maximum Height	40 ft.	50 ft.
Maximum Penthouse Height	12 ft.	12 ft 15 ft. (mechanical)
Minimum Rear Yard	25 ft.	15 ft.
Matter of Right Uses	<u>R-use group A</u> (includes single dwelling detached housing, public school, community solar facility)	<u>MU-use group E</u> (includes single and multi-dwelling housing, restaurants, retail, entertainment)

**V. IZ PLUS EVALUATION**

An IZ Plus set-aside requirement would be appropriate pursuant to Subtitle X § 502 because:

1. The map amendment would rezone the properties to MU-4, which allows a higher maximum permitted FAR than the existing R-1-B zone; and
2. The 2019 Housing Equity Report<sup>1</sup> prepared by the Office of Planning and the Department of Housing and Community Affairs reports that:
  - a. As of 2018, only 8.7 percent of the District’s total number of affordable housing units is in this planning area; and
  - b. The Upper Northeast area is short 190 units of its production goal level to be on track to achieve a total production goal of 6,900 units by 2025.

IZ Plus requires a higher affordable housing set-requirement than Regular IZ. It has a set-aside requirement that is based on either a sliding-scale correlated to the total floor area built or to the amount of IZ bonus density built.

Map Amendment cases are evaluated on whether the proposed new zone is consistent with the Comprehensive Plan. Unlike Planned Unit Developments, there is no specific development project associated with them. Below, OP provides two examples to demonstrate possible IZ Plus set-aside requirements pursuant to Subtitle C § 1003.3 if a new stick-built (non-Type I construction) apartment building with ground floor retail were built on the 9,430 square feet subject site under the MU-4 zone.

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<sup>1</sup> [Housing-Equity-Report](#)

Example 1 – Utilizes IZ Bonus Density

FAR Built:	3.0 IZ FAR (28,290 sq.ft.)
Residential FAR Built	2.0 IZ FAR (18,860 sq.ft.)
Regular IZ Set-Aside Requirement:	18.75% or 3,536.25 (75% of bonus density)
Percent Increase in Total FAR Built <sup>2</sup> :	650%
IZ Plus Set-Aside Requirement:	4,479.25 (95% of bonus density)

Example 2 – Does Not Utilize IZ Bonus Density

FAR Built:	2.5 FAR (23,575 sq.ft. max)
Residential FAR Built	1.5 FAR (14,145 sq.ft. max)
Regular IZ Set-Aside Requirement:	10% or 1,4145 sq. ft.
Percent Increase in Total FAR Built:	525%
IZ Plus Set-Aside Requirement:	20% or 2,829 sq. ft.

In the examples above, the set-aside requirement would be 20% if bonus density is not utilized or 95% of the bonus density if it is utilized. If bonus density is not utilized the IZ plus option would provide more gross floor area for the IZ program than the regular IZ option. The amount of residential floor area built in any future development under the MU-4 zone would determine the actual IZ Plus set-aside requirement. However, given the increase in maximum FAR permitted by the zone change, it is likely that under most development scenarios the set-side requirement could be between 75% and 95% of the bonus density utilized.

**VI. COMPREHENSIVE PLAN**

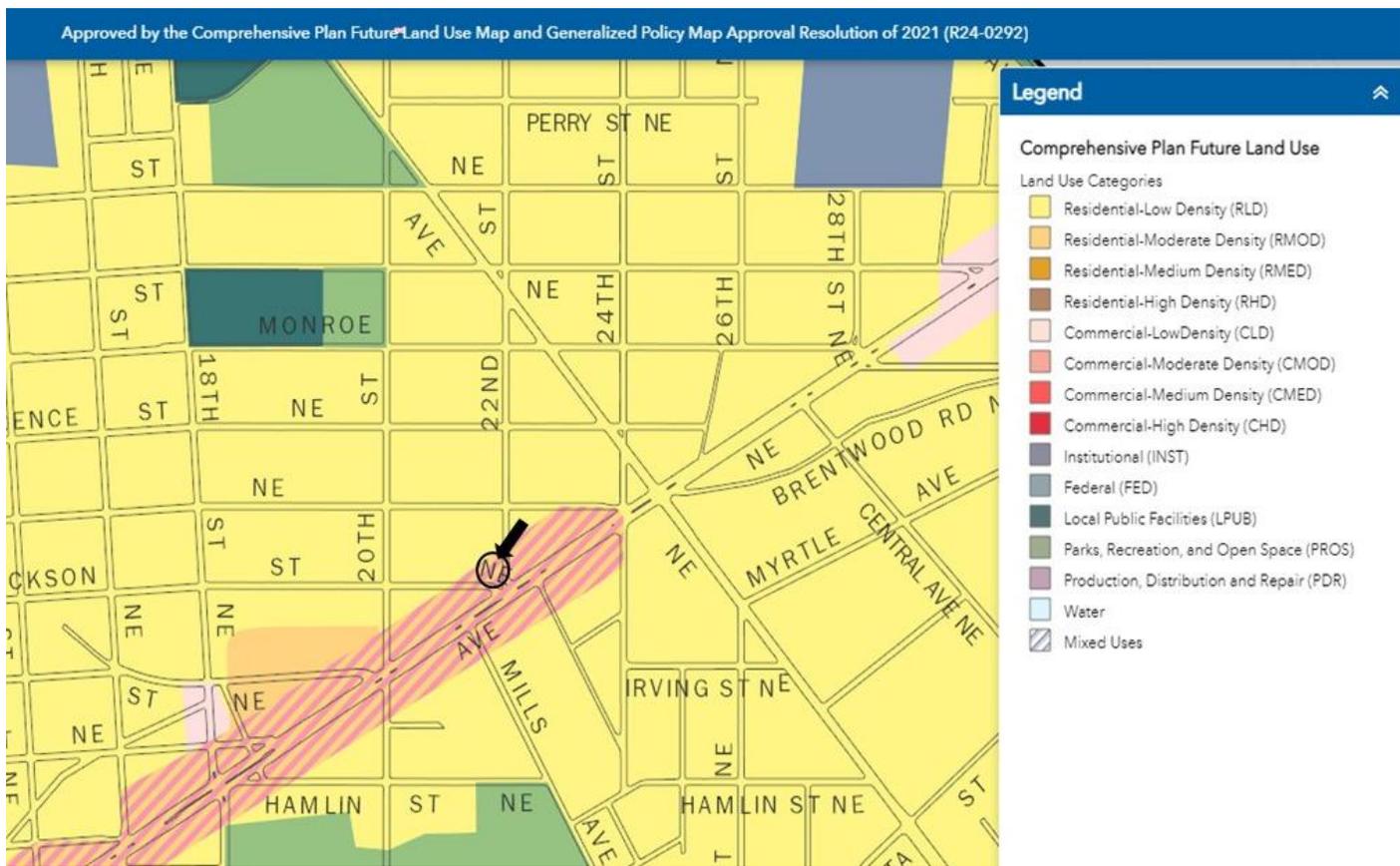
**COMPREHENSIVE PLAN MAPS**

The Guidelines for Using the Generalized Policy Map and the Future Land Use Map in the Framework Element state that the “Generalized Policy Map and Future Land Use Map are intended to provide generalized guidance for development and conservation decisions and are considered in concert with other Comprehensive Plan policies.” Additionally, “the zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the Citywide Elements and the Area Elements.”

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<sup>2</sup> The percent increase between the maximum permitted FAR of the existing/prior zone, not including IZ bonus density, and the total FAR built in the IZ Plus Development. For calculation purposes the R-1-B zone has a 0.4 FAR

## **Future Land Use Map (FLUM)**



In the Comprehensive Plan, the subject site's Future Land Use Map (FLUM) designation is mixed-use moderate density residential and moderate density commercial.

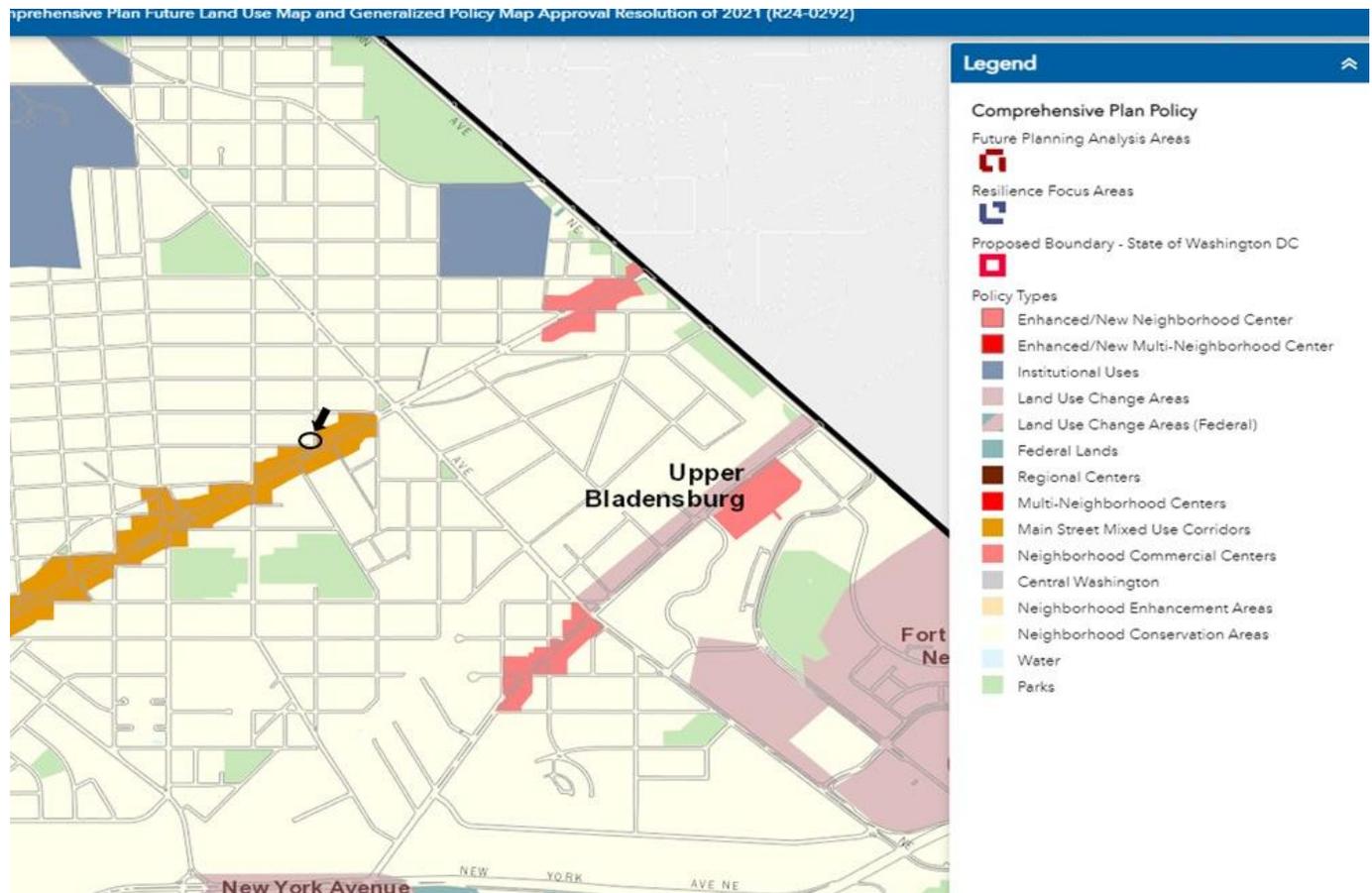
**Moderate Density Residential:** *This designation is used to define neighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings. In some neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all)... The R-3, RF, and RA-2 Zone Districts are consistent with the Moderate Density Residential category, and other zones may also apply. 227.6*

**Moderate Density Commercial:** *This designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Low-Density Commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Buildings are larger and/or taller than those in Low Density Commercial areas. Density typically ranges between a FAR of 2.5 and 4.0, with greater density possible when*

*complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-5 and MU-7 Zone Districts are representative of zone districts consistent with the Moderate Density Commercial category, and other zones may also apply. 227.11*

The proposed MU-4 zone would not be inconsistent with the Future Land Use Map, which encourages more density on the site. The MU-4 zone permits mixed-use development of up to 2.5 FAR or 3.0 FAR with IZ units. As the lowest moderate density mixed use zone, it would be appropriate for this site that sits between a low-density residential neighborhood and a moderate density mixed-use area.

### **Generalized Policy Map**



The Generalized Policy Map indicates that the subject site is within the Neighborhood Conservation policy area and adjacent to a Main Street mixed use corridor.

**Neighborhood Conservation Areas:** *The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment opportunities do exist within these areas. The diversity of land uses and building types in these areas should be maintained and new development, redevelopment,*

*and alterations should be compatible with the existing scale, natural features, and character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map and Comprehensive Plan policies...225.5*

**Main Street Mixed Use Corridors:** *These are traditional commercial business corridors with a concentration of older storefronts along the street. The area served can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper-story residential or office uses. Some corridors are underutilized, with capacity for redevelopment. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. 225.14*

MU-4 zoning on the subject site would not be inconsistent with its Neighborhood Conservation Area designation. This designation allows for new development within the existing scale for the area and the site is surrounded by MU-4 zoned properties so it would be developed in-scale with its neighbors. The site is also adjacent to the Main Street Mixed-Use Corridor policy area, which encourages mixed use development, and it across the street from the MU-4 properties within that area.

## COMPREHENSIVE PLAN WRITTEN ELEMENTS

### **The Comprehensive Plan Analysis Through a Racial Equity Lens**

The Comprehensive Plan (2021) update recognizes that advancing equity requires a multifaceted policy approach. While the Comprehensive Plan update addresses equity in narrower terms, such as “equitable development,” it recognizes that many areas of policy must be brought to bear on the challenge:

*Equitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices that reduce and ultimately eliminate disparities while fostering places that are healthy and vibrant. Equitable development holistically considers land-use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, health care, technology, workforce development, and employment opportunities. As the District grows and changes, it must do so in a way that encourages choice, not displacement, and builds the capacity of vulnerable, marginalized, and low-income communities to fully and substantively participate in decision-making processes and share in the benefits of the growth, while not unduly bearing its negative impacts. 213.7*

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.

Equity is conveyed throughout the Comprehensive Plan, particularly in the context of zoning, where avoiding displacement of existing residents, the provision of affordable housing, and creating access to opportunity is a priority.

**Avoiding Displacement:** There is no displacement as a result of the development of this site that could result from the rezoning to the MU-4 zone. The site is currently vacant and has been used as a surface parking lot for the last several decades.

**Affordable Housing:** The Comprehensive Plan recognizes the importance of inclusionary zoning requirements in providing affordable housing opportunities for households of varying income levels.

The rising cost of housing in the District limits the ability to provide housing for a variety of household types, including family and senior housing, rental and ownership housing, and housing for all income levels. The Comprehensive Plan states that “residents of color are a majority of lower-income households in the District and, therefore, face a disproportionate share of the problems caused by housing insecurity and displacement” (206.4).

The subject site is within the Upper Northeast Planning Area. According to the American Community Survey, 67 percent of the Upper Northeast Planning Area (“Planning Area”) is Black and 10 percent of the population is Hispanic/Latin origin. In the 2020 Census, the median household income in the Planning Area was \$69,072 which is lower than the District’s median household income of \$92,266.

Though difficult for many to afford, the cost of housing in the Planning Area is less than the District as a whole. The Planning Area’s median house value in 2020 was \$488,180 and the District-wide median house value was \$646,500. The proposed map amendment has the potential to increase the total supply of housing units in the Upper Northeast area, which could help alleviate the pressure on housing costs and make the area more accessible to lower income households.

The Comprehensive Plan defines affordable housing as housing available to households earning 80 percent or less of the median family income (“MFI”) (§ 304.3). As of 2018, the Planning Area only had 8.7 percent of the District’s total number of affordable housing units.

Overall, the map amendment has the potential to create additional affordable housing through an IZ Plus set-aside requirement. It is likely that the MU-4 zone could require a set-aside requirement of 95 percent of the utilized bonus density which would result in 4,479 sq. ft of residential floor area for the IZ program. The IZ program requires affordable housing units to be available to households earning either no more than 60 percent MFI for rental housing or 80 percent MFI for ownership housing. The potential affordable housing units that could be created under the requested MU-4 zone would be substantially higher than if the property were developed by-right under the existing R-1-B zone which would only yield one dwelling unit and no affordable housing. Providing additional affordable housing units on this property could benefit non-white populations who on average have lower incomes than white residents.

**Creating Access to Opportunity:** The proposed MU-4 zone has a maximum permitted density is 3.0 FAR which includes the bonus for inclusionary zoning. However, 1.5 FAR may be used exclusively for non-residential purposes. This creates an opportunity for a range of non-residential uses such as neighborhood retail, service or office uses. These uses offer employment opportunity and based on the location of the site adjacent to a residential neighborhood the non-residential uses could support a walkable community.

### **Citywide Elements of the Comprehensive Plan**

The proposed map amendment is not inconsistent with the following policies of the Citywide Elements of the Comprehensive Plan and would primarily further the policies of the Land Use, Housing, and Transportation Elements.

#### **Land Use**

***Policy LU-1.5.1: Infill Development:*** Encourage infill development on vacant land within Washington, DC, particularly in areas where there are vacant lots that create gaps in the urban fabric and detract from the character of a commercial or residential street. Such development should reflect high-quality design, complement the established character of the area and should not create sharp changes in the physical development pattern. 308.6

***Policy LU-1.5.2: Long-Term Vacant Sites:*** Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures that would address these constraints. 308.7

The proposed MU-4 zone would not be inconsistent with the land use element. The existing property is underutilized as a parking lot and its large size limits its development potential under R-1-B zoning. The subject site is near many MU-4 properties and rezoning it to MU-4 would allow for development compatible with the surrounding properties.

#### **Transportation**

***Policy T-1.2.2: Targeted Investment:*** Target planning and public investment toward the specific corridors with the greatest potential to foster neighborhood improvements, create equitable outcomes that reduce barriers and transportation burdens, and enhance connectivity across Washington, DC and corridors that serve as gateways to the District, welcoming visitors, residents, and workers. 404.5

***Policy T-1.2.3: Discouraging Auto-Oriented Uses:*** Discourage certain uses, like drive-through businesses or stores with large surface parking lots and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas. 404.6

***Action T-1.3.A: Regional Jobs/Housing Balance:*** Continue the efforts to promote infill, mixed-use, housing, particularly affordable housing, and transit-oriented development at the regional level, design transportation systems that connect District residents to local jobs, and provide opportunities for non-resident workers to also live in Washington, DC. 405.10

The proposed MU-4 zone would not be inconsistent with the transportation element. As a mixed-use zone, it could bring a mix of housing and jobs to the area. The new zone would allow the site to redevelop from a parking lot into a development that would meet current standards, including pedestrian accessibility and safety requirements, which would be beneficial to pedestrians who pass by along Rhode Island Avenue.

### **Housing**

**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-1.1.4: Mixed-Use Development:** Promote moderate to high-density, mixed-use development that includes affordable housing on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed-use corridors and high-capacity surface transit corridors, and around Metrorail stations. 503.6

**Policy H-1.2.7: Density Bonuses for Affordable Housing:** Provide zoning incentives, such as through the PUD process, to developers proposing to build affordable housing substantially beyond any underlying requirement. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required. The affordable housing proffered shall be considered a high priority public benefit for the purposes of granting density bonuses, especially when the proposal expands the inclusiveness of high-cost areas by adding affordable housing. When density bonuses are granted, flexibility in development standards should be considered to minimize impacts on contributing features and the design character of the neighborhood. 504.15

**Policy H-1.2.9 Advancing Diversity and Equity of Planning Areas:** Proactively plan and facilitate affordable housing opportunities and make targeted investments that increase demographic diversity and equity across Washington, DC. Achieve a minimum of 15 percent affordable units within each Planning Area by 2050. Provide protected classes (see H-3.2 Housing Access) with a fair opportunity to live in a choice of homes and neighborhoods, including their current homes and neighborhoods. 504.17

The proposed MU-4 zone would not be inconsistent with the Housing element. It would encourage mixed-use and housing development on the site. The zone's additional density with the bonus IZ plus density could encourage the private sector to develop this site with more market rate and affordable housing units than could be provided today. As set forth in the 2019 Housing Equity Report, ([Housing Equity Report](#)), affordable housing on this site would help the District increase the amount of affordable housing units in the Upper Northeast area, which today has only 8.7% of the District's affordable housing units.

### **Upper Northeast Area Element**

**Policy UNE-1.1.2: Compatible Infill** Encourage compatible residential infill development throughout Upper Northeast neighborhoods, especially in Brentwood, Ivy City, and Trinidad, where numerous scattered vacant residentially- zoned properties exist. New and rehabilitated housing in these areas should meet the needs of a diverse community that includes renters and owners; seniors, young adults, and families; and persons of low and very low-income, as well as those of moderate and higher incomes. 2408.3

The proposed MU-4 zone would not be inconsistent with the Upper Northeast Area Element. The new zone would allow for infill development compatible with the MU-4 developments in the immediate area. The new zone would also increase the possibility of affordable housing being provided on the site, which would have been unlikely under its existing R-1-B zoning. Furthermore, the map amendment would include IZ plus which through its density bonus could encourage significantly more IZ units than would have been provided without IZ plus. More affordable units in the area would allow for more residents of various income levels to live in the area.

## **VII. SUMMARY OF PLANNING CONTEXT**

Rezoning the subject site from R-1-B to MU-4, on balance, would not be inconsistent with the Future Land Use Map, Generalized Policy Area Map, or the Citywide and Area Elements of the Comprehensive Plan.

The site is an underutilized parking lot that sits alongside a mixed-use main street corridor. The new zone would allow the site to redevelop at a scale compatible with the surrounding area.