

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Maxine Brown-Roberts, Development Review Specialist  
Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

**DATE:** February 4, 2022

**SUBJECT:** ZC Case 21-17 – Hearing Report for a Petition to Rezone a portion of 1351 Alabama Avenue, SE (Square 5914, portion of Lot 806) from the RA-1 to the MU-8B<sup>1</sup> zone

**I. RECOMMENDATION**

On December 16, 2021, the Zoning Commission (“ZC”) set down for public hearing a request by Congress Park Community Partners, LLC (“Applicant”) a map amendment to rezone a portion of 1351 Alabama Avenue, SE (Square 5914, Lot 806) from the RA-1 to the MU-8B zone. The property is in the Congress Heights neighborhood in the southeastern quadrant of the City.

The Comprehensive Plan provides that the zoning of any given area should be guided by the Future Land Use Map (FLUM) and Generalized Policy Map interpreted in conjunction with the text of the Comprehensive Plan, including the framework/equity, city-wide and area elements, as well as any approved Small Area plans. Overall, the mixed-use zoning around the Congress Heights Metro Station is not inconsistent with the Comprehensive Plan recommendation for transit oriented, medium density developments. A detailed discussion of how the proposal would not be inconsistent with the Comprehensive Plan is provided, and, as such, the Office of Planning (OP) recommends that the proposed map amendment be **approved**.

At the set down, the Zoning Commission requested information showing a comparison of how many IZ units would be generated under the existing zoning, under a map Amendment with IZ+ units and the proposal. The requested information is provided in Section V (IZ Plus Evaluation) of this report.

**II. APPLICATION-IN-BRIEF**

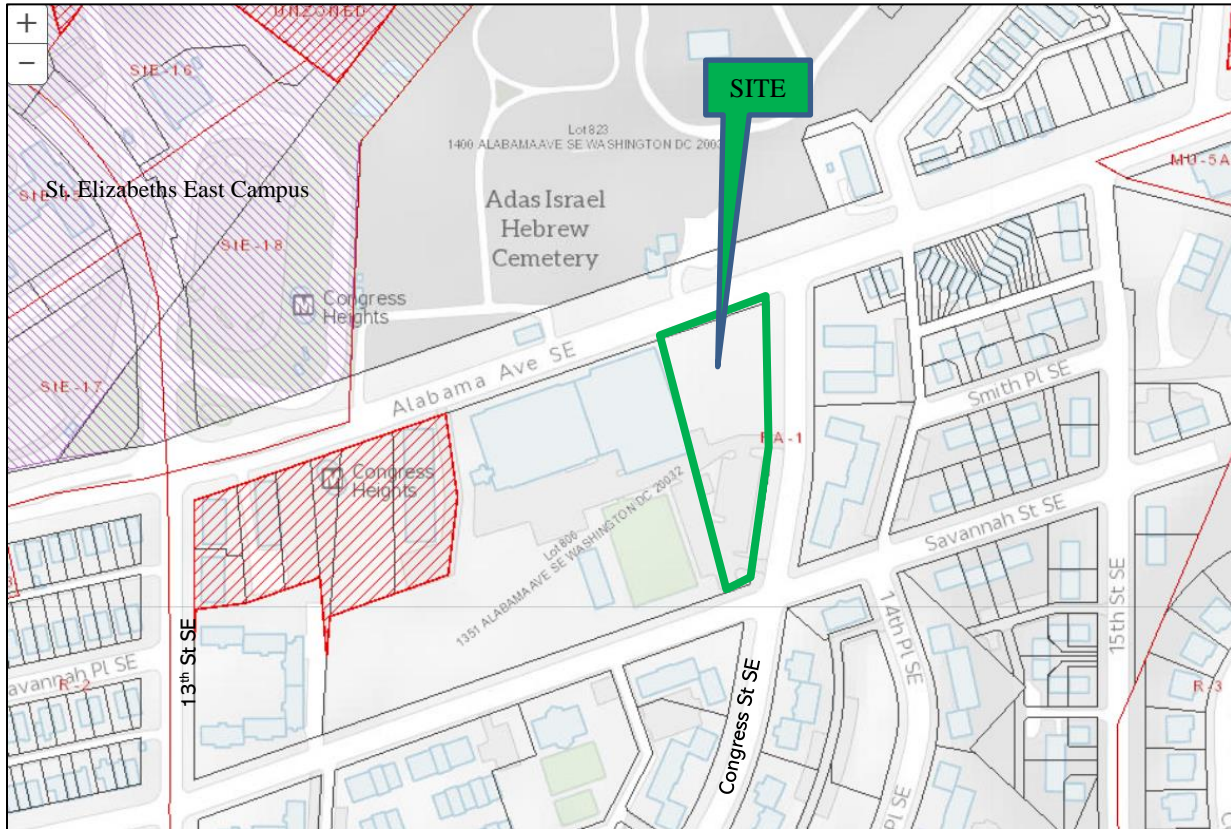
<b>Applicant:</b>	Congress Park Community Partners, LLC
<b>Proposed Map Amendment:</b>	RA-1 to MU-8B
<b>Address:</b>	Portion of 1351 Alabama Avenue, SE
<b>Ward and ANC:</b>	8/8E

<sup>1</sup> ZC Order 21-08, effective December 10, 2021, created new MU-8 zone categories. The existing MU-8 zone corresponds to the new MU-8B zone.

<b>Legal Description:</b>	Square 5914, portion of Lot 806
<b>Property size:</b>	Approximately 46,165 square feet
<b>Future Land Use Map Designation:</b>	Local Public Facilities
<b>Generalized Policy Map Designation:</b>	Neighborhood Enhancement Areas
<b>Historic District:</b>	None

### III. SITE AND AREA DESCRIPTION

The subject property, 1351 Alabama Avenue, SE (Square 5914, eastern portion of Lot 806), has a total land area of approximately 46,165 square feet and is bounded by Alabama Avenue, SE to the north, Savannah Street, SE to the south, Congress Street, SE to the east, and the school building to the west. This site is undeveloped.



To the north of the property is the Adas Isreal Hebrew Cemetery; to the east and south are three-story apartment buildings; and to the east is the school building. Generally, the neighborhood is predominantly residential with a mixture of apartments, triplexes, and duplexes to the east and south and further west. To the northeast is the Saint Elizabeths East Campus, with the Entertainment and Sports Arena and Residences at St. Elizabeths East, and the Congress Heights Metro station. Directly east of the site beyond the school building are apartment buildings which are slated to be replaced with an apartment building and ground floor retail uses (ZC Order 13-08). There is also an entrance to the Congress Heights Metro station.

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

The Applicant requests a rezoning of the property from the RA-1 to the MU-8B zone. The purpose of the existing RA-1 zone “. . . provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments.”

The proposed MU-8B zone is intended to:

- (a) Permit medium-density mixed-use development with a focus on employment;
- (b) Be located in uptown locations, where a large component of development will be office-retail and other non-residential uses; and
- (c) Be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.

The following table compares the development standards of the RA-1 zone and the proposed MU-8B zone.

	Existing Zone: RA-1	Proposed Zone: MU-8B
<b>Permitted Uses:</b>	Uses permitted as a matter of right in R, RF, and RA zones (Subtitle U Section 401)	Uses permitted as a matter of right in R, RF, and RA zones (Subtitle U Section 501.2) and MU-Use Group F (Subtitle U Section 515)
<b>Height:</b>	40 ft. max./3 stories feet max.	70 feet max.
<b>Floor Area Ratio (FAR):</b>	0.9 max. 1.08 max. with IZ	5.0 max. 6.0 max. with IZ 4.0 max. Non-residential use
<b>Penthouse Height:</b>	12 feet max.	20 feet max/1 story; Second story permitted for penthouse mechanical space.
<b>Lot Occupancy:</b>	40% max.	N/A
<b>Rear Yard:</b>	20 feet min.	A minimum rear yard of 2.5 in./1 foot of vertical distance but not less than 12 feet.
<b>Side Yard:</b>	1 side yard shall be provided unless the building is a multiple dwelling that contains 3 or more dwelling units per floor, in which case 2 side yards shall be provided; in either case such side yards shall have the minimum distance equal to 3 in. per foot of building height but not less than 8 feet.	None required but if provided no less than five feet.
<b>GAR:</b>	0.4 min.	0.25 min.

## V. IZ PLUS EVALUATION

Subtitle X, § 502 presumes that IZ Plus will apply to all map amendments except as provided for in § 502.2:

*502.1 Except as provided in Subtitle X § 502.2, the requirements of this section shall apply to:*

- (a) A map amendment that rezones a property:
  - (1) From a PDR zone to an ARTS, CG, D, MU, R, RA or RF zone;*
  - (2) From any zone other than a PDR zone to a D zone without a prescribed residential FAR; or*
  - (3) From unzoned to an ARTS, CG, D, MU, R, RA or RF zone; or**
- (b) A map amendment not described in paragraph (a) of this subsection 502.1, which rezones a property from any zone to a zone that allows a higher maximum FAR, both exclusive of the twenty percent (20%) IZ bonus density, if applicable.*

*502.2 The requirements of this section shall not apply to a map amendment that:*

- (a) Is related to a PUD application;*
- (b) Is to a HE, NHR, SEFC, StE, USN, or WR zone;*
- (c) The Zoning Commission determines is not appropriate for IZ Plus due to the mitigating circumstances identified by the Office of Planning in its report recommending that the map amendment not be subject to IZ Plus; or*
- (d) Was filed as an application that was accepted by the Office of Zoning prior to November 16, 2020.*

In this case, OP is recommending that the map amendment not be subject to IZ Plus due to the amount of affordable housing already in existence in ANC-8E and the larger Far Southeast/Southwest Planning Area, where the subject property is located and the requirements that will be placed on the redevelopment of the former school site through the Land Disposition and Development Agreement (“LDDA”).

According to the “2019 Housing Equity Report: Creating Goals for Areas of Our City<sup>2</sup>”:

- The Far Southeast/Southwest Planning Area had 31% of all of the city’s affordable housing units; and
- 51% of the housing in the Planning Area is affordable housing.

**District Government Property:** The property is owned by the District Government which has granted the development rights for an all-affordable development with affordability at 30%, 50%, 60% and 80% MFI and with a high percentage of the units having three bedrooms. This affordability will be in perpetuity and as shown on the table below will be greater than would be required by the regular IZ requirements. Summary details of the RFP are in Appendix 1.

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<sup>2</sup> [Housing-Equity-Report](#)

The table below demonstrates possible IZ Plus set-aside requirements pursuant to Subtitle C § 1003.3 for a new residential development under the MU-8B zone on the subject property. The example is based on an apartment house that is stick-built (non-Type I construction) or Type I Construction on the subject property of 46,165 square feet.

FAR Allowed:	6.0 IZ FAR
Regular IZ Set-Aside Requirement:	10% or 23,083 sq. ft.
Regular IZ Dwelling Units <sup>3</sup> :	24 units
Percent Increase in Total FAR Built:	567%
IZ Plus Set-Aside Requirement:	18% or 41,549 sq. ft. (Type 1 Construction) 20% or 46,165 sq. ft. (non-Type 1 Construction)
IZ Plus Dwelling units:	42 units (Type 1 Construction) 47 units (non-Type 1 Construction)
Proposal with LDDA Requirement	100% or approximately 180 units of the residential component of the project would be targeted to households earning between 30% - 80% MFI, with 60% of dwelling units projected to be at or below 60% MFI

The requirements of the LDDA far exceeds what would be required under IZ Plus therefore OP does not recommend that IZ Plus be required as part of this application.

## VI. EQUITY AND THE COMPREHENSIVE PLAN

### A. EQUITY

#### FRAMEWORK ELEMENT

The Zoning Commission is now charged to “*evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis*” as referenced under Section 2501.7 of the Implementation Element. This direction to consider equity as part of the consistency analysis indicates that the equity analysis is intended to be based on the policies of the Comprehensive Plan and whether a proposed zoning action is “not inconsistent” with that plan, rather than on a separate determination about a zoning action’s equitable impact.

The Comprehensive Plan 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*

<sup>3</sup> The OP typically uses a density factor 1,000 sq. ft. to estimate number of dwelling units.

*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*

According to the Comprehensive Plan, 16.3% of the land in the Far Southeast and Southwest Planning Area is residential and only 1% is commercial and mixed use. 37% of the Area's residents live below the poverty level and less than 20% of residents own their homes.

The Area Element provides other additional information about the Planning Area:

*According to the U.S. Census ACS data from 2017, the Planning Area had a population of 76,047, or 11 percent of the District-wide total. The area lost five to 10 percent of its population in each decennial census between 1960 and 2000. However, the population increased by about 8,500 people between 2000 and 2015 and is estimated to increase to 112,477 people by 2045. [1803.1 1803.2]*

*Approximately 91 percent of the area's population is Black, which is significantly higher than the District-wide total of 47.7 percent. Only 1.8 percent of the area's residents are of Hispanic/Latino origin, and 2.1 percent are foreign born. These percentages have stayed relatively stable since 2000. [1803.3]*

*Information provided by the District Department of Employment Services (DOES) and the Office of Planning (OP) shows that there were 19,819 jobs in Far Southeast/Southwest in 2017. Most are in the educational services and health care fields. As of the 2017 Census, the median household income for the area was \$30,734 per year, less than one-half of the District's median income of \$77,649. Given the low incomes, the Planning Area also had the highest percentage of residents below the poverty level at 36.9 percent, more than double the Districtwide total of 17.4 percent. 1805.1*

*The area has very little commercial and mixed uses. These uses make up one percent of the total area and consist primarily of a commercial spine extending along Good Hope Road SE, Martin Luther King Jr. Avenue SE, and South Capitol Street SE. Good Hope Road SE/Martin Luther King, Jr. Avenue SE form a traditional Main Street through Historic Anacostia, with many small storefronts and neighborhood businesses. Further south along this spine are neighborhood commercial centers at Malcolm X Avenue SE, Atlantic Avenue SE, and Southern Avenue SE. Small shopping centers and convenience stores are scattered elsewhere in the Planning Area. 1802.6*

*As of 2017, Far Southeast/Southwest had about 30,266 housing units. About 14 percent of these units were vacant, which is higher than the District-wide total of 9.9 percent. Compared to the rest of Washington, DC, the Planning Area has an abundance of small apartment buildings—31 percent of the housing units were in 5-9 unit buildings, and 9.4 percent were in 10-19 unit buildings. Combined, these percentages are nearly on par with the District-wide figure of 46 percent. There were no housing units in buildings of 20 units or more; yet, District-wide that figure was 34.2 percent. Only 6.8 percent of the housing units were single-family detached homes, less than half the District-wide figure. 1804.1 1804.2*

*As one might expect given the high percentage of rental multi-family buildings, the homeownership rate in the Planning Area is low: 19 percent in 2017 compared to 41.7 percent District-wide. 1804.2*

*Between 2006 and 2017, the supply of rental housing units expanded dramatically, while the supply of affordable units declined. Most of the new units were higher-cost, studio, one-, and two-bedroom apartments affordable to households earning at and above median income. During this period, due to new construction and rising rents of existing supply, the total supply of rental units affordable only to those households earning more than 60 percent of the Median Family Income (MFI) increased by almost 44,765. In contrast, the total supply of rental units affordable to households earning less than 50 percent of the MFI declined by approximately 22,000 units, from 72,000 units in 2006 to 50,000 in 2017. At the same time, there was a modest gain of 2,500 units affordable to households with incomes between 50 percent and 60 percent of the MFI. Almost 7,000 of the District's roughly 8,000 public housing units are currently in critical condition or worse, which may lead to a reduction in affordable housing stock for lower-income households. 206.5*

Applying the lens of racial equity on zoning actions including map amendments and IZ Plus requirements would target support to communities of color. 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 problems caused by housing insecurity and displacement. (206.4).

Overall, when evaluated through a racial equity lens, the proposed map amendment is not inconsistent with the Comprehensive Plan. The rezoning would allow the DC Government to utilize a property that is under developed to provide affordable housing, an early learning center, neighborhood serving retail and service uses, and office space for ANC-8E which would be beneficial to area residents. Making room for affordable housing at this location has the potential to benefit populations of color who on average have lower income than white residents.

The proposed map amendment would facilitate a mixed-use building with approximately 180 affordable units for households earning between 30% and 80% the median family income (MFI) with at least 60% of the units projected to be at or below 60% MFI, supported by retail and service uses. The targeted action of this proposed map amendment would support equitable development while contributing to the increase in the overall and affordable housing supply for the Planning Area.

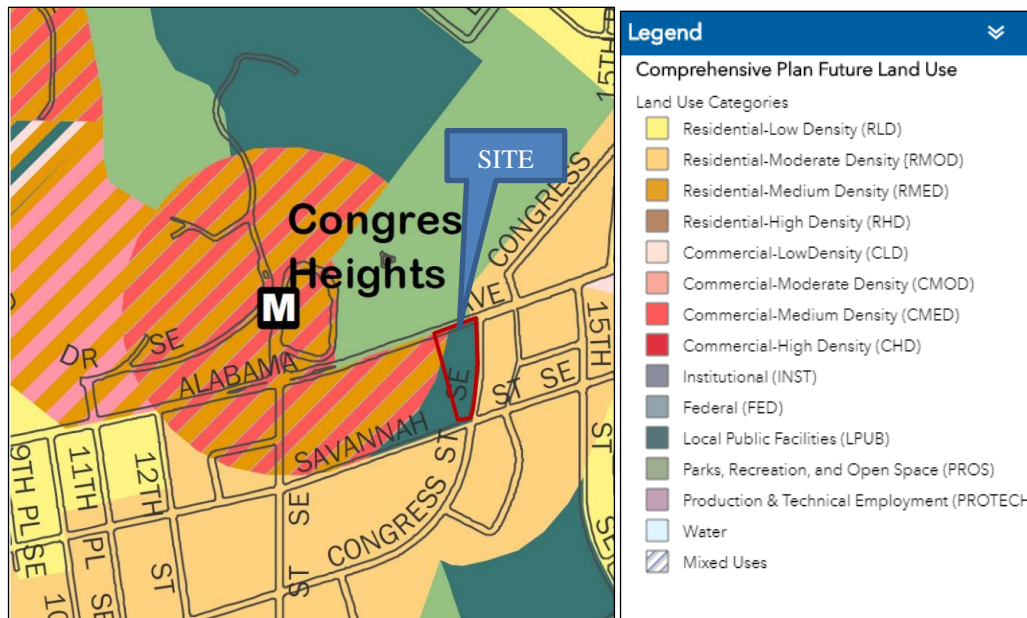
## **VII. COMPREHENSIVE PLAN**

### **A. COMPREHENSIVE PLAN MAPS**

As described in the Guidelines for Using the Generalized Policy Map and the Future Land Use Map (Chapter 2 Framework Element, Section 226), the maps are intended to provide generalized guidelines for development decisions.



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



**Local Public Facilities:** *This designation includes land and facilities occupied and used by the District of Columbia government or other local government agencies (such as WMATA), excluding parks and open space. Uses include public schools including charter schools, public hospitals, government office complexes, and similar local government activities. Other non-governmental facilities may be co-located on site. While included in this category, local public facilities smaller than one acre ~ including some of the District’s libraries, police and fire stations, and similar uses — may not appear on the map due to scale. Zoning designations vary depending on surrounding uses. 227.17*

The FLUM indicates that the site is appropriate for Local Public Facilities which is reflective of the prior use as part of the former Malcom X Elementary School campus. The government is no longer in need of the entire site for a school and so have offered a portion of the site to be redeveloped with opportunities for housing including affording housing to help in meeting the housing needs of the area.

Unlike the residential and commercial FLUM designations, the Local Public Facilities designation does not provide much guidance on density or zones that are considered consistent. Rather, the guidance is that the “Zoning designations vary depending on surrounding uses.” The Framework Element provides additional guidance on zoning when sites designated as Local Public Facilities are to be redeveloped with other uses and 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 generally comparable in density or intensity to those in the vicinity, unless otherwise stated in the Comprehensive Plan Area Elements or an approved Campus Plan”. (228.1(h))*

In this case, a portion of a school site is to be redeveloped. The FLUM designation on the remainder of the school site to the immediate west is mixed use (medium density



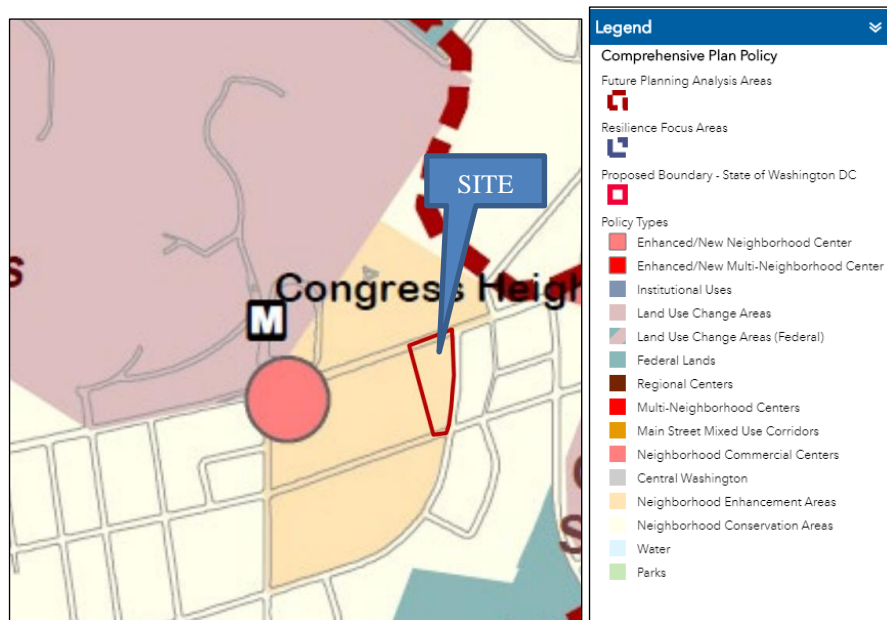
residential/medium density commercial). Further, to the west is an approved PUD and Map Amendment (ZC 13-08) which rezoned the property to C-3-B under ZR-58 and is equivalent to the MU-8B under ZR-16. Also, in close proximity to the site is the St. Elizabeths Campus to the northeast which the FLUM designates for mixed use (medium density residential/medium density commercial) around the Metro Station.

The proposed MU-8B zone is designated for a mix of medium density uses and is therefore comparable in density and intensity to the adjacent property. The properties to the east and south are developed with garden apartment in the RA-1 zone. The approved RFP and the agreement with the ANC-8E would limit the development to 70-feet and with the separation of the properties by streets and a building restriction line on the southern portion of the property the development intensity would be generally comparable. Therefore, the MU-8B on the property would be compatible with the surrounding development pattern and not be inconsistent with the FLUM.

### Generalized Policy Map

The Generalized Policy Map indicates that the property is within a Neighborhood Enhancement Area.

### Generalized Policy Map



**Neighborhood Enhancement Areas** are neighborhoods with substantial amounts of vacant and underutilized land. They include areas that are primarily residential in character, as well as mixed-use and industrial areas. Many of these areas are characterized by a patchwork of existing homes and individual vacant lots, some privately owned and others owned by the public sector or non-profit developers. These areas present opportunities for compatible infill development, including new single-family homes, townhomes, other density housing types, mixed-use buildings, and, where appropriate, light industrial facilities. Land uses that reflect the historical mixture and diversity of each community and promote inclusivity should be encouraged. 225.6

The guiding philosophy in Neighborhood Enhancement Areas is to ensure that new development responds to the existing character, natural features, and existing/planned infrastructure capacity. New housing should be encouraged to improve the neighborhood and must be consistent with the

*land-use designation on the Future Land Use Map and with Comprehensive Plan policies. The unique and special qualities of each area should be maintained and conserved, and overall neighborhood character should be protected or enhanced as development takes place. Publicly 'owned open space within these areas should be preserved and enhanced to make these communities more attractive and desirable. 225.7*

The proposed MU-8B zone would not be inconsistent with the recommendations for Neighborhood Enhancement Areas as the proposed rezoning would allow for the redevelopment of a District owned property at a desirable location with affordable housing and supportive services such as a child care center and retail use to serve existing and future residents of the neighborhood as well as city-wide needs.

The underutilized site is located in close proximity to the Congress Heights Metro station. The new development would respond to the emerging character of development around the Congress Heights Metro station as it would be of a similar scale and density to the projected development to the west at Alabama Avenue and 13<sup>th</sup> Street (ZC 13-08) and the redevelopment of the St. Elizabeths East Campus with a mix of uses. The density and intensity of the development under the RFP would be lower than would be allowed under the MU-8B zone to be complementary to the surrounding apartment buildings. Overall, the neighborhood character should be protected or enhanced as development takes place. New housing would improve the neighborhood and would not be inconsistent with FLUM and of the General Policy maps.

## **B. COMPREHENSIVE PLAN POLICIES**

### **Citywide Elements:**

The proposed map amendment would not be inconsistent with the citywide elements and the Far Southeast/Southwest Area Elements including policies and recommended actions with which the proposal is compatible. Future development would be transit-oriented, providing new affordable housing. Its proximity to on-going development of a mixed-use area around the Congress Heights Metro Station is timely and beneficial for the District's growth and equity.

### **Land Element**

#### ***Action LU-1.4.B: Zoning Around Transit***

*With public input, develop and use zoning incentives to facilitate new and mixed-use development, and particularly the provision of new housing, and new affordable housing in high opportunity areas to address more equitable distribution, 307.20*

#### ***Action LU-1.4.C: Metro Station and Inclusionary Zoning***

*Encourage developments in and around Metro station areas to exceed the affordable units required by the Inclusionary Zoning Program, with appropriate bonus density and height allowances. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required. 307.21*

#### ***Policy LU-1.4.3: Housing Around Metrorail Stations***

*Recognize the need to build housing adjacent to Metrorail stations, given the reduced need for auto ownership (and related reduction in household expenses), that serves a mix of*

*incomes and household types, including families, older adults, and persons with a range of incomes.*

***Policy LU-1.4.3: Affordable Rental and For-Sale Multi-family Housing Near Metrorail Stations***

*Explore and implement as appropriate mechanisms, which could include community land trusts, public housing, and shared appreciation models, to encourage permanent affordable rental and for-sale multi-family housing, adjacent to Metrorail stations, given the need for accessible affordable housing and the opportunity for car-free and car-light living in such locations. 307.12*

The proposed map amendment would allow for an appropriately scaled development in the vicinity of the Congress Heights Metrorail station. The proposed map amendment and future redevelopment of the site is being facilitated by the District of Columbia and the Applicant has partnered with ANC-8E and other community stakeholders to envision a new mixed-use development at this location. The partnership has resulted in a signed Community Benefits Agreement with the ANC. As stipulated, the resultant map amendment would allow for a mixed-use development that would exceed the number of units and affordability levels required by the IZ Regulations and would be in perpetuity.

The proposed map amendment would allow for development at the Congress Heights Metrorail station, which would reduce the necessity of auto use and ownership in support of a related reduction in household expenses for future residents. The policies highlighted housing and mixed uses at such locations and the proposed map amendment would support redevelopment of the site to meet the expectations of equity in housing and transportation accessibility.

***Policy: LU-2.1.8 Explore Approaches to Additional Density in Low- and Moderate-Density Neighborhoods***

*Notwithstanding Policy LU-2.1.5, explore approaches, including rezoning, to accommodate a modest increase in density and more diverse housing types in low-density and moderate-density neighborhoods where it would result in the appropriate production of additional housing and particularly affordable housing. Build upon the guidance of the April 2020 Single Family Housing Report to diversify the cost of housing available in high-opportunity, high-cost low- and moderate-density neighborhoods, especially near transit. However, neighborhood planning and engagement is a condition predicate to any proposals. Infill and new development shall be compatible with the design character of existing neighborhoods. Minimize demolition of housing in good condition. 310.15*

The proposed map amendment would allow for an increase in residential density, affordable units and allow for support commercial uses. The map amendment would not result in the demolition of any housing but would allow new housing on an underutilized site close to a Metro station.

***Policy LU-2.1.10: Multi-Family Neighborhoods***

*Maintain the multi-family residential character of the District's Medium and High-Density residential areas. Limit the encroachment of large scale, incompatible commercial uses into these areas, and make these areas more attractive, pedestrian-friendly, and transit accessible and explore opportunities for compatible commercial development which provides jobs for nearby residents. 310.17*

***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-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods***

*Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others. 309.8*

The underutilized property is an appropriate location for new residences to help accommodate population growth and advance affordability, and racial equity. The map amendment for this property would allow for a development that would be compatible to the existing apartment buildings in the vicinity of the property and the future developments at the Metro Station and the nearby St. Elizabeths East Campus. The map amendment would allow for ground floor neighborhood serving, retail and service uses that would help to widen the types of neighborhood services available to existing and prospective residents and improve the character of the existing neighborhood.

**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-1.1.4: 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*

The proposed map amendment would support transit-oriented development within a transit-accessible neighborhood, could provide opportunities to lower-income residents who would be able to access employment, nearby schools, and services without the burden of high transportation costs and loss of valuable time to access such needs.

**Housing Element**

***Housing Goal***

*The overarching goal for housing is to provide a safe, decent, healthy, and affordable housing supply for current and future residents in all of Washington, DC's neighborhoods by*

*maintaining and developing housing for all incomes and household types. The overall goal for the District of Columbia is that a minimum of one third of all housing produced should be affordable to lower-income households. The short-term goal is to produce 36,000 residential units, 12,000 of which are affordable, between 2019 and 2025. 501.1*

***Policy H-1.1 Expanding Housing Supply***

*Expanding the housing supply is a key part of the District’s vision to create vibrant neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city’s fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs... 503.1*

***Policy H-1.1.3: Balanced Growth***

*Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city 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 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-1.2.3: Affordable and Mixed-Income Housing***

*Focus investment strategies and affordable housing programs to distribute mixed-income housing more equitably across the entire District by developing goals and tools for affordable housing and establishing a minimum percent affordable by Planning Area to create housing options in high-cost areas, avoid further concentrations of affordable housing, and meet fair housing requirements. 504.10*

***Policy H-1.2.6: Build Nonprofit Sector Capacity***

*Actively involve and coordinate with the nonprofit sector, including faith-based institutions, to meet affordable housing needs, including housing construction and housing service delivery... 504.14*

***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*

***Policy H-1.2.11: Inclusive Mixed-Income Neighborhoods***

*Support mixed-income housing by encouraging affordable housing in high-cost areas and market rate housing in low-income areas. Identify and implement measures that build in long-term affordability, preferably permanent or for the life of the project, to minimize displacement and achieve a balance of housing opportunities across the District. 504.19*

***Action H-1.2.J: Affordable Housing and Nonprofit and Faith-Based Institutions***

*District agencies should work collaboratively with nonprofits and the faith community to investigate zoning options to reduce procedural burdens and facilitate the development of affordable housing and community services on properties under their control, particularly sites in lower density neighborhoods. 504.31*

The District has collaborated with for-profit and non-profit organizations to provide an affordable housing development on an underused site to provide additional affordable housing in this Planning Area. The MU-8B zone and the approved RFP would combine to allow a future development with additional density to support expanding the housing supply, including additional affordable units above what would be required under regular IZ requirements within an all-affordable mixed-use development.

The development would provide units of vary sizes (studios to three-bedrooms) and varying affordability (30% to 80% MFI) and the affordability would be in perpetuity. The location of the property, in walking distance to the Congress Heights Metro station and on several bus routes, would support the Framework Element’s equity requirements for a desirable depth of affordability and access, which reduces future households’ transportation costs thereby providing easier access to employment and services.

**Environmental Protection Element**

*The overarching goal for the Environmental Protection Element is to protect, restore, and enhance the natural and human-made environment in Washington, DC, taking steps to improve environmental quality and resilience, adapt to and mitigate climate change, prevent and reduce pollution, improve human health, increase access to clean and renewable energy, conserve the values and functions of Washington, DC’s natural resources and ecosystems, and educate the public on ways to secure a sustainable future. 601.1*

- ***Policy E-1.1.2: Urban Heat Island Mitigation***
- ***Policy E-2.1.2: Tree Requirements in New Development***
- ***Policy E-3.2.2 Net-Zero Buildings***
- ***Policy E-3.2.3: Renewable Energy***
- ***Policy E-3.2.5: Reducing Home Heating and Cooling Costs***
- ***Policy E-3.2.6: Alternative Sustainable and Innovative Energy Sources***
- ***Action 3.3.L: Reduce Residential Construction and Demolition Waste***
- ***Policy E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff***

While new construction is not explicitly a part of this application, future redevelopment of the property would be encouraged by the District’s Department of Energy and the Environment (DOEE) and new code improvements to implement the District policies implied and encouraged under the Sustainable DC Plan and building code requirements which protects the health and well-being of residents across all incomes and the District as a whole.



## **Area Element**

### **Far Southeast/Southwest Area Element**

The subject property is in the Far Southeast/Southwest Area Element.

#### ***Policy FSS-1.1.1: Directing Growth***

*. . . Additional opportunities for future housing development and employment growth in Far Southeast/Southwest should be directed to the area around the Congress Heights and Anacostia Metro station, on the St. Elizabeths Hospital Campus, along the Great Streets corridors of Martin Luther King, Jr. Avenue SE and South Capitol Street SE, and on the DC Circulator routes to provide improved transit and automobile access to these areas and improve their visual and urban design qualities. The DC Circulator is a key element for affordably moving people around to jobs and amenities in an environmentally friendly way. Approvals of zoning variations for height or density through Planned Unit Developments (PUDs) should include commensurate benefits for the neighborhood in terms of education and job opportunities, new and affordable housing for homeownership, improved urban design, and public infrastructure improvements. The PUD should include civic and cultural amenities, promote quality in design of buildings and public spaces, support local schools, create opportunities for cultural events and public art, and enhance the public realm by addressing safety and cleanliness issues. 1808.2*

#### ***Policy FSS-1.1.4: Infill Housing Development***

*Support infill housing development on vacant sites within Far Southeast/Southwest, especially in Historic Anacostia, and in the Hillside, Fort Stanton, Bellevue, Congress Heights, and Washington Highlands neighborhoods. Infill with affordable housing options can help meet the demand of low income families currently living in the Planning Area, reduce the rates of families living without housing, and decrease the affordable housing waitlist. Infill with housing for persons of moderate income can help provide homes for persons and families who might otherwise be displaced from Washington, DC due to high housing costs. 1808.5*

#### ***Policy FSS-1.1.6: Retail Development***

*Support additional retail development within Far Southeast/Southwest, especially in Historic Anacostia and in the neighborhood centers at Malcolm X Avenue SE /Martin Luther King, Jr. Avenue SE and South Capitol Street SE/Atlantic Avenue SE. Projects that combine upper story housing or offices and ground floor retail are particularly encouraged in these three locations. 1808.7 1808.8*

#### ***Policy FSS-1.1.109: Minority/Small Disadvantaged Business Development***

*Provide technical assistance to minority-owned and small businesses in Far Southeast/Southwest to improve the range of goods and services available to the community. Joint venture opportunities, minority business set-asides, business incubator centers, and assistance to community-based development organizations should all be used to jumpstart local business and provide jobs in the community. 1808.11*

***Policy FSS-1.1.13: District Government Incentives for Economic Development***

*Use the full range of incentives and tools available to the District Government, including tax abatements, tax increment financing, payments in lieu of taxes (PILOTs), eminent domain, and PUDs to promote and leverage economic development in the Far Southeast/Southwest Planning Area. 1808.14*

***Policy FSS-R.1.1.16: Resilient Housing***

*Encourage the use of climate-resilient and energy-efficient design practices for new residential developments, especially in the construction of affordable housing units. These practices include cool and living roofs, solar shading, natural ventilation, and other passive cooling techniques that will reduce the impacts of extreme heat events on the area’s most vulnerable residents. They also include the use of green infrastructure methods that can reduce the urban heat island effect and potential flooding risks by preserving or expanding green space, tree cover, and other natural features. 1808.17*

***Action FSS-1.1.B: Sustainable Congress Heights (EcoDistricts)***

*Identify goals and priority projects to achieve them. Topics should include: access and mobility, healthy and active living, housing affordability and stability, economic and workforce development, materials management, watershed and habitat, and energy. 1808.19*

The MU-8B zone would allow for increased height and additional density at a medium range, provide for development with a variety of unit sizes and the opportunity for a range of household sizes and incomes. The map amendment would allow for the development of new ground floor, neighborhood-serving retail, service, and office uses in Far Southeast/Southwest in the area around the Congress Heights Metro station.

The Applicant has agreed on a Community Benefits Agreement (“CBA”) with the ANC which includes affordable housing, educational and job opportunities, assistance to community-based development organizations, and a building which would be compatible to the surrounding garden apartments. In addition, the District Government is providing incentives to promote and leverage affordable housing at this site and in the Far Southeast/Southwest Planning Area. The location would provide easy access to transportation which is a key element for affordably moving people around to jobs and amenities in an environmentally friendly way.

**FSS-2 Policy Focus Areas 1810**

*The Comprehensive Plan has identified seven areas in the Far Southeast/Southwest as “Policy Focus Areas,” indicating that they require a level of direction and guidance above that in the prior section of this Area Element and in the Citywide Elements (see Map 18.1 and Figure 18.3). These areas are:*

- *Historic Anacostia*
- *St. Elizabeths Campus*
- *Barry Farm/Hillsdale/Fort Stanton*
- ***Congress Heights Metro Station*** [emphasis added]
- *Congress Heights Commercial District*
- *Bellevue/Washington Highlands*
- *DC Village. 1810.1*

The proposed map amendment provides the additional focus for the redevelopment at the Congress Heights Metro Station.

***Policy FSS-2.4.1: Congress Heights Metro Station Mixed-Use***

*Encourage reuse of the Congress Heights Metro station site and its vicinity with mixed-use, medium-density residential and commercial development through the use of PUDs that promote new economic development. Development on the site should be cognizant of the adjacent lower density neighborhood to the west and south and provide a connection to the future development on the St. Elizabeths Campus. 1814.6*

The proposed map amendment to the MU-8B zone would not be inconsistent with this recommendation as it would allow for a mixed-use, medium density development in the vicinity of the Congress Heights Metro Station. Although not a PUD, the applicant has met with the community and the ANC and has signed a CBA that includes the Applicant's commitment to housing affordability, variety in housing unit types, resident and community amenities, massing, and materiality of the building to protect adjacent residents, green/environmental amenities, job training, internship, and hiring of District and Ward 8 residents.

**C. SMALL AREA PLAN**

***Action FSS-2.5.A: Congress Heights Small Area Plan***

*Work with residents and community stakeholders on an equitable development strategy for the Congress Heights neighborhood. The Congress Heights Small Area Plan should include more specific details on the market for different uses on the site; the desired scale, mix, and intensity of development; future circulation patterns; and provisions for open space and public facilities. 1815.6*

The Congress Heights Small Area Plan (CHSAP) study is currently underway and will address social equity and community resilience; historic and cultural preservation; real estate and business opportunities; schools, libraries, and public space; transportation and access; housing opportunities and affordability; and parks, streets, and public space in the Congress Height Area.

**D. SUMMARY OF PLANNING CONTEXT ANALYSIS**

As demonstrated above, the proposed map amendment would not be inconsistent with the recommendations of the FLUM for medium density mixed-use and Local Public Facilities and that redeveloped school sites should be generally comparable in density or intensity to those in the vicinity. In this case the medium density residential and medium density commercial uses are appropriate for the site. The proposal would also be not inconsistent with the Neighborhood Enhancement Area recommendation of the Generalized Policy Map; the policies and actions of the Citywide Elements and the Far Southeast Southwest Policy Area.

Specifically, the map amendment would allow for a development of a District property to provide affordable housing, at varying income levels close to a Metro Station. It would help the District towards attaining its affordable housing goals identified in the Housing Equity Report (2019) and also help the Planning Area achieve its production target of affordable units by 2050.

The development has had community input which has resulted in the CBA that would advance equity consistent with the Comprehensive Plan and the Far Southeast Southwest Policy Area. OP

therefore recommends that the Zoning Commission approve the proposed map amendment from the RA-1 to the MU-8B zone.

### **VIII. ANC COMMENTS**

At its June 22, 2021, ANC 8E voted to support the proposed map amendment (Exhibits 3I and 14A). An executed community benefits agreement between the Applicant and ANC 8E is at Exhibit 14B.

## **APPENDIX 1 – Summary of RFP**

The District, through the Office of the Deputy Mayor for Planning and Economic Development (“DMPED”), solicited proposal through a Request for Proposal (“RFP”) to redevelop a portion of the property at 1351 Alabama Avenue SE (Square 5914, portion of Lot 806). The property currently has the building which formerly housed the Malcom X Elementary School<sup>4</sup>. To accommodate the development, Lot 806 will be subdivided into two lots; Lot A would continue to accommodate the school building, while Lot B, (Exhibit 3B) the subject property, would accommodate a new development.

The RFP stated that it was important that the responses reflect the important value of the site to the surrounding community and should:

- Maximize affordable housing;
- Maximizes equity ownership and majority control opportunities for Disadvantaged Business Enterprises;
- Have uses that are compatible with and leverage surrounding neighborhood development;
- Be responsiveness to community and stakeholder preferences;
- Have sustainable and energy efficient buildings;
- Be of a high architectural design quality;
- Be a transit-oriented development (“TOD”) that reflects the project's adjacency to multiple public transit options; and
- Include opportunities for teacher and/or educator housing.

On April 20, 2021, the Congress Park Community Partners, LLC was selected for the development and was deemed to have fulfilled the equity focus of the RFP as it would have:

- The development team is led by three organizations that are based in Ward 8, including two District Certified Business Enterprises.
- The project would be mixed use with residences, retail, an early learning center and office uses consisting of:
  - Approximately 180 affordable dwelling units devoted to households at the 30%, 50%, 60%, and 80% MFI income levels;
  - A high percentage of units having three bedrooms;
  - Approximately 9,500 square feet of gross floor area for an early learning center and neighborhood serving retail and service uses; and
  - Office space for ANC- 8E.

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<sup>4</sup> The school was closed in 2013 and is now the home of the District Department of Parks and Recreation Opportunity Center, a District Department of Human Services hypothermia center, and various community-based organizations.