

**BEFORE THE BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA**

Application of  
Consys, Inc.

BZA Application No:  
ANC 8B04  
ANC 8A

**STATEMENT OF THE APPLICANT**

This application is made by Consys, Inc. (the “**Applicant**”) to the Board of Zoning Adjustment (“**Board**”) for special exception approval under (i) Subtitle A § 207.2 for an extension of the zone boundary line;<sup>1</sup> and (ii) Subtitle C § 703.2 for relief from the minimum vehicle parking requirements in order to construct a new multifamily building with ground floor retail (the “**Project**”) located at 2502 Martin Luther King, Jr. Avenue, SE (Square 5868, Lot 175) (the “**Property**”).

**I. JURISDICTION OF THE BOARD**

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X § 900.2 of the Zoning Regulations.

**II. DESCRIPTION OF THE PROPERTY, SURROUNDING AREA, AND PROJECT**

A. Description of the Property and Surrounding Area

The Property consists of approximately 11,236 square feet of land area and is located in the Anacostia neighborhood. The Property is an irregularly shaped lot and is bounded by Sheridan Road, SE to the east, Martin Luther King Jr. Avenue, SE to the west, the intersection of Howard Road, SE, Martin Luther King Jr. Avenue, SE, and Sheridan Road, SE to the north, and federal

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<sup>1</sup> The Office of Planning filed an omnibus text amendment, Z.C. Case No. 25-12, on June 30, 2025 (the “**Text Amendment**”), which proposes changes to Subtitle A § 207.2. The Text Amendment proposes revising the reference to Subtitle A § 207.2 to Subtitle C § 1601.2.

land that is currently vacant to the south. The surrounding area is developed primarily with multifamily apartment buildings, schools, and churches. Across Martin Luther King Jr. Avenue, SE to the north is the Thurgood Marshall Academy Public Charter High School and Savoy Playground. To the south is Excel Academy Public School. The Anacostia Metrorail Station is located approximately 500 feet to the north of the Property.

As shown on the Zoning Map attached as Exhibit A, the vast majority of the Property, or approximately 85%, is located in the MU-4 Zone District and a smaller portion of the Property towards the south, approximately fifteen percent (15%) of the lot area, is located in the RA-1 Zone District. The immediately surrounding area consists of properties zoned MU-4, MU-14, and RA-1. The Property is currently improved with a surface parking lot and a one-story building housing the offices of the Applicant.

#### B. Description of the Project

The Applicant proposes to construct a four (4)-story multifamily building containing approximately 36 units and approximately 2,311 square feet of ground-floor floor retail (the “**Project**”). The building will have a gross floor area (“**GFA**”) of approximately 33,708 square feet (the “**Building**”). If relief is granted under Subtitle A § 207.2, the Property will have a lot occupancy of 75%, an FAR of approximately 3.00, and a height of 49 feet, 6 inches, as shown on Page A.03 of the plans and diagrams submitted with this application as Exhibit H (the “**Plans**”).<sup>2</sup> The Project will provide twelve (12) long-term and three (3) short-term bicycle spaces.

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<sup>2</sup> Without relief, the MU-4 portion of the Property would have a total lot occupancy of approximately 84% and a total FAR of approximately 3.34 and the remaining portion of the Property in the RA-1 Zone would have a total lot occupancy of approximately 26% and an FAR of approximately 1.04.

## **II. DESCRIPTION OF THE RELIEF REQUESTED<sup>3</sup>**

Pursuant to Subtitle A § 207.2, the Board may grant a special exception for a split-zoned property to extend the zone boundary line by 35 feet, making the less restrictive of the zone district regulations applicable to the use, height, and bulk of structures and the use of land for the 35-foot portion. The Property is split zoned between the MU-4 and RA-1 Zone Districts. Therefore, the Applicant requests a special exception pursuant to Subtitle A § 207.2 to extend the MU-4 boundary line by up to approximately 24 feet into the RA-1 Zone District as shown on Page A.08 of the Plans.

Pursuant to Subtitle C § 703.1, the Board may grant a special exception for flexibility from the minimum required number of vehicle parking spaces. The Project is required to provide five (5) parking spaces.<sup>4</sup> The Applicant cannot provide any of the required parking spaces and therefore requests relief.

## **III. THE APPLICATION SATISFIES THE CRITERIA FOR THE REQUESTED RELIEF**

The Applicant requests (i) special exception relief to extend the zone boundary line pursuant to Subtitle A § 207.2; and (ii) special exception relief to provide less than the minimum vehicle parking spaces pursuant to Subtitle C § 703.2.

Under Subtitle X § 901.2, the Board may grant special exception relief if the requested relief is (a) in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps, (b) will not adversely affect neighboring properties, and (c) satisfies any particular conditions for

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<sup>3</sup> Although new residential development in the RA-1 Zone typically requires special exception approval pursuant to Subtitle U § 421, the extension of the use of the lesser restrictive zone as provided for in Subtitle A § 207.2 obviates the need for such relief in this instance.

<sup>4</sup> This calculation takes into account a 50% reduction pursuant to Subtitle C § 702.1(a) due to the Property's proximity to the Anacostia Metrorail Station.

the specific relief requested. As detailed below, the Project satisfies the standards for special exception approval for all three areas requested.

#### **A. The Applicant Meets the Standards of Approval of the Zone Boundary Extension**

Pursuant to 11-A DCMR § 207.2, the Board may grant special exception relief for a split-zoned property to extend the zone boundary line by up to 35 feet, making the less restrictive of the zone district regulations applicable to the use, height, and bulk for the portion of the land in a more restrictive zone for a depth of 35 feet. Here, the Property is split zoned with the vast majority of the Property (85%) located in the MU-4 Zone and approximately fifteen percent (15%) of the Property located in the RA-1 Zone. The MU-4 Zone is the less restrictive zone and the RA-1 zone is the more restrictive. The Applicant requests a special exception pursuant to Subtitle A § 207.2 to extend the MU-4 boundary line by up to approximately 24 feet into the RA-1 Zone District portion of the Property.

Pursuant to Subtitle A § 207.2, an applicant must show that the extension (1) has no adverse effect upon the present character and future development of the neighborhood,<sup>5</sup> and (2) is in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps and will not adversely affect neighboring properties.

- 1. The zone boundary line extension has no adverse effect upon the present character and future development of the neighborhood. (Subtitle A § 207.2)*

The Applicant seeks relief to shift the zone boundary line at the southern portion of the Property to extend the use, height, and bulk permitted in the MU-4 Zone for a depth of approximately 24 feet into the RA-1 portion of the Property. The extension will allow for the most efficient layout of residential units and provide additional residential space to contribute to more

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<sup>5</sup> The Text Amendment proposes deletion of this standard.

affordable units. The Project will provide approximately four (4) affordable units set aside at 60% of the Median Family Income (“**MFI**”). The lot is irregularly shaped with a wider portion located in the RA-1 Zone. Although the vast majority of the Project is located in the MU-4 Zone, this extension will provide the additional floor space needed to build a viable structure on this lot and also to create larger and more livable units. Indeed, eight (8) of the two (2)-bedroom units are currently planned to be the units that extend into the RA-1 Zone. The extension will provide for an additional floor of height in the RA-1 Zone than would otherwise be permitted and provide approximately 445 square feet per floor.

The zone boundary line extension will not have an adverse effect on the present character or future development of the neighborhood. Residential use is permitted as a matter-of-right in both the MU-4 and RA-1 Zone. The immediate area features multiple multifamily buildings in both the MU-4 and RA-1 Zones. Immediately to the east across Sheridan Road, SE is Sheridan Station, an apartment complex approved as a PUD in Z.C. Case No. 07-35, which includes approximately 344 units on a fourteen (14)-acre site in the RA-1 Zone. To the northeast of the Property is The Bridge, a five (5)-story 112-unit fully affordable multifamily building. To the north and to the south of the Property are two schools, Thurgood Marshall Academy Public Charter School and Excel Academy Public School. The Barry Farm Recreation Center is located to the west of the Property across Martin Luther King Jr. Ave, SE. A number of churches are also located in close proximity.

The Property is a prime location for multifamily use given its proximity to schools, churches, a recreation center, and to the Anacostia Metrorail Station. In fact, this location is an ideal transit-oriented development infill parcel. The proposed zone boundary extension aligns with the District’s planning goals for the Property, as evidenced by the Future Land Use Map

(“**FLUM**”) of the District of Columbia's Comprehensive Plan (the “**Comp Plan**”), which designates the entirety of the Property in the High Density Commercial and High Density Residential categories. The Project supports the policy objective of more housing development on vacant and underutilized land within the Barry Farm/Hillsdale/Fort Stanton Policy Focus Area in the Far Southeast/Southwest Area Element. The Comp Plan specifically notes the Sheridan Station complex across the street and commends the high-quality housing options it has provided for Ward 8 residents. The Property, in its entirety, is in a Main Street Mixed Use Corridor on the Generalized Policy Map (“**GPM**”). This category consists of storefronts with upper-story residential, as proposed by the Project. The Comp Plan notes that some of these areas are underutilized. 10-A DCMR § 225.14.

In addition to being appropriate within the context of the surrounding neighborhood, the extension of the zone boundary line will not have any adverse impact on adjacent properties. The land immediately south of the Property is vacant land owned by the federal government and abutting Suitland Parkway. Of significant note, the Building will only extend a maximum of approximately 10.5 feet into the RA-1 zoned portion of the Property.

The Project has been designed to minimize the degree of the building projection into the RA-1 Zone. However, given the unique size and configuration of the lot, a portion of the proposed building extends into the more restrictive zone to allow for the efficient layout of unit floorplans. Without the minor extension into the RA-1 Zone, the number of units would need to be reduced and the layout of the floor plans would be adversely affected. The Project will only utilize approximately 1,780 square feet of the additional density created by the extension. Therefore, the minor massing change enabled by the extension is *de minimis* and will not adversely affect the

neighborhood while also allowing for additional housing for which there is much demand in both this neighborhood and the District generally.

2. *The requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property. (Subtitle X § 901.2)*

The modest extension of the MU-4 zone boundary line into the RA-1 Zone will not adversely affect the neighboring properties and is in harmony with the Zoning Regulations. Subtitle A § 101.2(d) requires that the Zoning Regulations be not inconsistent with the Comp Plan. As described above, the new infill housing furthers the goals of the Comp Plan to reactivate underutilized areas in the Far Southeast/Southwest Area Element. The land immediately abutting the Property is currently vacant and unlikely to be developed in the near future. The Project complements the existing multifamily buildings to the east and to the north of the Property. Given the Property's prime location in close proximity to a Metrorail station, schools, and a recreation center, the Project furthers the goals of the Zoning Regulations and will not adversely affect neighboring property. The Project is an ideal transit-oriented development undertaking at this location.

In addition, at the request of the District Department of Transportation (“DDOT”), the Applicant pulled the proposed footprint of the building back from Martin Luther King, Jr. Ave. and the intersection at the north in order to create a more useable sidewalk along the Martin Luther King, Jr. Ave frontage. Although this request enhanced the need for the zone boundary extension special exception relief, the shifting of the footprint will allow for a wider sidewalk and a more pedestrian friendly environment surrounding the Project.

## **B. The Applicant Meets the Standards of Approval for Special Exception Parking Relief**

Pursuant to Subtitle C § 703.1, the Board may grant a special exception from the minimum vehicle parking requirements when providing the required number of spaces would be (a) impractical due to the shape or configuration of the site; (b) unnecessary due to the lack of demand for parking or the site's proximity to transit options, or (c) contrary to other District of Columbia regulations. 11-C DCMR § 703.1. The Applicant is unable to provide the required parking due to the irregular and narrow shape of the Property. In addition, the required parking is unnecessary because the Property is well-served by mass transit options. The Applicant therefore requests special exception relief from the required five (5) parking spaces for the Project.

Pursuant to Subtitle C § 703.2, the Board may grant a full reduction in the number of required parking spaces as a special exception when the subject property satisfies any one of several specific conditions listed therein, which in this instance include:

- (a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C §701.8; and (b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities.

Under Subtitle C § 703.3, any reduction in the required number of parking spaces must be:

- Proportionate to the reduction in parking demand demonstrated by the applicant; (b) Limited to the number of spaces that the applicant demonstrates cannot reasonably be provided on the site as proposed to be developed in the application; and (c) Limited to relief from the minimum number of parking spaces required by this section and shall not provide relief from the location, access, size or layout, screening, or other requirements of this chapter.

Further, pursuant to Subtitle C § 703.4, a transportation demand management plan approved by DDOT is required because the Applicant requests relief from more than four (4) spaces.

As detailed below, the Project satisfies all of the standards for special exception relief from the minimum parking requirements.



1. *Due to the physical constraints of the Property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the Lot. (Subtitle C § 703.2(a))*

The Property has an irregular triangular shape, narrowing to an approximately fifteen (15)-foot width at the intersection of Sheridan Road, SE and Martin Luther King, Jr. Avenue, SE. Due to the narrowness of the Property, the lack of necessary area, and the site's irregularity, a ramp to below-grade parking would not be feasible here. The southern portion of the Property, where it is widest, does not abut an alley; therefore, a ramp could not be provided at that location either. The Applicant has not located any available parking for sale within 600 feet of the Property. A significant portion of the property around the Property is comprised of roads, public uses, and mass transit infrastructure. As a result of the street frontages and the proximity to a significant intersection, the District's public space design and approval approach would typically not support the creation of a curb cut and driveway here. The Property's lack of an adjacent alley further limits the ability to design a parking entrance. Therefore, the required parking cannot be provided on the lot or nearby.

2. *The Property is particularly well-served by mass transit, shared vehicle, or bicycle facilities. (Subtitle C § 703.2(b)).*

The Property is particularly well-served by mass transit and bicycle facilities. The Property is located less than 0.1 miles from the Anacostia Metrorail Station, an approximately three (3)-minute walk. The C25 and C26 bus routes stop at the Property. In addition, the Project will provide twelve (12) long-term and three (3) short-term bicycle spaces, as required. Given these alternative transportation options, the required parking is not necessary for the Project.

3. *The requested reduction in parking is proportionate to the reduction in demand, is limited to the number of spaces that cannot be reasonably provided on site, and is limited to relief from the minimum number of spaces. (Subtitle C § 703.3)*

The Applicant seeks special exception relief from the requirement to provide five (5) required parking spaces on-site. The Project will provide no parking spaces. As described above, the Property is extremely well-served by mass transit, reducing the demand for parking at this location. As shown on the Plans, providing parking on-site is not feasible. The Property is constrained due to its irregular, small shape. The Property fronts on multiple streets at a narrow approximately 45-degree angle. In addition, access to parking cannot be provided from the rear, where the Property is widest, because there is no alley access to the Property. In addition, the neighboring property is Federally-owned and therefore arranging for a private access easement or similar agreement is not feasible. Therefore, the relief requested is limited to the number of spaces that cannot be reasonably provided on-site.

4. *The requested relief will include a Transportation Demand Management Plan Approved by the District Department of Transportation, the implementation of which shall be a condition of BZA approval. (Subtitle C §703.4)*

The Applicant will file a transportation report by its transportation consultant at least 30 days prior to the public hearing, as required by Subtitle Y § 300.14. The report will include a Transportation Demand Management plan (“**TDM Plan**”) resulting from consultation with DDOT staff. Such TDM Plan will further enhance the use of mass transit, biking, and walking options by residents, employees, and guests of the Project.

5. *The requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property. (Subtitle X § 901.2)*

The requested special exception from the parking requirements is consistent with the purposes of the Zoning Regulations, particularly Subtitle A § 101.2(d) which requires that the

Zoning Regulations be not inconsistent with the Comp Plan, because the location of the significant mass transit options adjacent to the Property, such as the nearby Anacostia Metrorail Station or bus routes, will be highly utilized by the residents of the Project and take maximum advantage of those resources as the Project will encourage residents to use these alternative modes of transportation. The Comp Plan encourages infill development to increase housing opportunities near transit in this area. 10-A DCMR § 1813.4. The Project will also provide the required bike parking spaces, including a bike storage room. In addition, the Property is located at the intersection of three streets. The requested relief will mitigate any potential traffic congestion caused by vehicles entering or leaving the Property, and will avoid the pedestrian-vehicle and vehicle-vehicle conflicts that might arise with a driveway being introduced at this location.

The requested relief is not likely to adversely affect neighboring properties. New residents of the Project will have ample transit options between the train, bus, and bicycle parking provided on-site. The Project will improve pedestrian safety by closing the existing curb cuts, minimizing potential vehicle-pedestrian conflicts. Accordingly, the requested relief is in harmony with the Zoning Regulations and will not adversely affect neighboring properties.

#### **IV. CONCLUSION**

For all of the above reasons, the Applicant has satisfied the standards for the requested special exception relief in this case and requests approval for such relief.

Respectfully submitted,

/s/ Jeff C. Utz  
Jeff C. Utz

/s/ Lee S. Templin  
Lee S. Templin