

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS} Jennifer Steingasser, Deputy Director
 Development Review & Historic Preservation
DATE: March 1, 2019
SUBJECT: ZC Case 19-03 – Set Down Report for a Petition to Rezone Square 5790, Lots 32-35, 39, 40, 47, 49, 818 and 819 from the MU-4 zone to the MU-5A zone.

I. RECOMMENDATION

The Office of Planning recommends the Zoning Commission **set down** this petition to rezone Square 5790, Lots 32-35, 39, 40, 47, 49, 818 and 819 located at 2301-2345 Martin Luther King, Junior Avenue, SE (MLK Jr. Avenue) from the MU-4 zone to the MU-5A zone. The proposal would not be inconsistent with the Comprehensive Plan.

II. APPLICATION-IN-BRIEF

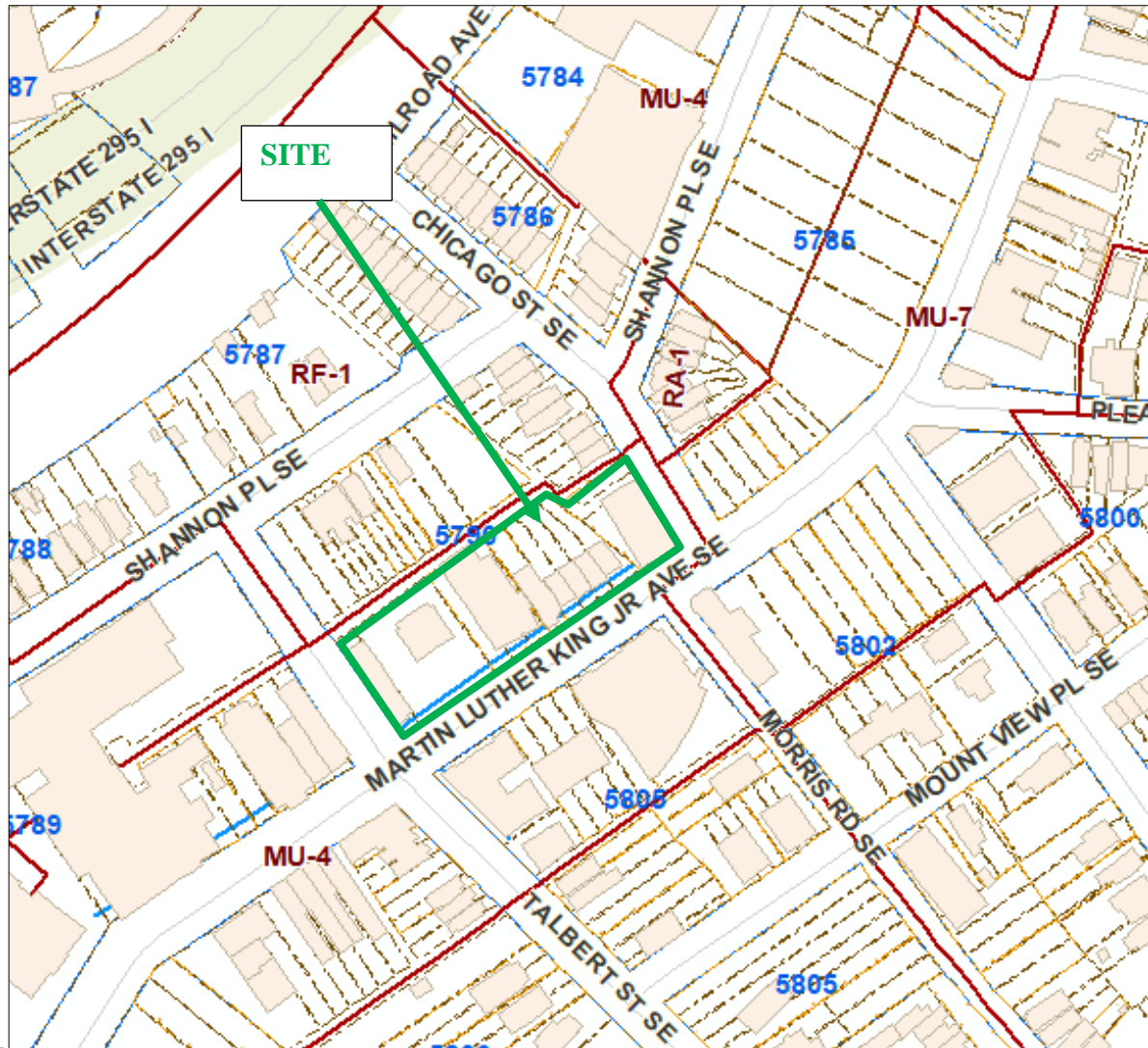
Applicant	Masjid Muhammad, Inc. represented by Holland & Knight LLC
Owner	Various property owners (See Exhibit 2M)
Proposed Map Amendment	MU-4 to MU-5A
Address	2301-2345 Martin Luther King, Junior Avenue, SE
Ward and ANC	8/ANC 8A
Legal Description	Square 5790, Lots 32-35, 39, 40, 47 ¹ , 49, 818 and 819
Property Size	46,859 square feet (1.07 acres)
Future Land Use Map Designation	Medium density residential/medium density commercial.
Generalized Policy Map Designation	Main Street Mixed Use Corridors.

III. SITE AND AREA DESCRIPTION

The subject properties are developed with buildings housing a mixture of uses such as medical offices, restaurant, private school and general offices and one building which is vacant, all within the MU-4 zone. To the north of the site is Chicago Street, SE with row houses and a portion of the Reunion Square PUD which has been approved for a four-story residential building. To the east is a five-story apartment building with ground floor retail in the MU-7 zone, the five-story, Salvation

¹ The Applicant does not have permission from the property owner of Lot 47 to be included in this petition at this time.

Army mixed use building, a one-story, car servicing building and a three-story, apartment building in the MU-4 zone. To the south is Talbert Street, SE and a two-story building with ground floor retail and offices above in the MU-4 zone. To the west across an alley are two-story detached dwellings, row dwellings and vacant properties in the RF-1 zone. Generally, the surrounding area includes a varied mix of housing, office, retail and institutional uses.



Location Map

IV. DEVELOPMENT CAPACITY OF EXISTING AND PROPOSED ZONES

The applicant's petition is to rezone ten lots which combine for a total of 46,859 square feet of land area from the MU-4 zone to the MU-5A zone. The Zoning Regulations at Subtitle G § 400.3 states:

The existing MU-4 zone allows for:

- Moderate-density mixed-use development;
- Facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and

- Are located 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.

The proposed MU-5 zone allows for:

- Medium-density, compact mixed-use development with an emphasis on residential use;
- Facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core; and
- Are located on arterial streets, in uptown and regional centers, and at rapid transit stops.

The following table compares the development standards of the MU-4 zone and the proposed MU-5A zone.

Table 1

	Existing Zone: MU-4	Proposed Zone: MU-5A
Permitted Uses	Retail, office, residential and mixed uses.	Retail, office, residential and mixed uses.
Height (foot max.) G § 303.1	50 ft. (no limit on stories)	65 ft. (no limit on stories) 70 ft. (IZ) (no limit on stories)
Floor Area Ratio (max.) § 402.1	2.5 3.0 (IZ) Nonresidential = 1.5	3.5 4.2 (IZ) Nonresidential = 1.5
Penthouse Height (foot max.) G § 403.3	12 ft. and one-story 15 ft. and 2 nd story for mechanical	12 and one-story 18,5 ft. and 2 nd story for mechanical
Lot Occupancy (% max.) G § 404.1	60% (residential) 75% (IZ)	80% (residential) 80% (IZ)
Rear Yard (foot min.) G § 405.2	15 ft.	15 ft. 4 inches/foot of height, but not less than 15
Side Yard (foot min.) G § 406.1	None, but 2 ins./1 ft. of height but not less than 5 ft. if provided.	None, but 2 ins./1 ft. of height but not less than 5 ft. if provided.
Vehicle Parking (min.)	Residential multiple dwellings: - 1/3 dwelling units in excess of 4 units Retail: 1.33/ 1,000 sq. ft. in excess of 3,000 sq. ft. Office: 0.5 per 1,000 sq. ft. in excess of 3,000 sq. ft.	Residential multiple dwellings: - 1/3 dwelling units in excess of 4 units Retail: - 1.33/ 1,000 sq. ft. in excess of 3,000 sq. ft. Office: 0.5 per 1,000 sq. ft. in excess of 3,000 sq. ft.

	Existing Zone: MU-4	Proposed Zone: MU-5A
Bicycle Parking (min.)	Residential Apt.: Long Term: 1/3 units Short Term: 1/20 units Retail: Long Term: 1/10,000 sf. Short Term: 1/3,500 sf. Office: Long Term: 2,500 sf. Short Term: 1/40,000 sf.	Long Term: 1/3 units Short Term: 1/20 units
Loading (min.)	Residential: 1 berth and 1 service/delivery space per 50 units Retail: 5,000 to 20,000 sf.: 1 berth Office: 20,000 to 50,000 sf.: 1 berth and 1 service/delivery space	Residential: 1 berth and 1 service/delivery space per 50 units Retail: 5,000 to 20,000 sf.: 1 berth Office: 20,000 to 50,000 sf.: 1 berth and 1 service/delivery space
GAR (min.) G § 407.1	0.3	0.3
Courts 202.1	None required, but if provided: <u>Residential with more than 3 units:</u> Min. Open Court Width – 4”/ft. of height of court/10 ft minimum. Min. Closed Court Width – 4”/ft. of height of court/15 ft minimum. Min. Area Closed Court – 2X the width of court dimension of 350 sq. sq. ft. min. <u>Nonresidential and Lodging:</u> Min. Open Court Width – 2,5”/ft. of height of court/6 ft minimum. Min. Closed Court Width – 2.5”/ft. of height of court/12 ft minimum. Min. Area Closed Court – 2X the width of court dimension of 250 sq. sq. ft. min.	None required, but if provided: <u>Residential with more than 3 units:</u> Min. Open Court Width – 4”/ft. of height of court/10 ft minimum. Min. Closed Court Width – 4”/ft. of height of court/15 ft minimum. Min. Area Closed Court – 2X the width of court dimension of 350 sq. sq. ft. min. <u>Nonresidential and Lodging:</u> Min. Open Court Width – 2,5”/ft. of height of court/6 ft minimum. Min. Closed Court Width – 2.5”/ft. of height of court/12 ft minimum. Min. Area Closed Court – 2X the width of court dimension of 250 sq. sq. ft. min.

V. COMPREHENSIVE PLAN

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

- a. Citywide policies

- b. Ward-level policies
- c. Small area policies.

The property is within the Anacostia Transit Area- Strategic Investment and Development Plan.

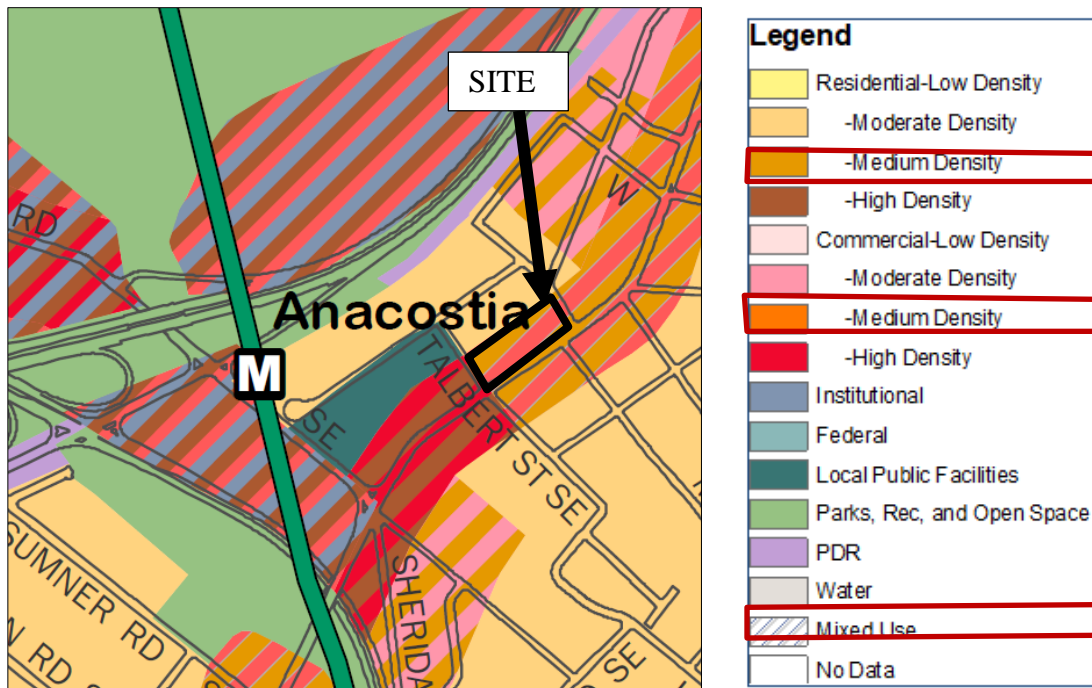
A. COMPREHENSIVE PLAN MAPS

As described in the Guidelines for Using the Generalized Policy Map and the Future Land Use Map (Chapter 2 Framework Element, Section 226, Attachment I), the maps are intended to provide generalized guidelines for development decisions. They are to be interpreted broadly and are not parcel-specific like zoning maps; i.e. the maps, in and of themselves, do not establish detailed requirements or permissions for a development’s physical characteristics including building massing or density; uses; or support systems such as parking and loading. They are to be interpreted in conjunction with relevant written goals, policies and action items in the Comprehensive Plan text, and further balanced against policies or objectives contained in relevant Small Area Plans and other citywide or area plans.

As described below, the proposed zoning map amendment would be not inconsistent with the map designations.

Generalized Future Land Use Map (FLUM)

The Future Land Use Map (FLUM) indicates that the site is appropriate for a mix of medium density commercial/medium density residential.



Medium Density Residential

Medium Density Residential: This designation is used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of

permanent open space. The R-5-B and R-5-C Zone districts are generally consistent with the Medium Density designation, although other zones may apply. 225.5

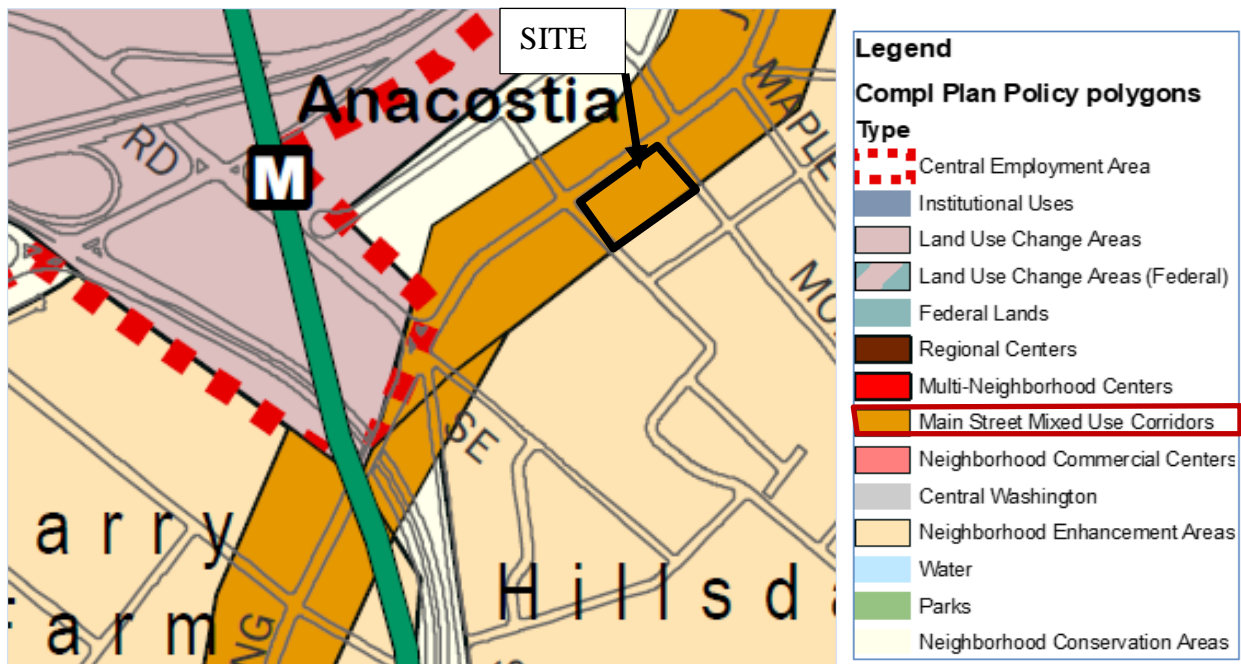
Medium Density Commercial

Medium Density Commercial: This designation is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height. The corresponding Zone districts are generally C-2-B, C-2-C, C-3-A, and C-3-B, although other districts may apply. 225.10

The proposed MU-5A² zone on the subject properties would conform to the medium density commercial as recommended on the FLUM. As seen on Table 1, the density and height allowed in the MU-5A would be greater than that allowed in the MU-4 zone and which allows a larger amount of residential use than commercial uses. The properties are outside of the central core and would allow for a mixture of shopping, business and residential uses

Generalized Policy Map

The Generalized Policy Map indicates that the subject property is located within the Main Street Mixed Use Corridors.



Main Street Mixed Use Corridors

Main Street Mixed Use Corridors: These are traditional commercial business corridors with a concentration of older storefronts along the street. The service area for Main Streets can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple

² The MU-5A zone was previously the C-2-B zone of the ZR 58 Regulations and the MU-4 was C-2-A zone.

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. 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. 223.14

The properties are located along MLK Jr. Avenue, an arterial street, a Mixed-Use Corridor and also a designated Great Street. The properties are within ¼- mile of the Anacostia Metro Station and is serviced by six Metrobus routes. The MU-5 zone would allow for a mixture of residential, retail, office and other uses to activate and enhance the corridor.

B. COMPREHENSIVE PLAN POLICIES

Citywide Elements:

Land Use Element

Policy LU-1.3.2: Development Around Metrorail Stations

Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. 306.11

Policy LU-1.3.3: Housing Around Metrorail Stations

Recognize the opportunity to build senior housing and more affordable “starter” housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations. 306.12

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 requested zone would encourage the redevelopment of the properties with a higher density of housing, including affordable housing; is within a quarter mile of the Anacostia Metrorail station and within a neighborhood developed with a mix of housing, retail, offices and institutional uses. The proposal would allow for the expansion of housing supply and have ground floor retail use while assisting in the revitalization of the neighborhood. With a maximum building height of sixty-five feet (65 ft.) or seventy feet (70 ft.) with IZ, any building would be consistent much of the surrounding development.

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. 403.10

The MU-5A zone on the properties would facilitate its redevelopment with housing within walking distance of a transit station. The site is also along the MLK Avenue, a transit route along which six metro routes travel.

Housing Element

Policy H-1.1.1: Private Sector Support

Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.2

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. 503.4

Policy H-1.1.4: Mixed Use Development

Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations. 503.5

Policy H-1.2.3: Mixed Income Housing

Focus investment strategies and affordable housing programs to distribute mixed income housing more equitably across the entire city, taking steps to avoid further concentration of poverty within areas of the city that already have substantial affordable housing. 504.8

The properties are privately owned, underutilized, and the rezoning would allow for an increase in housing and affordable housing which would serve the needs of a variety of current and future residents of the District. The redevelopment would also enable the provision of ground floor uses along the MLK Mixed Use Corridor.

Economic Development Element

Policy ED-2.2.1: Expanding the Retail Sector

Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas. 708.4

Policy ED-2.2.3: Neighborhood Shopping

Create additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences. 708.7

Policy ED-3.1.1: Neighborhood Commercial Vitality

Promote the vitality and diversity of Washington’s neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents. 713.5

The ground floor retail uses permitted within the MU-5A zone would allow for new retail or other commercial uses to serve and meet the needs of residents, visitors and workers in the area and would improve the mix of uses as well as promote the vitality of the MLK Corridor.

Far Southeast and Southwest Area Element

Policy FSS-1.1.1: Directing Growth

. . . The “Great Streets” corridor along Martin Luther King, Jr., Avenue from the Anacostia River on the north to just past Malcolm X Avenue on the south, including the St. Elizabeths Hospital site, should be developed with medium to high density mixed uses, offering supportive retail services to office workers and residents alike and providing housing opportunities to people who want to live and work in the area. . . .1808.2

The subject property is located along the MLK Avenue “Great Street” corridor. The rezoning of these underutilized lots could result in the opportunity to facilitate redevelopment of the properties with medium density residential and medium density commercial uses.

C. ANACOSTIA TRANSIT AREA - STRATEGIC INVESTMENT AND DEVELOPMENT PLAN

The properties are within the area covered by the Anacostia Transit Area-Strategic Investment and Development Plan, a Small Area Plan Approved by the City Council, June 20, 2016. The Framework Plan (page 48) provided guidelines for development within the Transit Area as follows.

“FRAMEWORK PLAN

The framework plan develops a set of guidelines for the transit area as a whole and then focuses more specific development objectives and guidelines for four distinct nodes in the area. The Framework Plan was based on the following set of core principles that any development or investment in the Anacostia Transit Area should contribute toward advancing:

1. Serve the pedestrian

Improve pedestrian safety, enhance access to transit resources, and strengthen existing street corridors with active, attractive, and interesting ground floor use and design.

2. Take advantage of transit

Build appropriate densities and diverse mixed-use developments on sites with good Metro access. Design model transit-oriented projects that fit into the neighborhood. Utilize transit assets to attract and accommodate the additional residents and residential units required to support a successful retail district.

3. *Strengthen Martin Luther King Jr. Avenue*

Strengthen the MLK corridor by restoring two-way traffic, locating active retail uses at the ground floor along the sidewalk's edge, improve pedestrian quality and streetscape elements and attract additional retail to the corridor.

4. *Connect*

Overcome existing barriers to improve connections from one neighborhood to another, from community to park, between neighborhood destinations, and across the river.

5. *Celebrate the past, welcome the future*

Respect the Anacostia Historic District by investing in existing historic building stock. Design contemporary new buildings distinct from and complementary to the historic stock.

6. *Go Green*

Enhance open space, provide landscaped connections to the park, encourage environmental stewardship of natural resources, and promote sustainable building design practices.

The proposed MU-5A zone on the property would contribute to the advancement of some of these core principles and the uses allowed within the zone would enhance the MLK Avenue corridor with active and ground floor uses; would allow a density on the properties that would allow for a diverse mix of uses near the Anacostia Metro Station; would accommodate residential use with good metro access; would have residential use to support the retail district; and would strengthen MLK Avenue by attracting new and active retail uses.

D. SUMMARY OF PLANNING CONTEXT ANALYSIS

Although both the existing and proposed zones permit a mix of retail, office, and residential uses, the MU-5A permits residential uses at a higher density. The mix of uses would fit into the neighborhood and improve and strengthen the character of Martin Luther King, Jr. Avenue. The MU-5A zone would not be inconsistent with recommendation of the Comprehensive Plan maps, policies and the Small Area Plan.

Attachment I

Comprehensive Plan Chapter 2 – Framework Element

Guidelines for Using the Generalized Policy Map and the Future Land Use Map 226

The Generalized Policy Map and Future Land Use Map are intended to provide generalized guides for development and conservation decisions. Several important parameters, defined below, apply to their use and interpretation.

- a. The Future Land Use Map is not a zoning map. Whereas zoning maps are parcel-specific, and establish detailed requirements for setbacks, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. By definition, the Map is to be interpreted broadly.*
- b. The Future Land Use Map is a generalized depiction of intended uses in the horizon year of the Comprehensive Plan, roughly 20 years in the future. It is not an “existing land use map,” although in many cases future uses in an area may be the same as those that exist today.*
- c. The densities within any given area on the Future Land Use Map reflect all contiguous properties on a block—there may be individual buildings that are higher or lower than these ranges within each area. Similarly, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. It should be noted that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited here.*
- d. 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, as well as approved Small Area Plans.*
- e. The designation of an area with a particular land use category does not necessarily mean that the most intense zoning district described in the land use definitions is automatically permitted. A range of densities and intensities applies within each category, and the use of different zone districts within each category should reinforce this range. There are more than twice as many zone districts (about 30, plus more than a dozen overlay zones) as there are Comprehensive Plan land use categories. For example, there are at least three zone districts corresponding to “Low Density Residential” and three zone districts corresponding to “Moderate Density Residential.” Multiple zones should continue to be used to distinguish the different types of low- or moderate-density residential development which may occur within each area.*
- f. Some zone districts may be compatible with more than one Comprehensive Plan Future Land Use Map designation. As an example, the existing C-2-A zone is consistent with both the Low Density Commercial and the Moderate Density Commercial designation, depending on the prevailing character of the area and the adjacent uses. A correspondence table indicating which zones are “clearly consistent”, “potentially consistent” and “inconsistent” with the Comprehensive Plan categories should be prepared to assist in Comprehensive Plan implementation and future zoning actions (see Action LU-4.3.B).*
- g. The intent of the Future Land Use Map is to show use rather than ownership. However, in a number of cases, ownership is displayed to note the District’s limited jurisdiction. Specifically, non-park federal facilities are shown as “Federal” even though the actual uses*

include housing and industry (e.g., Bolling Air Force Base), offices (e.g., the Federal Triangle), hospitals (e.g., Walter Reed), and other activities. Similarly, the “Local Public” designation includes high-impact uses such as solid waste transfer stations and stadiums, as well as low-impact uses such as schools. Other maps in the Comprehensive Plan are used to show the specific types of public uses present in each area.

- h. The Map does not show density or intensity on institutional and local public sites. If a change in use occurs on these sites in the future (for example, a school becomes surplus or is redeveloped), the new designations should be comparable in density or intensity to those in the vicinity, unless otherwise stated in the Comprehensive Plan Area Elements or an approved Campus Plan.*
- i. Streets and public rights-of-way are not an explicit land use category on the Future Land Use Map. Within any given area, the streets that pass through are assigned the same designation as the adjacent uses.*
- j. Urban renewal plans remain in effect for parts of the District of Columbia, including Shaw, Downtown, and Fort Lincoln. These plans remain in effect and their controlling provisions must be considered as land use and zoning decisions are made.*
- k. Finally, the Future Land Use Map and the Generalized Policy Map can be amended. They are not intended to freeze future development patterns for the next 20 years. The Comprehensive Plan is intended to be a dynamic document that is periodically updated in response to the changing needs of the city. Requests to amend the maps can be made by residents, property owners, developers, and the District itself. In all cases, such changes require formal public hearings before the DC Council, and ample opportunities for formal public input. The process for Comprehensive Plan amendments is described in the Implementation Element. 226.1*