

**OP Report**

**TO:** District of Columbia Zoning Commission  
**FROM:** <sup>JLS</sup> Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation  
**DATE:** September 12, 2019  
**SUBJECT:** ZC Case 19-17– Setdown Report for a Proposed Zoning Map Amendment  
 Petition to Re-Map Lots 48, 50-52 Martin Luther King Jr. Ave, S.E. from MU-3A to MU-4

**I. RECOMMENDATION**

The Office of Planning recommends the Zoning Commission **set down** the proposed map amendment for Square 6070, Lots 48,50,51,52 on Martin Luther King Jr. Ave. SE from MU-3A to MU-4. This proposed map amendment is not inconsistent with the Comprehensive Plan and should improve the development potential of four underdeveloped properties along a priority street in the District. Rezoning these properties from the MU-3A to MU-4 zone should position them to attract the level of mixed use development appropriate for a neighborhood serving commercial district.

**II. APPLICATION-IN-BRIEF**

<b>Applicant</b>	Atlas MLK LLC and 3715 MLK LLC
<b>Proposed Map Amendment</b>	From MU-3A to MU-4
<b>Location and Legal Description</b>	3703 Martin Luther King Jr. Ave. SE (Square: 6070, Lot 50) 3705 Martin Luther King Jr. Ave. SE (Square: 6070, Lot 51) 3707 Martin Luther King Jr. Ave. SE (Square: 6070, Lot 52) 3715 Martin Luther King Jr. Ave. SE (Square: 6070, Lot 48)
<b>Property Size</b>	34,330 square feet
<b>Generalized Policy Map Designation</b>	Neighborhood Commercial Centers
<b>Future Land Use Map Designation</b>	Low Density Commercial
<b>Ward, ANC</b>	Ward 8, ANC 8C
<b>Historic District</b>	None

### III. SITE AND AREA DESCRIPTION

The subject site is composed of four lots in the MU-3A zone. It is bounded by Martin Luther King Jr. Ave. SE, to the east; R-2 residential developments to the north, and unzoned land to the south and west that is part of the Fort Circle Parks Historic District. Currently, the properties are improved with one and two-story buildings used as a religious institution, retail, and two office buildings.

The site is approximately 0.2 miles from the I-295 access ramp on South Capitol Street. I-295 interchange with Malcolm X Ave. SE, is currently undergoing reconstruction.



### IV. EXISTING AND PROPOSED ZONING

The subject site is currently zoned MU-3A, which encourages low-density mixed-use development. The Applicant is proposing to rezone these properties to MU-4. The MU-4 zone permits moderate density mixed-use development. It is intended to be located in low and moderate-density residential areas with access to main roadways or rapid transit stops (11DCMR Subtitle G, § 400.3).

**Existing and Proposed Zoning.**

A comparison of the existing and proposed zoning:

	<b>Existing Zone: MU-3A</b>	<b>Proposed Zone: MU-4</b>
<b>Height (max.)</b>	40 feet	50 feet
<b>Penthouse</b>	12 ft habitable 15 ft. mechanical	12 ft habitable 15 ft. mechanical
<b>Floor Area Ratio (max.)</b>	1.0 (1.0 non-residential) 1.2 with inclusionary zoning	2.5 (1.5 non-residential) 3.0 with inclusionary zoning
<b>Residential Lot Occupancy (max.)</b>	60% 60% (IZ)	60% 75% (IZ)
<b>Rear Yard (min.)</b>	20 feet	15 feet
<b>Permitted Uses</b>	<u>R-Use Group D</u> Multifamily, residential, office, retail, and services uses	<u>MU-Use Group E</u> Multifamily residential, office, retail, and service uses

**V. COMPREHENSIVE PLAN MAPS**

Section 226 of the Framework Element of the Comprehensive Plan talks to how to use the maps and states *The Generalized Policy Map and Future Land Use Map are intended to provide generalized guides for development and conservation decisions.*

The full section is attached to this report as Attachment 1.

### The Future Land Use Map (FLUM)



In the Future Land Use Map (FLUM) the subject property is designated for low density commercial use:

***Low Density Commercial:** This designation is used to define shopping and service areas that are generally low in scale and character. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Their common feature is that they are comprised primarily of one- to three-story commercial buildings. The corresponding Zone districts are generally C-1 and C-2-A, although other districts may apply. 225.8*

The zone name C-1 has been changed to MU-3A as part of the 2016 changes to the Zoning regulations; the zone name C-2A has similarly been changed to MU-4. The proposed map amendment to MU-4 would be consistent with these land use designations.

### The Generalized Policy Map

The Generalized Policy Map identifies these properties as being located within a Neighborhood Commercial Center. Increasing the zoning on these properties to allow for moderate density mixed-use development would be more in line with the Plan's policy for the area.

## Generalized Policy Map



Section 223 of the Framework Element provides description of the Policy Area designations.

***Neighborhood Commercial Centers:*** *Neighborhood Commercial Centers meet the day-to-day needs of residents and workers in the adjacent neighborhoods. Their service area is usually less than one mile. Typical uses include convenience stores, sundries, small food markets, supermarkets, branch banks, restaurants, and basic services such as dry cleaners, hair cutting, and child care. Office space for small business, such as local real estate and insurance offices, doctors and dentists, and similar uses, also may be found in such locations. 223.15*

*Unlike Main Street Retail Corridors, the Neighborhood Commercial Centers include both auto-oriented centers and pedestrian-oriented shopping areas. Examples include Penn Branch Shopping Center on Pennsylvania Avenue, SE and the Spring Valley Shopping Center on Massachusetts Avenue, NW. New development and redevelopment within Commercial Area must be managed to conserve the economic viability of these areas while allowing additional development that complements existing uses. 223.16*

## VI. COMPREHENSIVE PLAN POLICIES

These properties are located in the Far Southeast/Far Southwest Element of the Comprehensive Plan. Policies within the Far Southeast/ Far Southwest Element and in many of the Citywide Elements provide guidance for this area. The Comprehensive Plan encourages directing more neighborhood-serving retail and housing uses along Martin Luther King Jr. Ave. SE.

## **Citywide Elements**

### **Land Use**

#### ***Policy LU-2.1.3: Promotion of Commercial Centers***

*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*

#### ***Policy LU-2.4.1: Conserving, Enhancing, and Revitalizing Neighborhoods***

*Promote the vitality of the District’s commercial centers and provide for the continued growth of commercial land uses to meet the needs of District residents, expand employment opportunities for District residents, and sustain the city’s role as the center of the metropolitan area. Commercial centers should be inviting and attractive places and should support social interaction and ease of access for nearby residents. 312.5*

#### ***LU-2.4: Neighborhood Commercial Districts and Centers***

*Many District neighborhoods, particularly those on the east side of the city, lack well-defined centers or have centers that struggle with high vacancies and a limited range of neighborhood-serving businesses. Greater efforts must be made to attract new retail uses to these areas by improving business conditions, upgrading storefronts and the street environment, and improving parking and pedestrian safety and comfort. The location of new public facilities in such locations, and the development of mixed use projects that include upper story housing, can encourage their revival. 312.2*

#### ***Policy LU-2.4.1: Promotion of Commercial Centers***

*Promote the vitality of the District’s commercial centers and provide for the continued growth of commercial land uses to meet the needs of the District residents, expand employment opportunities for District residents, and sustain the city’s role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents. 312.5*

#### ***Policy LU-2.4.2: Hierarchy of Commercial Centers***

*Maintain and reinforce a hierarchy of neighborhood, multi-neighborhood, regional, and main street commercial centers in the District. Activities in each type of center should reflect its intended role and market area, as defined in the Framework Element. Established centers should be expanded in areas where the existing range of goods and services is insufficient to meet community needs. 312.6*

#### ***Policy LU-2.4.6: Scale and Design of New Commercial Uses***

*Ensure that new uses within commercial districts are developed at a height, mass, scale, design that is appropriate compatible with surrounding areas. 312.10*

The proposed map amendment would allow for the properties to accommodate the increased demand for mixed use development in this area. The proposed MU-4 zone would allow a moderate



increase in density, which would assist in enhancing and revitalizing these properties. Increasing the zoning for these properties should strengthen this commercial center. This would not be inconsistent with the Comprehensive Plan. The scale of development permitted by the MU-4 zone is appropriate for a neighborhood commercial center and would complement the established character of the area.

## **Transportation**

### ***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

### ***Policy T-1.2.1: Boulevard Improvements***

*Continue to work across District agencies to beautify and stabilize selected boulevards by implementing coordinated transportation, economic development, and urban design improvements.* 404.6

These properties are along Martin Luther King Jr. Ave., which is considered a Great Street and a boulevard. As such, the guidance for it is for increased mixed-use transit-oriented development. Increasing the development potential along this section of Martin Luther King Jr. should also help to implement the Plan's recommendation for economic development and urban design improvements.

The proposed map amending is not inconsistent with the Comprehensive Plan's transportation recommendations.

## **Housing**

### ***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

The proposed amendment would not be inconsistent with the Plan's Housing Element. Increasing the zoning on these properties from MU-3A to MU-4 would allow the density and height needed to provide more housing on these underutilized properties in this neighborhood commercial center.

## **Economic Development**

### ***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 proposed map amendment would allow for more opportunity for neighborhood serving retail and allow these properties improve the vitality of this shopping area along one of the District's Great Streets.

## **Urban Design**

### ***Policy UD-1.4.1: Avenues/Boulevards and Urban Form***

*Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/ boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city. 906.6*

### ***Policy UD-1.4.5: Priority Avenues/Boulevards***

*Focus the city's avenue/boulevard design improvements on historically important or symbolic streets that suffer from poor aesthetic conditions. Examples include North and South Capitol Streets, Pennsylvania Avenue SE, and Georgia Avenue and the avenues designated by the "Great Streets" program. 906.11*

### ***Policy UD-2.2.4: Transition in Building Intensity***

*Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood. 910.11*

### ***Policy UD-2.2.7: Infill Development***

*Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs. 910.15*



***Policy UD-3.1.6: Enhanced Streetwalls***

*Promote a higher standard of storefront design and architectural detail along the District's commercial streets. Along walkable shopping streets, create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort.* 913.13

The proposed map amendment should encourage more development along a significant corridor for the city. It would help to promote more development on Martin Luther King Jr. Avenue, SE, which is a priority avenue. Rezoning these four properties to MU-4 zone should help give them the height and density needed to attract landscaping and design improvements by the private sector.

**AREA ELEMENT: Far Southeast/ Far Southwest Area Element**

These properties are within the Far Southeast and Far Southwest Area and specifically within the Congress Heights Commercial District Policy Focus Area.

***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. Elizabeth's 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...*

***Policy FSS-1.1.7: Retail Development***

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

The proposed map amendment would allow these properties to be redeveloped in line with the Far Southeast/Far Southwest Area Element's vision for more development along Martin Luther King Jr. Ave. The additional density and height should help to implement the plan's vision for more retail and housing in this area.

**VII. AGENCIES REVIEWS**

OP will coordinate an interagency review for comments from the following agencies, should this application be set down for a public hearing:

- The District Department of Transportation (DDOT);
- The Department of Environment and Energy (DOEE);
- The Department of Housing and Community Development (DHCD);
- DC Public Schools (DCPS);
- DC Water; and
- DC Fire and Emergency Service (FEMS).

## Attachment 1

### 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