

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
APPLICATION TO AMEND THE ZONING MAP
MARTIN LUTHER KING JR. AVE, SE (SQUARE 6070, LOTS 48, 50-52)

I. INTRODUCTION.

Atlas MLK LLC (“3707 Owner”), owner of the property located at 3707 Martin Luther King Jr. Ave, SE (Square 6070, Lot 52), and 3715 MLK LLC (“3715 Owner”; hereinafter known collectively with 3707 Owner as the “Applicant”) owner of the property located at 3715 Martin Luther King Jr. Ave (Square 6070, Lot 48), submit this statement in support of an Application (the “Application”) to amend the Zoning Map of the District of Columbia (the “Zoning Map”) to rezone the following properties (the “Subject Properties”) from MU-3A to MU-4:

3703 Martin Luther King Jr. Avenue, SE (Square 6070, Lot 50)
3705 Martin Luther King Jr. Avenue, SE (Square 6070, Lot 51)
3707 Martin Luther King Jr. Avenue, SE (Square 6070, Lot 52)
3715 Martin Luther King Jr. Avenue, SE (Square 6070, Lot 48)

A zoning map showing the current zoning of the Subject Properties is attached as Exhibit A.

As described herein, the proposed zoning of the Subject Properties is consistent with the Comprehensive Plan Future Land Use Map (the “FLUM”), included with this Application as Exhibit B. The Subject Properties are currently zoned MU-3A, are located within the Low-Density Commercial Designation on the FLUM, and are also designated as a Neighborhood Commercial Center area on the Comprehensive Plan Generalized Policy Map, included with this Application as Exhibit C. With the hope of spurring moderate mixed-use development of the underutilized lots in this group, the Applicant is requesting that the Zoning Commission adopt a Zoning Map Amendment to change the zoning from MU-3A to MU-4. The requested Map Amendment to rezone the Subject Properties to MU-4 would not be inconsistent with the Comprehensive Plan and FLUM designation for the Subject Properties. The proposed Zoning

Map Amendment will capitalize on the potential of the Subject Properties to meet the substantial demand for higher quality housing and increased neighborhood serving retail in this area of the District by facilitating the redevelopment and productive use of the underutilized sites.

II. DESCRIPTION OF THE SUBJECT PROPERTY AND SURROUNDING AREA.

The Subject Properties are part of a small group of properties zoned MU-3A in the immediately surrounding area. The Subject Properties are bounded by Martin Luther King Jr. Ave, SE to the east. Abutting the Subject Properties to the north are a mix of residential apartment buildings, flats, and one-family dwellings, all zoned R-2. Abutting the Subject Properties to the south and west is unzoned, undeveloped land. Exhibit A more clearly shows the boundaries of the Subject Properties.

The Subject Properties are presently improved with institutional and commercial buildings, including the Unity of Love Praise Temple (3703 MLK), Fort Carroll Market (3705 MLK), and two office buildings (3707 & 3715 MLK). Photographs of the Subject Properties have been included as Exhibit D. As shown on the FLUM, attached hereto as Exhibit B, the Subject Properties are designated Low Density Commercial and are also designated as a Neighborhood Commercial Center on the Comprehensive Plan Generalized Policy Map. The neighborhood surrounding the Subject Properties is primarily residential.

Regarding public transportation, the Subject Properties are well-served with three metrobus routes (A4, A8, and A9), all of which are specifically identified in C § 702.1 as Priority Corridor Network metrobus routes, that run along the subject portion of Martin Luther King Jr. Avenue, SE. Martin Luther King Jr. Avenue, SE is designated as a “Great Street” under the Transportation Element of the Comprehensive Plan.

The District Department of Transportation (DDOT) began construction on the I-295/Malcolm X Interchange Improvement Project on September 4, 2018. The Subject Properties are located about two-tenths of a mile (0.2 mi.) from the 295-access ramp on South Capitol Street. The multiple phases of this project include the reconstruction of the I-295 interchange with Malcolm X Avenue SE, including modified ramps and a new access roadway to the St. Elizabeth's West Campus. The planned improvements will be made between Firth Sterling Avenue SE, on the north, and the South Capitol Street/Martin Luther King, Jr. Avenue SE intersection to the south. The project will provide transportation improvements to serve the proposed Department of Homeland Security headquarters consolidation on the St. Elizabeth's West Campus.

III. EXISTING AND REQUESTED ZONING.

A. Existing Zoning.

The Subject Properties are currently zoned MU-3A, which was known as C-1-A under the 1958 Zoning Regulations. According to G § 400.2, the MU-3A zone is intended to permit low-density mixed-use development; and provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact surrounding residential development. As a matter-of-right, the maximum permitted overall density in the MU-3A zone is 1.0 (1.2 with Inclusionary Zoning "IZ"), up to 1.0 of which can be used for non-residential purposes. G § 402.1. The maximum permitted building height in the MU-3A zone, as a matter-of-right and not including penthouse, is forty-feet (40 ft.) and three (3) stories. G § 403.1. The maximum permitted penthouse height is twelve feet (12 ft.) for penthouse habitable space and fifteen feet (15 ft.) for penthouse mechanical space. The maximum number of stories in a penthouse is

limited to one story for penthouse habitable space, with a second story permitted for penthouse mechanical space. G § 403.3. The maximum permitted lot occupancy for residential uses in the MU-3A zone is 60%. G § 404.1.

B. Requested Zoning.

The Applicant is requesting a Zoning Map Amendment in order to rezone the Subject Properties to the MU-4 zone. Consistent with the Subject Properties' FLUM designation, the MU-4 zone is intended to permit moderate-density mixed-use development. As a matter-of-right, the maximum permitted overall density in the MU-4 Zone is 2.5 (3.0 FAR with IZ), of which no more than 1.5 FAR can be devoted to non-residential uses. G § 402.1. The maximum permitted building height in the MU-4 zone, as a matter-of-right and not including penthouse, is fifty-feet (50 ft.) with no limit on the number of stories. G § 403.1. The maximum permitted penthouse height is twelve feet (12 ft.) for penthouse habitable space and fifteen feet (15 ft.) for penthouse mechanical space. The maximum number of stories in a penthouse is limited to one story for penthouse habitable space, with a second story permitted for penthouse mechanical space. G § 403.3. The maximum permitted lot occupancy for residential uses in the MU-4 zone is 60% (75% with IZ). G § 404.1.

The following chart provides a comparison of select matter-of-right development standards for the existing MU-3A zone and the requested MU-4 zone:

	EXISTING ZONING	PROPOSED ZONING
	MU-3A	MU-4
Purpose	The purposes of the MU-3A zone are to permit low-density mixed-use development; and provide convenient retail and personal service establishments for the day-to-day	The purposes of the MU-4 zone are to permit moderate-density mixed-use development; provide facilities for shopping and business needs, housing, and mixed uses for large segments of

	needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development. 11-G DCMR § 400.2	the District of Columbia outside of the central core; and be located in low- and moderate- density residential areas with access to main roadways or rapid transit stops, and include office employment center, shopping centers, and moderate bulk mixed-use centers. 11-G DCMR § 400.3
FAR	1.0 FAR (1.2 with IZ) 1.0 FAR (max nonresidential) 11-G DCMR § 402.1	2.5 FAR (3.0 with IZ) 1.5 FAR (max nonresidential) 11-G DCMR § 402.1
Building Height	40 feet 3 stories 11-G DCMR § 403.1	50 feet 11-G DCMR § 403.1
Penthouse Height	12 feet habitable (15 feet mechanical) One story for penthouse habitable space, second story for penthouse mechanical space	12 feet habitable (15 feet mechanical) One story for penthouse habitable space, second story for penthouse mechanical space
Lot Occupancy	60% 11-G DCMR § 404.1	60% (75% with IZ) 11-G DCMR § 404.1
Rear Yard	20 feet 11-G DCMR § 405.1	15 feet 11-G DCMR § 405.2

C. Effect of the Requested Map Amendment

The requested Zoning Map Amendment satisfies each of the statutory standards applicable to zoning map amendments. Rezoning the Subject Properties to the MU-4 zone is also not inconsistent with the Comprehensive Plan, including the FLUM and the GPM designations of the Subject Properties, and with other adopted public policies related to the Subject Properties.

The expectation is that several of the under-utilized lots would become more attractive for mixed-use development with retail uses on the ground floor and new residential multifamily use above. The requested Zoning Map Amendment allows the amount of density necessary to attract such investment.

IV. STANDARDS APPLICABLE TO AN APPLICATION FOR A ZONING MAP AMENDMENT.

The requested Zoning Map Amendment is submitted as a contested case pursuant to 11-Z DCMR §§ 201.2(e) and 304.1. As stated in 11-Z DCMR § 201.2, contested cases are adjudicatory in nature, present issues for resolution at a public hearing that potentially have a limited scope of impact, and involve primarily questions of fact applicable to that limited scope of impact, while broader issues of public policy are secondary concerns. The requested Map Amendment affects four properties that all front along the Martin Luther King Jr. Avenue, SE corridor, a designated “Great Street.” The Subject Properties have a combined land area of 34,330 square feet.

Pursuant to the Zoning Act of 1938, approved June 20, 1938, as amended (52 Stat. 797’ D.C. Official Code § 6-641.01 *et seq.* (2012 Repl.)) (the “Zoning Act”), there are a number of criteria that must be applied by the Zoning Commission in adopting and amending the Zoning Regulations and Zoning Map. The Zoning Act states that the Zoning Regulations are designed to “promote the healthy, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital” The Zoning Act further provides that:

[z]oning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote healthy and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such

distribution of population and uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulation shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein. D.C. Code § 6-641.02.

Pursuant to the Home Rule Charter, the District of Columbia Comprehensive Plan Act of 1989 (D.C. Law 8-129), and Subtitle A § 401.1 of the 2016 Zoning Regulations (“ZR16”), the Commission is charged with preparing, adopting and subsequently amending the Zoning Regulations and Zoning Map in a means not inconsistent with the Comprehensive Plan. As such, to approve the subject Amendment the Commission must conclude that the request is not inconsistent with the Comprehensive Plan.

V. EVALUATION OF PROPOSED MAP AMENDMENT AND COMPLIANCE WITH STATUTORY STANDARDS

A. Comprehensive Plan Policies.

The requested Zoning Map Amendment is not inconsistent with the policies and goals of the Comprehensive Plan (the “Plan”), including the FLUM and Generalized Policy Map (“GPM”). The Plan is described as “the centerpiece of a ‘Family of Plans’ that guide public policy in the District. 10-A DCMR § 103.1. Under the D.C. Code, the Comprehensive Plan is the one plan that guides the District’s development, both broadly and in detail. 10-A DCMR § 103.2. Thus, it carries special importance in that it provides overall direction and shapes all other physical plans that the District government adopts. In fact, all plans and regulations relating to the city’s physical development should take their lead from the Comprehensive Plan, building on common goals and shared assumptions about the future. 10-A DCMR § 103.2. As the guide for all District planning, the Plan establishes the priorities and key actions that other plans address in

greater detail. The broad direction it provides may be implemented through agency strategic plans, operational plans, long-range plans on specific topics (such as parks or housing), and focuses plans for small areas of the city. 10-A DCMR § 103.3.

The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents and, accordingly, influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. D.C. Code § 1-245(b). The subject Amendment significantly advances these purposes by promoting the social, physical and economic development of the District by facilitating the future redevelopment of the Subject Properties with a better mix of uses, including active ground floor retail, at a height and density that is not inconsistent with the Comprehensive Plan.

The policies contained in the Comprehensive Plan are based on 36 Guiding Principles that acknowledge that the benefits and opportunities of living in the District are not available to everyone equally and that divisions in the city (physical, social and economic) must be overcome to move from vision to reality. 10-A DCMR § 216.3. The Guiding Principles are derived from the Comprehensive Plan's "vision for growing an inclusive city," and express cross-cutting goals for the District's future. 10-A DCMR § 2004.4. The Guiding Principles are grouped into five core themes: Managing Growth and Change, Creating Successful Neighborhoods, Increasing Access to Education and Employment, Connecting the City, and Building Green and Healthy Communities. 10-A DCMR § 216.2.

Martin Luther King Jr. Ave, SE
Map Amendment Application

The Subject Properties are located within the Low-Density Commercial Designation on the Comprehensive Plan Future Land Use Map and are also designated as a Neighborhood Commercial Center area on the Comprehensive Plan Generalized Policy Map. Pursuant to Z § 304.7(d), an Applicant for a Map Amendment must provide a “detailed description of the Map Amendment’s consistency with the Comprehensive Plan and any other adopted public policies and active programs related to the subject site.” There are a number of Comprehensive Plan policies which encourage mixed-use infill development along Martin Luther King Jr. Ave, SE. The policies are detailed below. Rezoning the site and permitting development consistent with the MU-4 zone would help achieve the applicable policies, allow for the development of several underutilized sites, and further the Comprehensive Plan Map designations of low-density commercial use. The subject Amendment will aid in managing growth and change by assisting the District to accommodate the continuing demand for more housing, both market rate and affordable, in a location that is close to transit. 10-A DCMR § 217.2 & 217.10. The subject Amendment will also support the District's non-residential growth and new neighborhood-serving commercial development which will generate tax revenue and create jobs and opportunities for District residents to increase their income. 10-A DCMR § 217.4 & 219.9. The subject Amendment will help increase the economic strength of the surrounding area by increasing the permitted utilization of several properties that are in close proximity to transit. 10-A DCMR §§ 217.6. Finally, the requested Zoning Map Amendment will help advance the District's environmental goals by facilitating the potential redevelopment of the Subject Properties with buildings that meets or exceeds required green building standards. 10-A DCMR § 221.3.

The substantive policies of the Comprehensive Plan are organized into 12 Citywide Elements that each address a specific topic that is citywide in scope, and ten Area Elements that focus on issues that are unique to a particular part of the District, and are intended to provide a sense of local priorities and to recognize the different dynamics at work in each part of the city. Although they focus on a specific area of the District, the policies contained within the Area Elements are still general in nature and do not prescribe specific uses or design details. 10-A DCMR §§ 104.4 - 104.6. The Area Elements also do not repeat policies that already appear in the Citywide Elements; however, this does not mean all Comprehensive Plan policies are mutually exclusive from each other. On the contrary, the Comprehensive Plan specifically recognizes the overlapping nature among and between the Citywide and Area Elements, and that the policies in one element may be tempered by one or more of the other elements where there may be a need to balance competing policies.

The following sections of this statement provide an evaluation of the subject Amendment's consistency with the Comprehensive Plan. Due to the wide range of topics addressed in the Comprehensive Plan, some Citywide Elements may not necessarily be applicable to a proposed amendment to the Zoning Regulations or specific development proposal or are applicable to only a minor degree. Such is the case for the requested Map Amendment, where the Parks, Open Space, and Recreation; Educational Facilities; Infrastructure; Community Services and Facilities; and the Arts and Culture Elements have little to no applicability. Nonetheless, in preparing this evaluation the Applicant still reviewed the overarching goal and policies of these elements and confirmed that the Application is not inconsistent with these elements. For the remaining Citywide Elements that are more directly applicable to the

Applicant's request, a brief narrative is provided below explaining the basis for the Applicant's finding that the Application is not inconsistent with that particular element.

1. Generalized Policy Map.

The purpose of the GPM is to categorize how different parts of the District may change between 2005 and 2025. 10-A DCMR § 223.1. It highlights areas where more detailed policies are necessary, both within the Comprehensive Plan and in follow-up plans, to manage this change. *Id.* The GPM is intended to "guide land use decision-making in conjunction with the Comprehensive Plan text, the FLUM, and other Comprehensive Plan maps." *Id.* at § 223.2. Boundaries on the map are approximate and not precise delineations and are to be interpreted in concert with these other sources, as well as the actual physical characteristics of each location shown. *Id.* By its nature the GPM provides a projection, and the changes outline may or may not occur as anticipated.

As shown in Exhibit C, the GPM depicts the Subject Properties as being within the Neighborhood Commercial Center designation. As described in the Framework Element, the Neighborhood Commercial Center designation includes 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 Neighborhood Commercial Areas must be managed to conserve the economic viability of these areas while allowing additional development that complements existing uses.

The subject Amendment will help implement the policies embodied in the GPM by increasing the overall amount of density that can be developed on the Subject Properties—both residential and non-residential, thus strengthening the ability of the Martin Luther King Jr

Avenue, SE corridor to attract new housing and encourage new neighborhood serving commercial uses. Currently, the Subject Properties are substantially underutilized considering their location along one of the District's Great Streets. New and existing businesses along the Corridor will benefit from the increased amount of residential and non-residential density permitted on the Subject Properties as a result of the subject Amendment, which will contribute to the economic vitality of the Corridor and generate positive economic benefit to business owners and the District. Because the request is only being made for a handful of properties, it is consistent with the Framework Element because it conserves the economic viability of the area while allowing additional development that complements the existing uses.

2. Future Land Use Map.

The FLUM, which is adopted as part of the Comprehensive Plan Land Use Element, sets forth a generalized depiction of intended land uses over a period of approximately 20 years. The Framework Element of the Comprehensive Plan states that the FLUM is not a zoning map. See 10-A DCMR § 226.1(a); see also Z.C. Order No. 11-13; Z.C. Order No. 10-28. Whereas zoning maps are parcel-specific and establish detailed requirements for setback, height, use, parking, and other attributes, the FLUM does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. *Id.* By definition, the FLUM is to be interpreted broadly. *Id.* Decisions on requests for rezoning shall be guided by the [FLUM] read in conjunction with the text of the Comprehensive Plan (Citywide and Area Elements) as well as Small Area Plans pertaining to the area proposed for rezoning. *Id.* at § 2504.5. As shown in Exhibit B, the Subject Properties are designated as Low Density Commercial on the FLUM. The designation that was adopted by the D.C. Council as part of the Comprehensive Plan

Amendment Act of 2010 (the "2010 Act") and Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2012 (the "FLUM Amendment").

As to the specific FLUM designation of the Subject Properties, a Low Density Commercial designation on the FLUM is not intended to be interpreted in terms of its separate land use designations. Rather, Low Density Commercial on the FLUM is a specific land use category unto itself. 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 (MU-3) and C-2-A (MU-4), although other districts may apply. According to the Framework Element, the Applicant's proposal to rezone the Site to MU-4 is consistent with the FLUM designation for the Subject Properties, as the corresponding Zone districts for a Low Density Commercial designation also includes the MU-4 Zone.

3. Land Use Element.

The Land Use Element is the cornerstone of the Comprehensive Plan. It establishes the basic policies guiding the physical form of the city, and provides direction on a range of development, conservation, and land use compatibility issues. The Land Use Element describes the balancing of priorities that must take place in order to accommodate a multiplicity of land uses within the boundaries of the District of Columbia. 10-A DCMR § 300.1. Because the Land Use Element integrates the policies and objectives of all the other District Elements, "it should

be given greater weight than the other elements as competing policies in different elements are balanced." 10-A DCMR § 300.3.

The underlying goal of the Land Use Element is to:

[e]nsure the efficient use of land resources to meet the long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries. (emphasis added) 10-A DCMR § 302.1.

The proposed Zoning Map Amendment is not inconsistent with this important goal as it will facilitate greater utilization of the Subject Properties with a higher and better mix of uses that can better meet long-term neighborhood and citywide needs. Overall, the subject Amendment is not inconsistent with the objectives and policies of the Land Use Element, and particularly the following policies:

- *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. (10A DCMR § 307.8)*
- *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 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. (10A DCMR § 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. (10A DCMR § 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 and design that is appropriate and compatible with surrounding areas. (10A DCMR § 312.10)*

4. Transportation Element.

The Transportation Element of the Comprehensive Plan provides policies and actions to maintain and improve the District's transportation system and enhance the travel choices of current and future residents, visitors and workers. These policies are complemented by policies in the Land Use, Urban Design, and Environmental Protection elements on related topics such as air quality and the management of public space. Recognizing the interplay between transportation and these related topics is critical to improving mobility and accessibility in the city. 10-A DCMR § 400.1.

The overarching goal for transportation in the District is to "[c]reate a safe, sustainable, efficient multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents." 10-A DCMR § 401.1. Overall, the subject Amendment is not in consistent with the objectives and policies of the Transportation Element, and particularly the following policies:

- *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. (10A DCMR § 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. (10A DCMR § 404. 6)*
- *Policy T-2. 4.1: Pedestrian Network - Develop, maintain, and improve pedestrian facilities. Improve the city's sidewalk system to form a network that links residents across the city. (10A DCMR § 410.5)*

5. Housing Element.

The District's overarching goal for housing is to "[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia." 10-A DCMR § 501.1. As described below under the Housing Element policies that are applicable to the subject Amendment, the proposed Zoning Map Amendment is consistent with this goal as it will facilitate the reuse/redevelopment of the Subject Properties with a new mix of uses, including the potential for new market-rate and affordable housing. Overall, the subject Amendment is not inconsistent with the objectives and policies of the Housing Element, and particularly the following policies:

- *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. (10A DCMR § 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. (10A DCMR § 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. (10A DCMR § 503.5)*
- *Policy H-1.2.2: Production Targets - Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in the city over the next 20 years should be affordable to persons earning 80 percent or less of the area-wide median income (AMI). Newly produced affordable units should be targeted towards low-income households in proportions roughly equivalent to the proportions shown in Figure 5.2. (10A DCMR § 504. 7)*

6. Economic Development Element.

The Economic Development Element addresses the future of the District's economy and the creation of economic opportunity for current and future residents. It includes strategies to

sustain Washington's major industries, diversify our economy, accommodate job growth, maintain small businesses and neighborhood commercial districts, and increase access to employment for District residents. 10-A DCMR 700.1. The overarching goal for economic development in the District is to "strengthen the District's economy by sustaining its core industries, attracting new and diverse industries, accommodating future job growth, fostering the success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy. 10-A DCMR § 701.1. Overall, the subject Amendment is not inconsistent with the goals and policies of the Economic Development Element, and specifically the following policies:

- *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. (10A DCMR § 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. (10A DCMR § 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. (10A DCMR § 713.5)*

The subject Amendment is consistent with the policies stated above as it will promote the much-needed vitality of this southern gateway of Ward 8 and Congress Heights, a designated Neighborhood Commercial Corridor on the GPM and Martin Luther King Jr. Ave, one of the District's Great Streets.

7. Urban Design Element.

The Urban Design Element addresses the District's physical design and visual qualities. Critical urban design issues facing the District, and that are addressed in the policies of the Urban Design Element, including, among others, strengthening civic identity through a renewed focus on assets such as public spaces, boulevards, and waterfront areas; and improving the public realm, particularly street and sidewalk space. 10A DCMR § 900.2. The overall goal of the Comprehensive Plan's Urban Design Element is to "[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces." 10-A DCMR § 900.6. Overall, the subject Amendment is not inconsistent with the objectives and policies of the Land Use Element, and particularly the following policies:

- *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 (10A DCMR § 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. (10A DCMR § 906.11)*
- *Policy UD-2.2.1: Neighborhood Character and Identity - Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context. (10A DCMR § 910.6)*
- *Policy UD-2.2.4: Transitions 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 (10A DCMR § 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. (10A DCMR § 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. (10A DCMR § 913.13)*

8. Far Southeast/Southwest Area Element.

The Subject Properties are located within the area covered by the Far Southeast/Southwest ("Far SE/SW") Area Element of the Comprehensive Plan. The Far Southeast/Southwest Planning Area encompasses 10.1 square miles east of the Anacostia Freeway and south of Good Hope Road/Naylor Road. The Planning Area includes neighborhoods such as Historic Anacostia, Congress Heights, Hillside, Woodland, Fort Stanton Barry Farm, Bellevue, Washington Highlands, Douglas/Shiple Terrace Garfield Heights, and Knox Hill/Buena Vista. The Far SE/SW Element identifies a list of planning and development priorities that were developed through several community meetings. These priorities include, among other things, the need for more housing and recognition that there are opportunities for increased density around Metro stations and in neighborhood centers along Martin Luther King Jr. Avenue SE and South Capitol Street. In addition, there is a stated need for more retail services in the community. The Far SE/SW Element promotes additional investment in the existing retail centers along specific corridors, including Martin Luther King Jr. Avenue SE, as well as facade improvements, streetscape improvements, and upgrades public transit to help existing businesses and promote new businesses.

The proposed Zoning Map Amendment will assist the District in achieving the planning and development priorities noted above. Overall, the subject Amendment is not inconsistent with the objectives and policies of the Far SE/SW Area Element, and particularly the following:

- *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. (10A DCMR § 1808.8)*

B. Health, Safety, and General Welfare.

The requested Zoning Map Amendment will further the public health, safety, and general welfare of the District of Columbia. The requested rezoning to the MU-4 zone will promote the public safety and general welfare through increased activation of the Subject Properties with a range of new uses that will improve connections, add vitality, and contribute to the economic well-being of the District's economy through the creation of new housing and commercial development.

C. No Adverse Consequences.

The requested Zoning Map Amendment will not result in the overcrowding of land or the undue concentration or population, nor will it have any significant adverse impacts on traffic congestion in the surrounding area. The request will allow the Applicant to redevelop its properties with a new mixed-use development that provides substantial affordable housing in a manner that is not inconsistent with the Comprehensive Plan. It will increase utilization of the Subject Properties by allowing additional height and density while remaining compatible with the surrounding context. The subject Amendment will not generate any negative external effects

but will instead promote the efficient use of land in a manner that will, among other things, strengthen the District's economy and vitality of the Congress Heights neighborhood.

D. Map Amendment Would Create Favorable Conditions.

As discussed above, the requested Zoning Map Amendment is not inconsistent with the Comprehensive Plan and will not generate any negative external effects. Rather, the subject Amendment will instead promote the efficient use of land in a manner that will, among other things, strengthen the District's economy and contribute to the ongoing revitalization of the Congress Heights neighborhood and Martin Luther King Jr. Avenue SE corridor through support of both the residential and commercial sectors.

VI. COMMUNITY COORDINATION.

The Applicant discussed and presented the subject Application with ANC 8C at its May 2019 meeting. At that meeting, no one expressed concerns or objections regarding the Application to rezone the Subject Properties from MU-3A to MU-4 and the ANC voted to unanimously support the Map Amendment. The resolution in support has been submitted with this Application.

VII. OFFICE OF PLANNING COORDINATION.

The Applicant met with the Office of Planning to discuss the proposed Map Amendment on February 22, 2019. The Office of Planning stated in the meeting that it would not be opposed to the Map Amendment request.

VIII. CONCLUSION.

The Applicant is submitting this Application to amend the Zoning Map for the Subject Properties from MU-3A to MU-4 as is consistent with the Comprehensive Plan, the FLUM, and

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the policies noted above. The Applicant respectfully requests that a hearing be scheduled at the earliest date possible.

Respectfully Submitted,

Martin P Sullivan

Martin Sullivan

Sullivan & Barros, LLP

Date: August 8, 2019

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CERTIFICATE OF SERVICE

I, Martin P. Sullivan, hereby certify that a true and correct copy of the foregoing was emailed and mailed, via first-class mail, postage prepaid, on August 8, 2019, to the following:

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