

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Matt Jesick, Case Manager  
*JL* Joel Lawson, Associate Director, Development Review  
**DATE:** April 28, 2022  
**SUBJECT:** BZA #20711 – 2628 Martin Luther King Jr. Ave, SE – Special Exception relief to construct a new multi-family residential building

**I. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following requested relief:

- U § 421 – Special exception review for a new multi-family projects in the RA-1 zone.

OP’s recommendation is subject to the following condition, intended to ensure compliance with the criteria § 421, by helping to ensure that the arrangement and siting of this building would relate to its surroundings, and that the building would have a positive impact on the streetscape and complement the existing built environment and neighborhood fabric. The condition was shared with the applicant, who has no objection to it.

1. Construction of the project shall be in conformance with the plans submitted at Exhibits 18B, 18C and 19A, including the provision of a cornice at the top of the parapet; materials and color ranges as shown; entrance lighting and canopies as shown; and the provision of a walkway, separate and distinct in materiality from the driveway, leading from the Martin Luther King Jr. Avenue sidewalk to the side doors and the rear of the building. The applicant shall have the flexibility to vary the final selection of the exterior materials within the color ranges and the material types as proposed, based on availability at the time of construction and without reducing the quality of the materials.

**II. LOCATION AND SITE DESCRIPTION**

Applicant	2628MLK LLC
Address	2628 Martin Luther King Jr. Ave, SE
Legal Description	Square 5868, Lot 1059
Ward / ANC	8, 8C
Zone	RA-1, low density apartment zone
Historic Designation	None
Lot Characteristics and Existing Development	Existing single family detached house; Property slopes down from south to north and down from west to east; No alley access.

Adjacent Properties and Surrounding Neighborhood Character	<p>South – Parking and drive aisle for Matthews Memorial Baptist Church (MMBC) and Matthews Memorial Terrace apartment building; green space associated with apts. beyond, and apartment building itself beyond the green space;</p> <p>East – Parking lot for Matthews Memorial Church;</p> <p>North – Single family detached house; Then drive aisle and parking for MMBC; MMBC itself beyond;</p> <p>West – Martin Luther King Jr. Avenue; church across the street.</p> <p>Larger neighborhood appears to be primarily apartment buildings.</p>
Proposed Development	Construct a 10-unit apartment building, which would be subject to IZ.

### III. ZONING REQUIREMENTS AND REQUESTED RELIEF

The site is zoned RA-1, a zone that requires special exception review for all new multifamily developments, subject to the criteria of Subtitle U § 421.

Section	Requirement	Proposed	Relief
Lot Area F § 201.4	As prescribed by the Board	10,585 sq.ft.	Conforming
Lot Width F § 201.4	As prescribed by the Board	72.2 ft.	Conforming
Lot Depth	n/a	approx. 143 ft.	Conforming
FAR F § 302 and C § 1002.3	1.08 with IZ	1.08	Conforming
Height F § 303	40 ft. and 3 stories max.	31 ft. – 3 stories + cellar	Conforming
Lot Occupancy F § 304	40% max.	40%	Conforming
Rear Yard F § 305	20 ft. min.	47.2 ft.	Conforming
Side Yard F § 306.2(a)	One side yard req. b/c less than 3 units / floor average; 3 in. per ft. of height but not less than eight feet (8 ft.) min.	South – 3.7 ft. North – 23 ft.	Conforming
GAR F § 307	0.4 min.	0.42	Conforming

Section	Requirement	Proposed	Relief
Vehicle Parking C § 701	1 per 3 units in excess of 4 units = 2 spaces min.	7 spaces	Conforming
Bicycle Parking C § 802	Long Term 1 per 3 units = 3 min.	Bike room provided in cellar.	Assumed Conforming
	Short Term 1 per 20 units = 1 min.	1	Conforming

#### IV. ANALYSIS

Subtitle U § 421 requires special exception review for new multifamily residential developments in the RA-1 zone, subject to the criteria listed below.

##### **Special Exception for New Residential Development – U § 421**

421 *NEW RESIDENTIAL DEVELOPMENTS (RA-1 and RA-6)*

421.1 *In the RA-1 and RA-6 zones, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section.*

The application proposes a new multi-family development, a permitted use in the RA-1 zone.

421.2 *The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:*

- (a) *Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and*

The application was referred to the Office of the State Superintendent for Education (OSSE) and the Deputy Mayor for Education at Exhibit 15. While comments were not received, the 2019-2020 DME Master Facilities Plan, available on their website, presents the following utilization data for the relevant public schools:

Savoy Elementary – 62% utilization  
 Kramer Middle – 35% utilization  
 Anacostia High – 38% utilization

- (b) *Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.*

OP defers to the District Department of Transportation (DDOT) to comment on the adequacy of the public streets and transportation infrastructure, and the Department of Parks and Recreation

(DPR) to comment on recreation amenities. The application was referred to those agencies at Exhibit 15. OP support of this application for zoning relief does not imply a position regarding any public space approvals that may be required, including for the curb cut indicated on the plans. OP also notes that the Barry Farm Recreation Center is two to three blocks away.

421.3 *The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.*

The design of the building makes an effort to address the street and have a positive impact on the streetscape. The front unit at the first floor would have an entrance directly facing the street, with a canopy and sconce lighting, which presents a pleasant face to the sidewalk. Side entrances have similar markers to visually denote their locations and draw the eye from the street, and a differentiated pavement indicates a path for pedestrians to the side entrances, separate from the driveway.

In response to OP comments, the design has also improved from the original submission, with the addition of the entrance details, a cornice, differentiation of materials on the main façade, and additional depth to the windows themselves and vertical window bays. OP supports the revised design, and because these design details are important for successfully achieving the goal of this section that new development positively impact and complement the existing neighborhood, OP recommends that these features be itemized in a condition of approval for the project.

The overall design of the building appears residential in character and similar to other small apartment buildings recently proposed and approved. The concept is not inappropriate on a street that is varied in building forms and styles, or for a zone in which small infill apartment buildings are anticipated. OP has no objection to the general height and massing of the building, which conform or, in the case of height, are well within the parameters of the zoning regulations.

The units, a mix of three- and four-bedrooms – would be arranged on three above-grade floors plus the cellar. A three-bedroom IZ unit is identified in the plans as Unit 8, a two-level unit with its own rooftop terrace. Three other units would also have rooftop terraces accessed by recessed stairwells. The plans contain details indicating how stormwater would be removed from the open-air stairs. The four rooftop terraces would be on the north side of the building, with green roof on the southern side. The applicant should also examine the use of solar panels on the roof of the building.

Vehicle parking is proposed at the rear of the building and a proposed driveway is indicated on the north side of the building. The applicant will be required to obtain all necessary public space approvals for the curb cut from Martin Luther King Jr. Ave., as the site does not have access to an alley. OP supports the use of pervious paving in the parking area and, as mentioned above, a differentiated pavement for the pedestrian pathway. Trash collection would be in the parking area, and a fence is indicated around the sides and back of the property. The grading plan also shows a two- to three-foot retaining wall at the back of the property to somewhat level the parking area.

421.4 *In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.*<sup>7</sup>

The record for the application includes all of the information required by this subsection.

### **General Special Exception Criteria – X § 901**

*X § 901.2(a) [Granting the special exception] Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

Granting the special exception would be in harmony with the Zoning Regulations, which intend for apartment buildings to be developed in the RA-1 zone, albeit with the higher level of review that is embodied in the criteria of U § 421. OP's evaluation indicates that the proposed building would complement the residential character of the surrounding neighborhood and would improve the streetscape in the area, thus meeting the goals of the Regulations.

*X § 901.2(b) [Granting the special exception] Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

Permitting the construction of the new apartment building should not adversely affect the use of neighboring property. The zoning of the site anticipates new apartment buildings such as this one, and much of the neighborhood already consists of small apartment buildings, or other matter of right uses such as churches. Some new shadow would be created, but the building would be well within the height limit for the zone, would greatly exceed the minimum side yard requirement on the north side, and would meet the FAR maximum for the zone. For these reasons, much of the new shadow would fall on the northern side yard of the subject property. The level of impact to air flow should be minimal, especially because of the open parking areas surrounding the subject property.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

As of this writing the record contains no comments from other District agencies.

## **VI. ANC COMMENTS**

As of this writing the ANC has not submitted comments to the record.

## **VII. COMMUNITY COMMENTS**

As of this writing the record contains no comments from members of the community.

### VIII. VICINITY MAP

