

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Crystal Myers, Case Manager  
*JL for* Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

**DATE:** March 9, 2020

**SUBJECT:** ZC Case 19-17– Hearing 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. BACKGROUND**

At its October 21, 2019 public meeting, the Zoning Commission set down case 19-17, which would rezone Lots 48,50,51,52 for Square 6070, from the MU-3A zone to the MU-4 zone. 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. RECOMMENDATION**

The Office of Planning recommends that the Zoning Commission **approve** this zoning map amendment. The petition would be not inconsistent with the Comprehensive Plan.

**III. 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>Comprehensive Plan Policy Focus Area</b>	Far Northeast and Southeast Area Element
<b>Ward and ANC</b>	Ward 8, ANC 8C
<b>Historic District</b>	None

#### IV. COMMENTS FROM SET-DOWN MEETING

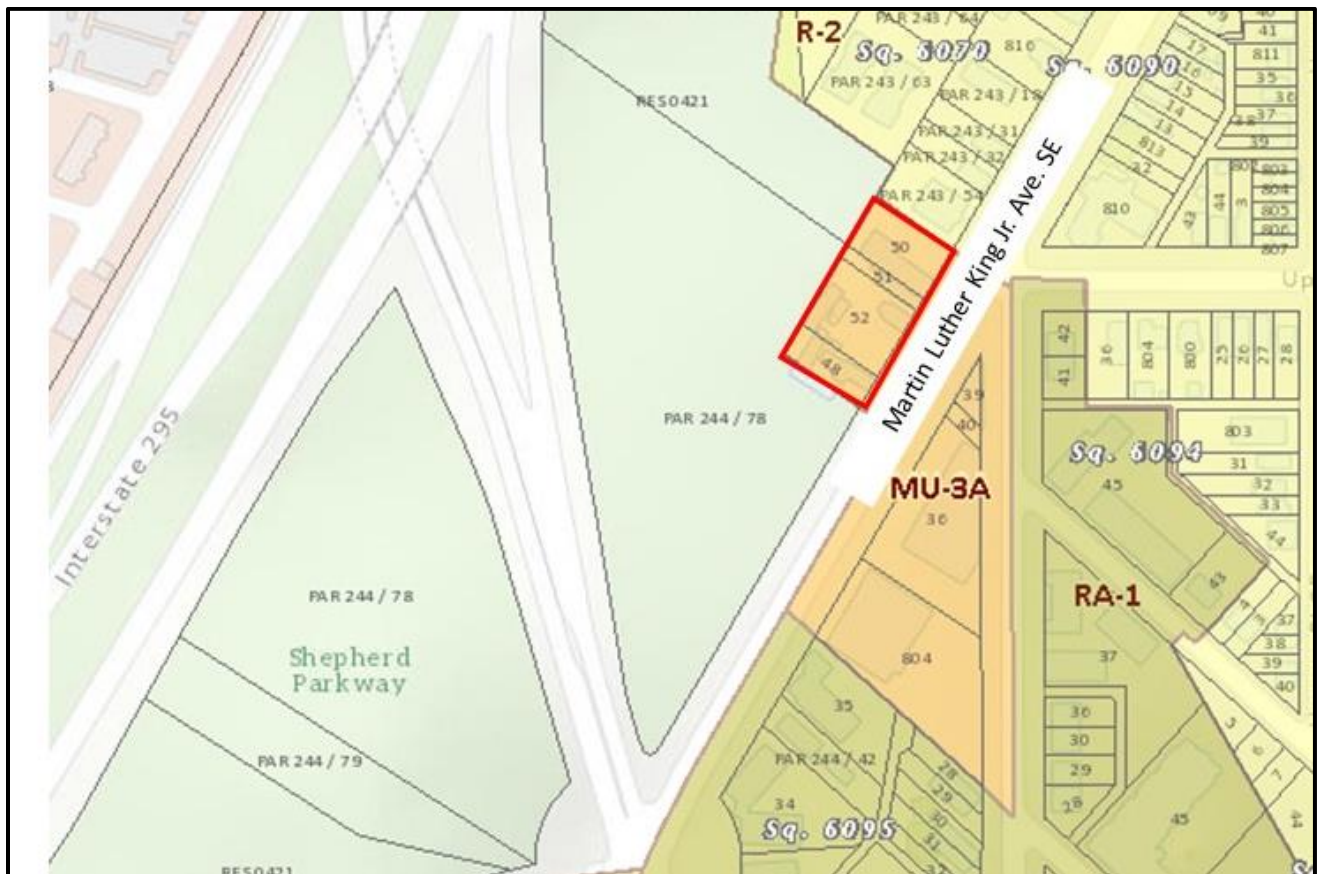
##### Inclusion of Neighboring MU-3A Properties

During the public meeting, the Zoning Commission asked the Applicant to provide more information on their efforts to contact the owner of 3705 Martin Luther King Jr. Ave SE. The Commission also asked for more information on why MU-3A zoned properties across the street from the site are not included in this case. In response, the Applicant submitted an affidavit that details their unsuccessful attempts to contact these property owners, (Exhibit 17C).

One of the properties, 3720 Martin Luther King Jr Ave SE, is District-owned and developed with an existing three-story office building. It is under the management of the District’s Department of General Services (DGS) who expressed interest in having the property rezoned to MU-4. OP was advised that adding this property would result in delaying this case to allow for the petition to be amended and for a new public hearing notice to be issued. Therefore, OP recommends that rezoning of any additional property be addressed in a separate, future map amendment case.

#### V. SITE AND AREA DESCRIPTION

The site is composed of four lots. 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.



## VI. DEVELOPMENT CAPACITY OF EXISTING AND PROPOSED ZONES

The site is currently zoned MU-3A, which permits low-density mixed-use development. The Applicant is proposing to rezone these properties to MU-4. The MU-4 zone permits low to moderate density mixed-use development, providing facilities for shopping and business needs, housing, and mixed uses in low and moderate-density residential areas with access to main roadways or rapid transit stops (11DCMR Subtitle G, § 400.3).

The following table summarizes the development standards of the proposed MU-4 zone in comparison to the existing MU-3A zone:

	<b>Existing Zone: MU-3A</b>	<b>Proposed Zone: MU-4</b>
<b>Permitted Uses:</b>	MU Use Group D Multifamily, residential, office, retail, and services uses	MU Use Group E Multifamily residential, office, retail, and service uses
<b>Height:</b>	40 feet max.	50 feet max.
<b>Floor Area Ratio:</b>	1.0 (1.0 non-residential) 1.2 with inclusionary zoning	2.5 (1.5 non-residential) 3.0 with inclusionary zoning
<b>Penthouse Height:</b>	12 ft habitable 15 ft. mechanical	12 ft habitable 15 ft. mechanical
<b>Lot Occupancy:</b>	60% 60% (IZ)	60% 75% (IZ)
<b>Rear Yard:</b>	20 feet min.	15 feet min.
<b>Green Area Ratio:</b>	0.3 min.	0.3 min.

## VII. PLANNING CONTEXT

Title 11 Subtitle X § 500.3 requires that the Zoning Commission determine that a proposed zoning map amendment “*is not inconsistent with the Comprehensive Plan and other adopted policies and active programs related to the subject site*”.

The proposed zoning map amendment would not be inconsistent with the Comprehensive Plan. It would further the Comprehensive Plan’s policy objectives, particularly with respect to policies within many of the Citywide Elements including land use, housing and economic development, and the Far Southeast/Far Southwest Area Element.

### **Comprehensive Plan Maps**

As fully discussed in the OP Setdown report of September 12, 2019 (Exhibit 16), the proposed map amendment would be not inconsistent with the Comprehensive Plan Future Land Use Map and with the Generalized Policy Map.

The **Future Land Use Map (FLUM)** designates the subject property 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 was changed to MU-3A as part of ZR-16; the zone name C-2-A was changed to MU-4. The proposed map amendment to MU-4 would be consistent with these land use designations.

**Policy Map** - designates the site as part of a Neighborhood Commercial Center.



Section 223 of the Framework Element provides the following description:

***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*

### **Comprehensive Plan: 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 an increased demand for mixed use development in this area, and strengthen this commercial center. The proposed MU-4 zone would *allow* a moderate increase in density, which would assist in enhancing and revitalizing these properties. 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 surrounding moderate density residential 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 within the MLK/South Capitol Great Streets Corridor. As such, the guidance 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 Comprehensive Plan recommendation for economic development and urban design improvements.

**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 proposal would permit density and height needed to provide more housing on these under-utilized properties in this neighborhood commercial center, by increasing the potential FAR from 1.2 to 3.0 with the affordable housing bonus provided by Inclusionary Zoning.

## **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 provide increased opportunity for neighborhood serving retail, improving the vitality of this shopping area located within a Great Streets area, intended to support existing and new businesses, create additional job opportunities for District Residents, and transform emerging corridors into neighborhood centers. Although there is a relatively new small commercial center approximately half a mile to the south, the immediate area is not well served with businesses providing basic goods and services. The proposed rezoning would increase the potential for new commercial space and for new housing, including affordable housing.

## **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*

The proposed map amendment should encourage new neighborhood-centered development and streetscape improvements along Martin Luther King Jr. Avenue, SE.

### **Comprehensive Plan: Far Southeast/ Far Southwest Area Element**

This site is 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 vision for more development along Martin Luther King Jr. Ave., and help to implement the plan’s vision for more retail and housing in this area. The proposal would also help to facilitate new housing and new business improvements envisioned for this policy focus area (Policy FSS 2.5.2 and 2.5.3) As such, this map amendment would not be inconsistent with the Far Southeast/Far Southwest Area Element.

### **Great Streets Initiative**

The site is within the MLK/South Capitol Great Streets Corridor. The Great Streets Initiative is the District’s integrated economic development, transportation, and urban design strategy intended to facilitate the transformation of emerging corridors into thriving and inviting neighborhood centers. The Great Streets Initiative is being implemented through the Office of the Deputy Mayor for Planning and Economic Development (DMPED) commercial revitalization program, and offers competitive grants to small businesses wishing to improve their establishments. The proposed map amendment should help to transform this section of the emerging MLK/South Capitol Great Streets Corridor, which is consistent with the intent of the Great Streets Initiative.

## **VIII. AGENCIES REVIEWS**

Through a phone call, OP discussed the case with staff of the Department of General Services (DGS). DGS expressed interest in having 3720 Martin Luther King Jr. Ave SE included in the area to be rezoned to MU-4 but did not object to this being considered as part of a future case.

The Department of Transportation (DDOT) report at Exhibit 23 notes no objection to the proposed map amendment, and that the proposed MU-4 zone would likely not lead to a significant increase in the number of peak hour vehicle trips if a matter-of-right use is developed on the site.

As of the date of this report, no other agencies have filed comments to the record.

## **IX. ANC COMMENTS**

ANC 8C submitted a letter in support, (Exhibit 9).