

# ZC Case No. 19-17

**APPLICATION TO AMEND THE ZONING MAP**

**MARTIN LUTHER KING JR. AVE, SE**

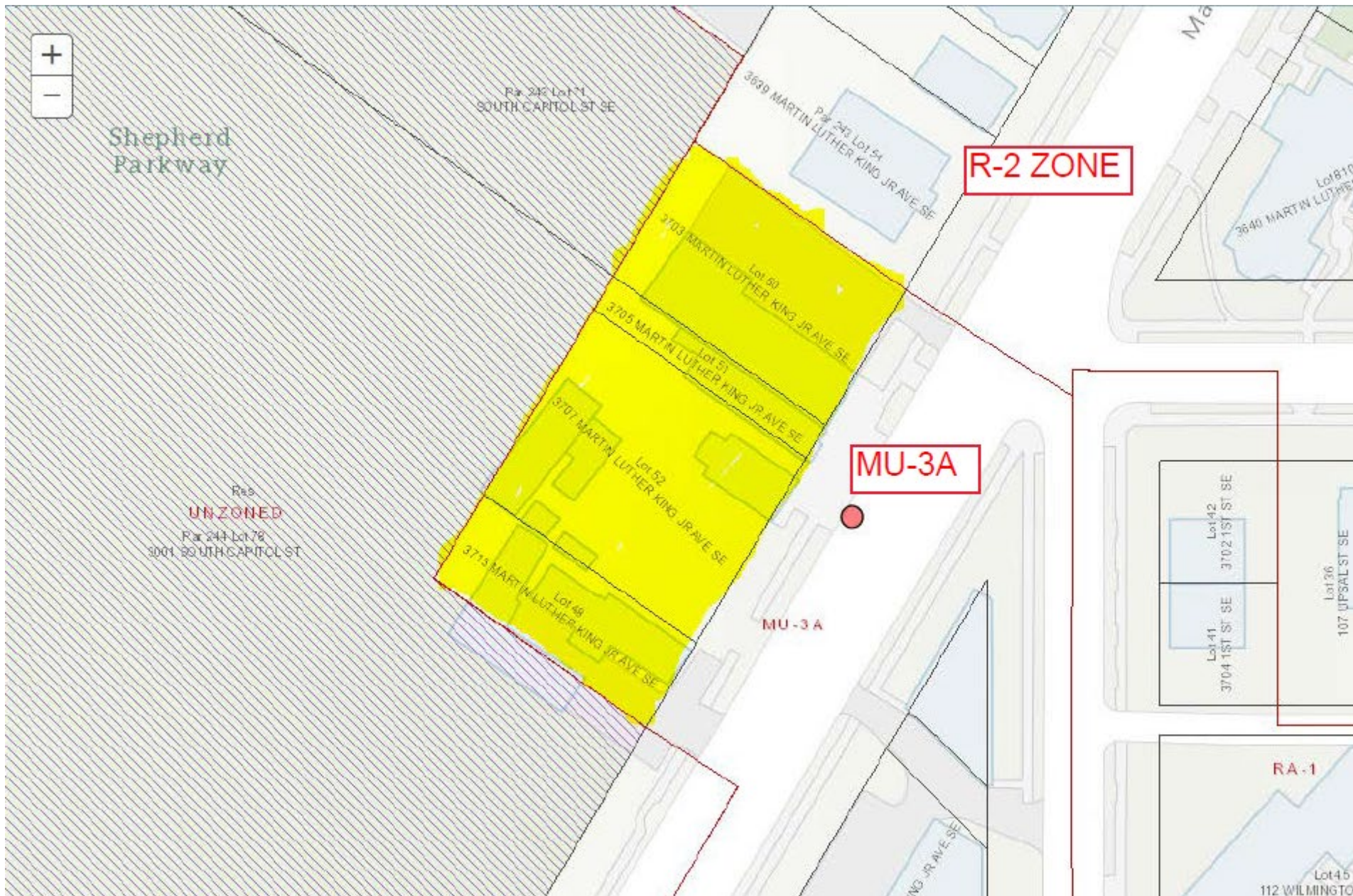
**(SQUARE 6070, LOTS 48, 50-52)**

**ATLAS MLK LLC & 3715 MLK LLC**

**JUNE 23, 2020**

# Overview

- Currently, the Subject Properties are substantially underutilized considering their location along one of the District's Great Streets.
- 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).



Existing Zoning Map of Subject Properties

# Overview

	Existing Zone: MU-3A	Proposed Zone: MU-4
<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.

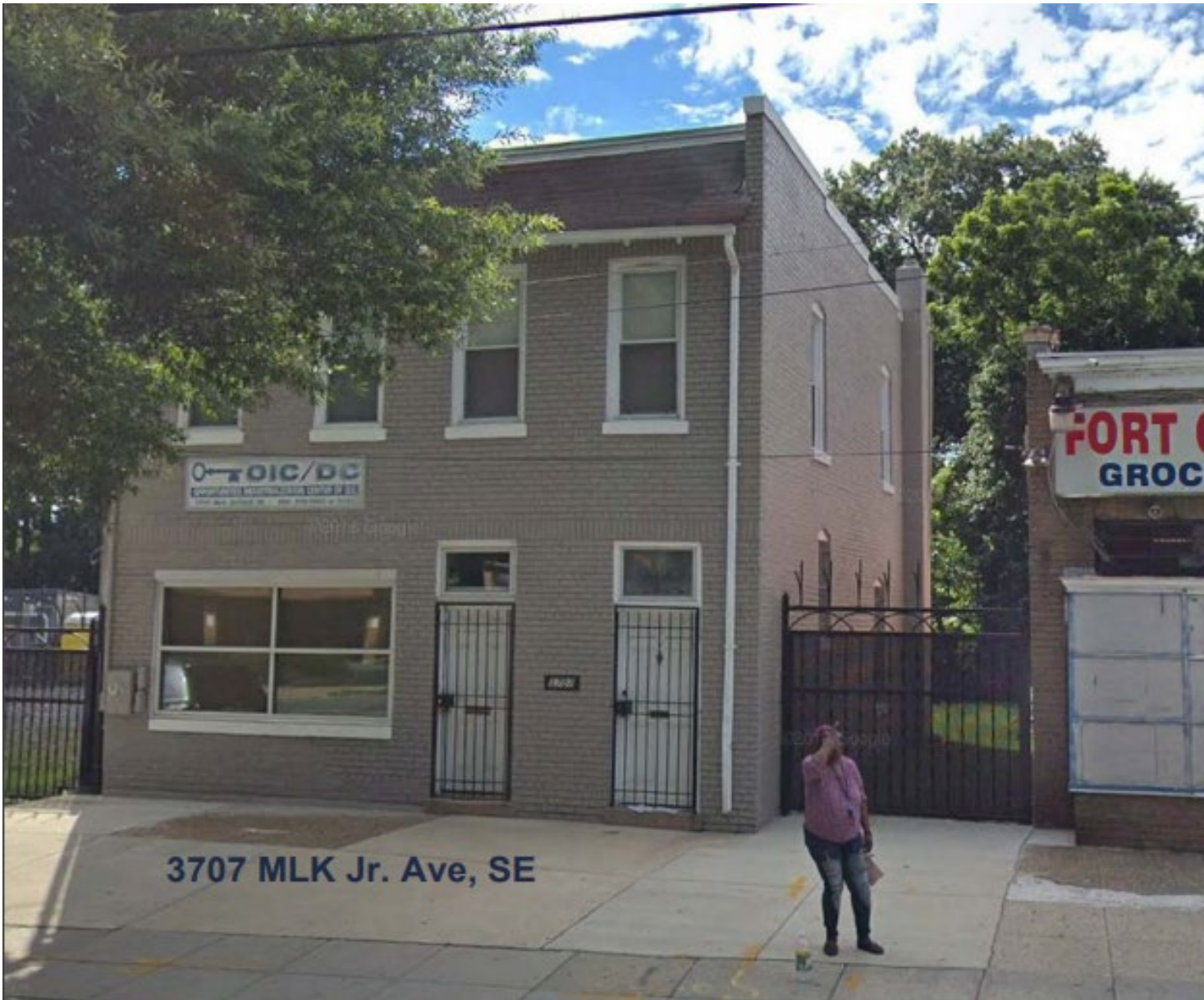


3703 MLK Jr. Ave, SE

Existing Conditions – 3703 MLK Avenue, SE



Existing Conditions – 3705 MLK Avenue, SE



Existing Conditions – 3707 MLK Avenue, SE



Existing Conditions – 3715 MLK Avenue, SE

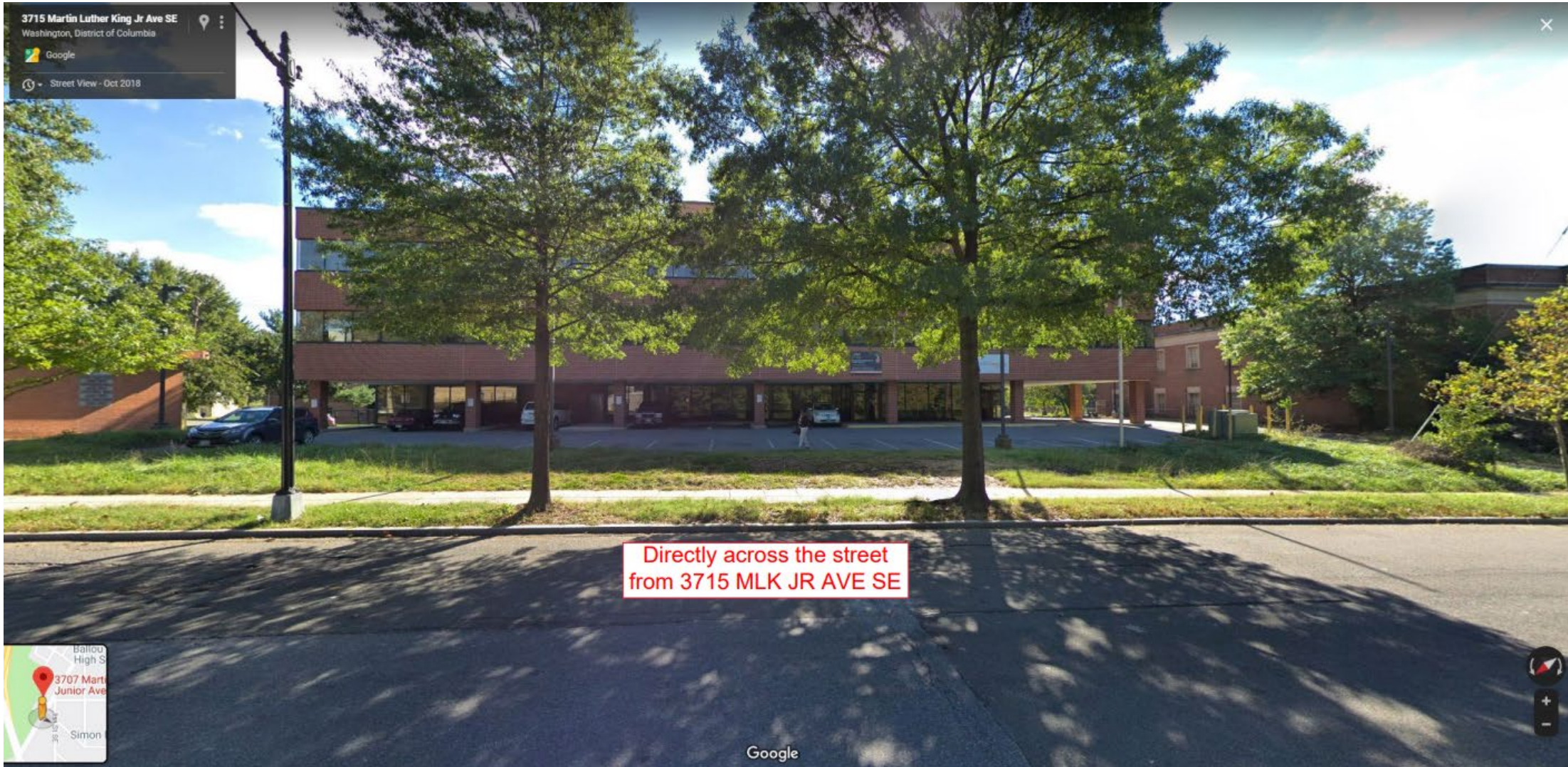




Existing Conditions



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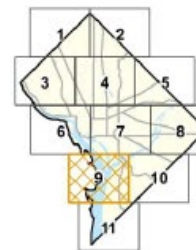




Existing Zoning Map of Subject Properties

# Comprehensive Plan Future Land Use Map 9

- Low Density Residential
- Moderate Density Residential
- Medium Density Residential
- High Density Residential
- Low Density Commercial
- Moderate Density Commercial
- Medium Density Commercial
- High Density Commercial
- Production, Distribution, and Repair
- Federal
- Local Public Facilities
- Institutional
- Parks, Recreation, and Open Space
- Mixed Land Use
- WATER



Subject Properties

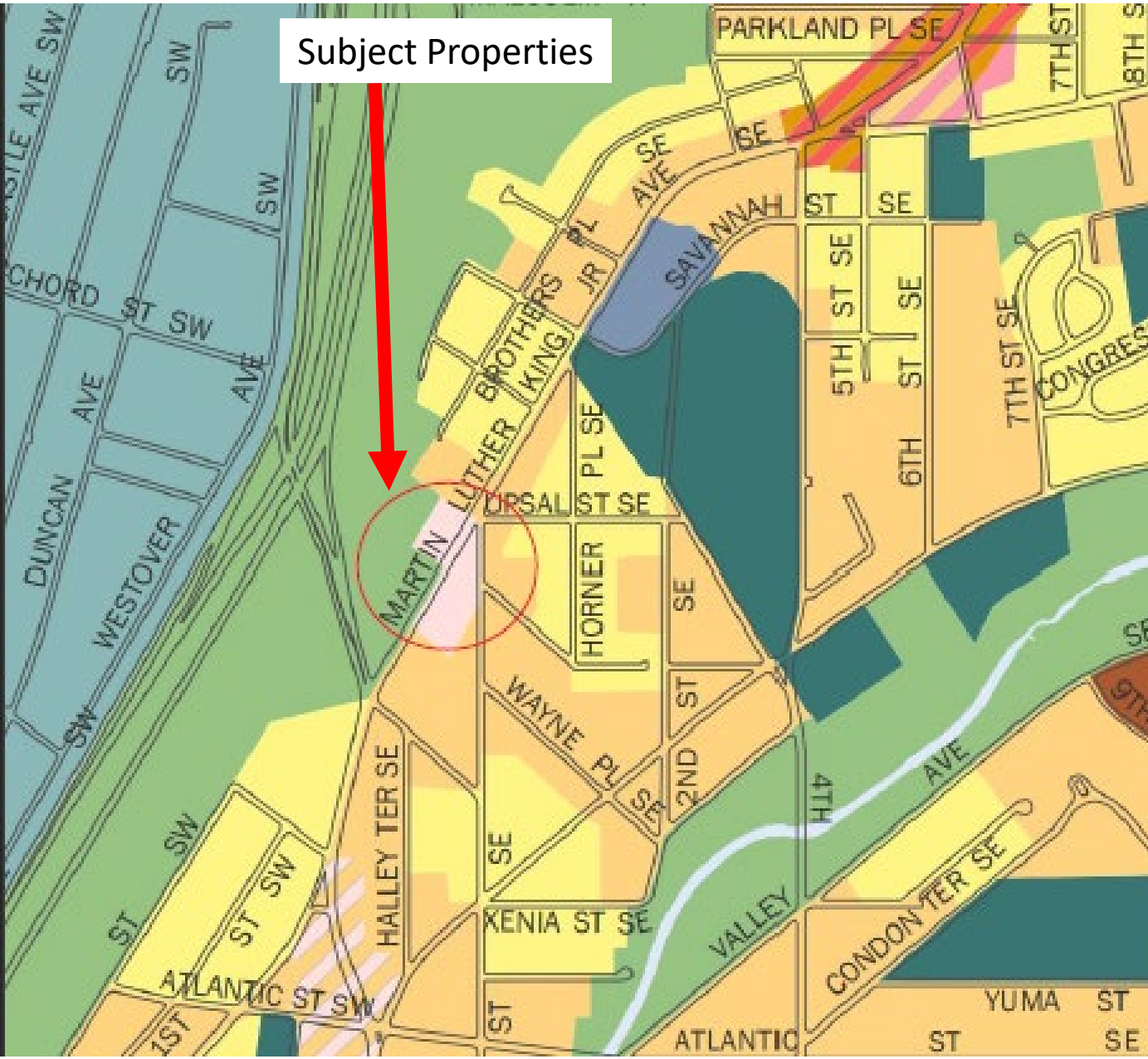


Future Land Use Map



# Comprehensive Plan Future Land Use

Map 9



- Low Density Residential
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Future Land Use Map










# Comprehensive Plan Generalized Policy

Map 9

Subject Properties

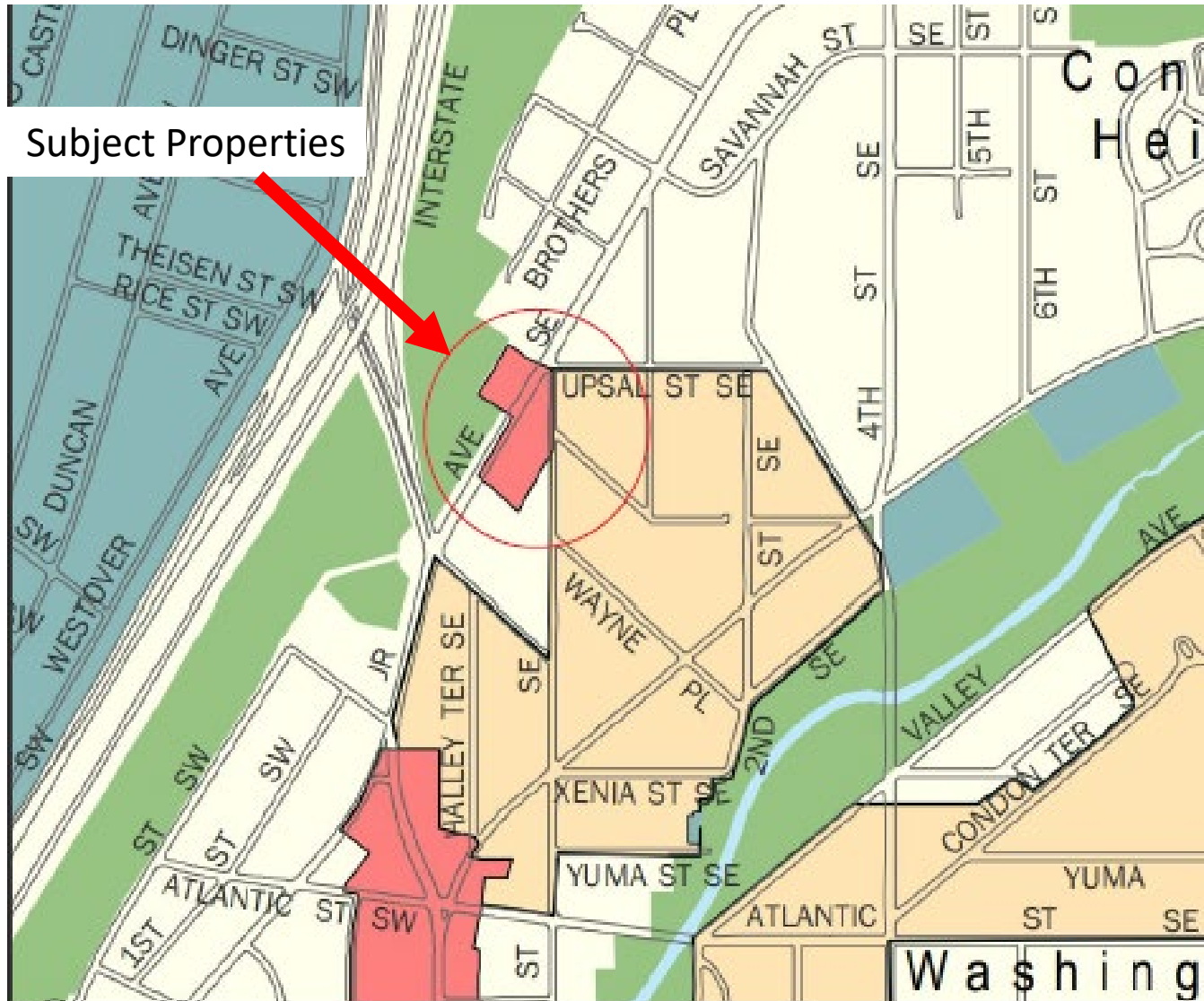


-  Neighborhood Conservation Areas
  -  Neighborhood Enhancement Areas
  -  Land Use Change Areas
  -  Land Use Change Areas (Federal)
- Commercial/ Mixed Use Areas*
-  Main Street Mixed Use Corridors
  -  Neighborhood Commercial Centers
  -  Enhanced/New Neighborhood Centers
  -  Multi-Neighborhood Centers
  -  Enhanced/New Multi-Neighborhood Centers
  -  Regional Centers
  -  Central Employment Area
- Other Map Elements*
-  Federal Lands
  -  Central Washington
  -  Institutional Uses
  -  Parks - Federal and District-owned
  -  Water Bodies















Comp. Plan Generalized Policy Map

# Comprehensive Plan Generalized Policy

Map 9



Subject Properties

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# Applicable Standards

*Per 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.
- The request is not inconsistent with the Comprehensive Plan

# Compliance with Comprehensive Plan Policies

*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.”*

- 1) To define the requirements and aspirations of District residents and, accordingly, influence social, economic and physical development;*
- 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.

# Compliance with Comprehensive Plan Policies

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*2) To guide executive and legislative decisions on matters affecting the District and its citizens;*

- 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.

# Compliance with Comprehensive Plan Policies

- 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;*
- Amendment will 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.
  - 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.

# Compliance with Comprehensive Plan Policies

- 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.*
- 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

# Compliance with Generalized Policy Map

- The GPM depicts the Subject Properties as being within the Neighborhood Commercial Center designation.
- 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 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.



# Compliance with Generalized Policy Map

- 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.

# Compliance with Future Land Use Map

- The Subject Properties are designated as Low-Density Commercial on the FLUM
- This designation is used to define shopping and service areas that are generally low in scale and character.
- 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.
- 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.
- Pursuant to the Comprehensive Plan, Low-Density Commercial designation is consistent with MU-4 Zoning.

# Government Agencies

- ANC is in support
- Office of Planning is recommending approval
- DDOT has no objection and noted in their Report (Ex. 23) 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.

# Community Outreach

- Letter in Support from the owners of 3703 MLK Jr. Avenue
- Applicant made monthly visits to the corner store located at 3705 MLK Jr. Avenue between May 2019 through October 2019. During these visits, he shared hard copies of the Application and asked for a letter in support from the property owner.
- As of the end of November 2019, the current tenants of the corner store located at 3705 MLK Jr. Avenue have admitted to not being able to contact the property owners in order to provide them with the information regarding the Application.

# Community Outreach

- The owner of the Dry Cleaners located at 3700 MLK Jr. Avenue, SE is an absent owner and has not returned since leaving for Korea in 2015.
- On several occasions, the Applicant was only able to talk to the current tenants who are Virginia residents. From conversations, it appeared to the Applicant that they did not have any comments regarding the Application.
- The property located at 3720 Martin Luther King Jr. Avenue, SE is currently vacant and owned by the District of Columbia Government.