

October 5, 2018

VIA IZIS

Anthony Hood, Chairman  
D.C. Zoning Commission  
Office of Zoning  
441 4th Street, N.W., Suite 200-S  
Washington, DC 20001

Re: **Z.C. Case No. 18-08: Zoning Map Amendment for 1143 New Hampshire Ave., NW (Square 72, Lot 74) (the “Property”) – Applicant’s Pre-Hearing Statement**

Dear Chairman Hood and Members of the Commission:

This letter supplements previous filings from BSREP Dupont Circle II LLC (the “**Applicant**”) to address a comment from the Commission at the July 30, 2018 hearing action on the above-referenced Zoning Map amendment application for the Property (the “**Application**”). As set forth in the Applicant’s initial materials filed on June 12, 2018, the Applicant seeks to amend the Zoning Map for the Property from the current RA-5 zone to the MU-10 zone.

**Commission’s Comment:** During the Commission’s hearing action on the Application, the Commission noted that the public hearing on the Application should “focus on the potential impacts of the map amendment, based upon the most intensive use of the property allowed by right or special exception[,] and not based upon the project described.”

The Applicant agrees that the focus of the Commission’s inquiry in this matter should not be the specific project on the Property that the Applicant has alluded to in its filings. The Applicant has provided information about changes to the existing hotel (the “**Hotel**”) on the Property and the effect of the proposed amendment on such hotel use merely as background so that the Commission understands the real-world purpose of the Application and Applicant’s plans for the Property for the foreseeable future. The main focus of the Commission’s inquiry at the public hearing should be on whether the proposed rezoning is not inconsistent with the Comprehensive Plan for the District of Columbia, which is the standard of review for Zoning Map amendment applications. For the many reasons described in the Applicant’s initial filing, the Application is not inconsistent with the Comprehensive Plan.

**Purpose of Application:** Although not germane to the Commission’s standard of review for a Zoning Map amendment application, the Applicant has provided information on the purpose of the instant Application solely as background. As noted previously, the Applicant’s primary

purpose for seeking the requested Zoning Map amendment is to allow ground floor retail or an eating and drinking establishment use in the Hotel to be visible from the street and to permit the reconfiguration of interior space within the Hotel to bring it up to modern standards. The Hotel is lawfully grandfathered in the RA-5 zone as a hotel in existence prior to May 16, 1980. However, the RA-5 zone does not allow a grandfathered hotel's commercial adjuncts to be visible from the street and does not allow the interior reconfiguration of space that would result in an increase in the amount of area devoted to function rooms, exhibit space, and the like in such grandfathered hotels. *See* 11-U DCMR § 401.1(d)(2). The Applicant's purpose for seeking the instant Zoning Map amendment because the MU-10 zone does not similarly restrict on hotel adjunct or function room uses. *Id.* § 510.1(o).

**Most Intense Matter-of-Right Development of the Property:** In response to the Commission's question at the hearing action, the Applicant reiterates that the proposed Zoning Map amendment does not change the maximum height or density for the Property: both the RA-5 zone and the MU-10 zone allow for the same maximum matter-of-right height of 90 feet and maximum floor area ratio of 6.0 for residential or hotel uses. *Compare* 11-F DCMR §§ 302.1 and 303.1 (regarding the maximum density and height, respectively, in the RA-5 zone) *with* 11-G DCMR §§ 402.1 and 403.1 (regarding the maximum density and height, respectively, in the MU-10 zone).<sup>1</sup>

**Zoning Map Amendment Standard of Review:** Given that the maximum matter-of-right intensity of uses is the same under both the existing RA-5 zone and the proposed MU-10 zone, the Applicant believes that no further impact review is necessary for this Zoning Map amendment. Moreover, the Applicant notes that a review of a Zoning Map amendment application's potential impacts is not part of the Commission's standard of review for such an application. Rather the Commission's review of a Zoning Map amendment application is limited to such application's consistency with the Comprehensive Plan. *See* 11-X DCMR § 500.3.

Please feel free to contact the undersigned at either (202) 721-1106 or (202) 721-1127 with any questions regarding the above. We look forward to the Commission's consideration of this matter at the October 25 public hearing.

Very truly yours,



Allison C. Prince



David A. Lewis

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<sup>1</sup> The MU-10 zone does allow for a maximum matter-of-right height of 100 feet and a maximum density of 7.2 with the Inclusionary Zoning bonuses. There is not a comparable bonus in the RA-5 zone. *See* 11-C DCMR § 1002.3.

## Certificate of Service

The undersigned hereby certifies that copies of the foregoing document will be sent by first-class mail or hand delivery to the following addresses on October 5, 2018.

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