

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *JL for* Jennifer Steingasser,
 Deputy Director, Development Review & Historic Preservation
DATE: October 15, 2018
SUBJECT: ZC Case 18-08 – Public Hearing Report for a Petition to Rezone Lot 74, Square 72 from RA-5 to MU-10 zone.

I. BACKGROUND

At its July 30, 2018 public meeting, the Zoning Commission set down for a public hearing zoning map amendment case 18-08, which would rezone *1143 New Hampshire Avenue, NW (Square 72, Lot 74)*, generally located at the corner of M Street and New Hampshire Avenue, N.W., from the RA-5 zone to the MU-10 zone. The site received approval for a PUD (Case 06-29) with a PUD-related map amendment, under ZR-58, from R-5-E (RA-5 in ZR-16) to CR (MU-10) to allow hotel improvements, but the order has since lapsed.

II. RECOMMENDATION

The Office of Planning recommends that the Zoning Commission **approve** this application. The petition would be not inconsistent with the Comprehensive Plan. There have been no changes to the application since setdown.

III. APPLICATION-IN-BRIEF

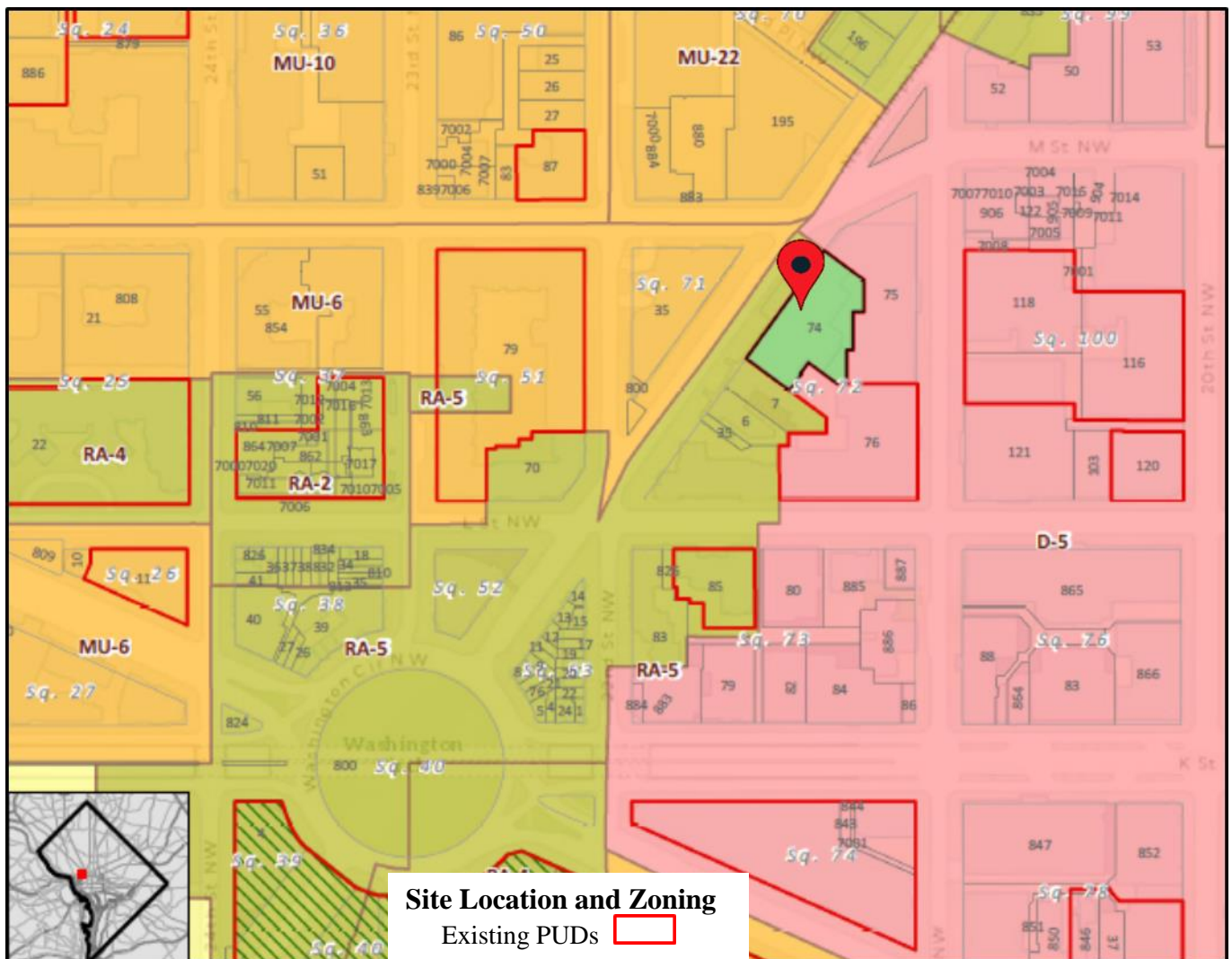
Applicant:	BSREP Dupont Circle LLC
Proposed Map Amendment:	From RA-5 to MU-10
Address:	1143 New Hampshire Avenue, N.W.
Ward and ANC:	2/ANC 2A
Legal Description:	Square 72, Lot 74
Property size:	31,216 square feet (0.71 acres)
Existing Use:	Hotel, since 1969
Generalized Policy Map Designation:	Neighborhood Conservation Area
Future Land Use Map Designation:	Mixed Use – High Density Residential/Commercial
Historic District	None

IV. COMMENTS FROM SET-DOWN MEETING

The following summarizes the Commission’s comment for additional information relating to the petition from the setdown meeting:

ZC Comment	Applicant Response	OP Analysis
<p>The hearing 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, not based upon the project described.</p>	<p>See Exhibit 21</p>	<p>OP’s review of the amendment includes a comparison of the existing and proposed zone’s bulk and use permissions. Both zones prescribe uses of similar intensity and are consistent with the Comprehensive Plan. Table I, Page 4. See also DDOT’s submission to the record.</p>

V. SITE AND AREA DESCRIPTION



The 31,216 square feet property is located on the east side of New Hampshire Avenue, north of L Street in the RA-5 District. The RA-5 District extends southward along New Hampshire Avenue to Virginia Avenue and northward to the northern property line of the subject property. The eastern half of Square 72 is zoned D-5. The RA-2, RA-5, MU-6, MU-9, MU 10, MU-22, D-5, D-6, zones are all found within 3-4 blocks of this site. In general, the areas east of New Hampshire Avenue at this location are devoted to high intensity office and retail uses, while the areas to the west are more residential in character.

To the south are residential uses, and adjacent on the north is a nine-story office building (2100 M Street). The lot opposite the site on New Hampshire Avenue (2110-2150 M Street) is developed as a 110-foot tall, mixed-use, retail /residential development. The lot at the corner of New Hampshire Avenue and 22nd Street is developed as a three-story row structure currently devoted to non-residential use. To the north, across M Street is a nine-story hotel and an office building within the MU-22 District. To the south of the subject property are 9-and 10-story apartment buildings within the RA-5 District.

VI. DEVELOPMENT CAPACITY OF EXISTING AND PROPOSED ZONES

The applicant's petition would rezone 1143 New Hampshire Avenue Square 74, Lot 72 from RA-5 (high density residential) to MU-10 (medium to high density mixed use).

The RA (Residential Apartment) zones are intended to:

- Permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts; and
- Permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones.

Specifically, the **RA-5 zone** provides for areas developed with predominantly high-density residential.

The MU-10 (Mixed Use) zone is intended to:

- Permit medium to high-density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, business, employees, and institutions;
- Be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan, small area plans, or framework plans, including goals in employment, population transportation, housing, public facilities, and environmental quality;
- Require a level of public space at the ground level; and
- Allow residential and non-residential bulk to be apportioned between two or more lots in the same square.

The following table summarizes the effect of the proposed MU-10 zone in comparison to the existing RA-5 zone:

TABLE 1	Existing Zone: RA-5	Proposed Zone: MU-10
Permitted Uses:	<p><u>Use Group RA</u></p> <p>Multifamily residential</p> <p>Office, retail, and service uses are typically not permitted except as internal accessory space</p> <p>New hotel use is not permitted; an existing hotel in the RA zone is not permitted to expand in area, or in area devoted to function or commercial space</p>	<p><u>MU Use Group G:</u></p> <p>Multifamily residential, office, retail, hotel, and service uses permitted by right.</p>
Height:	90 ft. feet max.	90 feet max. 100 (IZ)
Lot Area:	None required	None required
Lot Width:	None required	None required
FAR:	5.0 max. 6.0 (apt. house or hotel) (no IZ bonus)	6.0 max. 7.2 IZ
Penthouse Height:	20 feet max. 1 story plus mezzanine; 2 nd story permitted for penthouse mechanical space.	20 feet max. 1 story plus mezzanine; 2 nd story permitted for penthouse mechanical space.
Lot Occupancy:	75 % max.	75 % max. 100 % (IZ)
Rear Yard:	12 ft.; or a distance equal to 3 in. per 1 ft. of principal building height.	A minimum rear yard of 2.5 in. per 1 ft. of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.)
Side Yard:	If provided, no less than 4 ft. 8 ft. for a detached or semi-detached dwelling	No side setback is required; however, if a side setback is provided it shall be at least 2 in. wide for each 1 ft. of height of building but no less than 5 ft.
GAR:	0.30 min.	0.20 min.

Both zones allow for the same maximum height of 90 feet and 6.0 maximum floor area ratio for the hotel use¹, although MU-10 would allow additional residential FAR (7.2) due to Inclusionary Zoning bonus. The RA-5 zone would not permit interior reconfiguration of the existing grandfathered hotel which would result in an increase in area devoted to function rooms, nor would it allow commercial

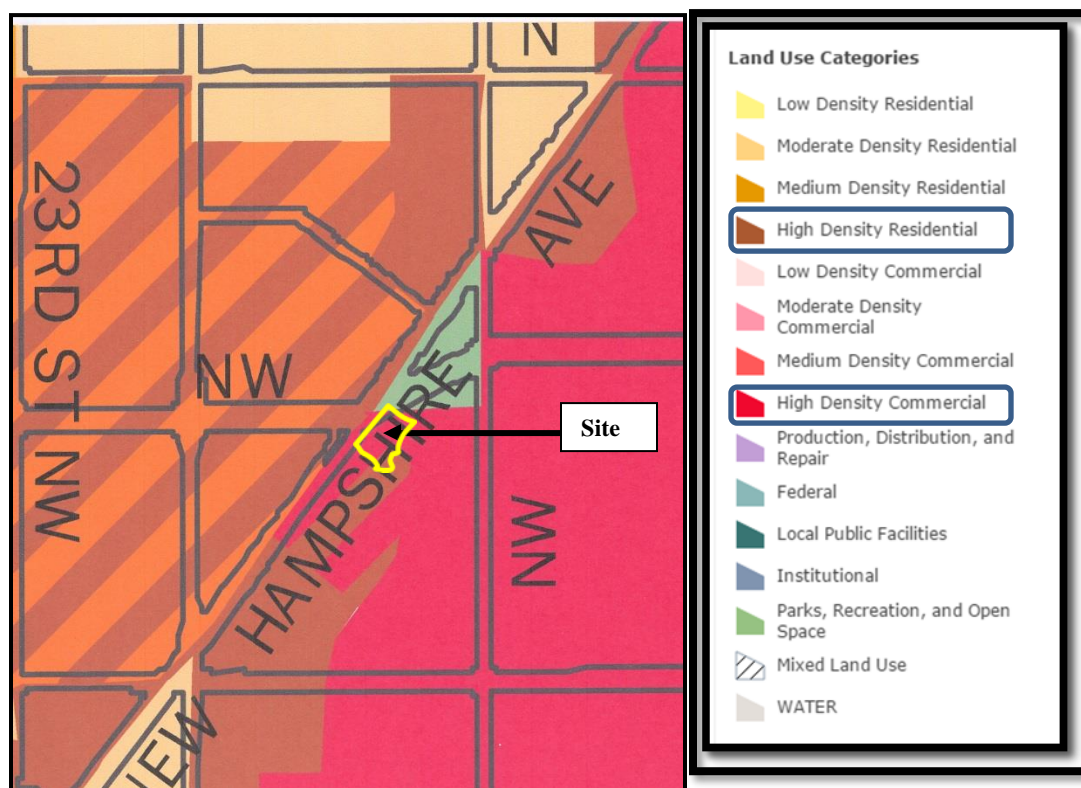
¹ Although MU-10 establishes a maximum FAR of 3.0 for non-residential uses, guest rooms and service areas for a hotel are not counted towards the non-residential limit for the purposes of establishing FAR (Subtitle B § 304).

adjunct space to the hotel use to be visible from the streets (U § 401.1(d) (2). The proposed MU-10 zone would allow such improvements (U § 510.1 (o).

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*”.

As fully discussed in the OP setdown report of July 20, 2018 ([Exhibit 10](#)), the proposed map amendment would be not inconsistent with the Comprehensive Plan Future Land Use Map and Generalized Policy Map.



The Future Land Use Map (FLUM)

The site is designated within a Mixed Use - High Density Residential/Commercial category.

High Density Residential: *This designation is used to define neighborhoods or areas where high-rise (8 stories or more) apartment buildings are the predominant use. The corresponding Zone districts are generally RA-4 and RA-5 (R-5-D and R-5-E), although other zones may apply. 225.6*

High Density Commercial: *This designation is used to define the central employment district of the city and other major office employment centers on the downtown perimeter. It is characterized by office and mixed office/retail buildings greater than eight stories in height, although many lower scale buildings (including historic buildings) are interspersed. The corresponding Zone districts are*

generally (C-2-C, C-3-C, C-4, and C-5) (MU-6, MU-9, D-6, D-7 (2016)), although other districts may apply. 225.11

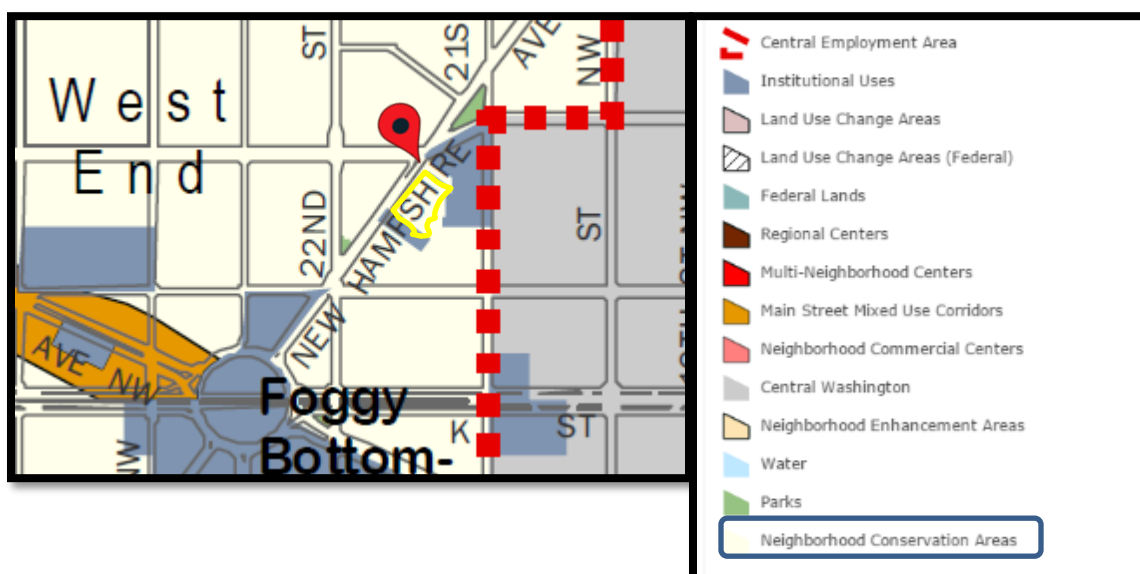
Mixed Use Categories: The Future Land Use Map indicates areas where the mixing of two or more land uses is encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding to the categories defined on the previous pages. The Mixed-Use category generally applies in the following three circumstances:

- a. Established, pedestrian-oriented commercial areas which also include substantial amounts of housing, typically on the upper stories of buildings with ground floor retail or office uses;
- b. Commercial corridors or districts which may not contain substantial amounts of housing today but where more housing is desired in the future. The pattern envisioned for such areas is typically one of pedestrian-oriented streets, with ground floor retail or office uses and upper story housing; and
- c. Large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist but a plan dictating the precise location of these uses has yet to be prepared. 225.18

The general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other (for example, ground floor retail with three stories of housing above), the Future Land Use Map may note the dominant use by showing it at a slightly higher density than the other use in the mix (in this case, both are high density commercial and residential). The Comprehensive Plan Area Elements may also provide detail on the specific mix of use envisioned. 225.19

The petitioner intends to provide matter-of-right hotel and commercial retail or service uses consistent with the permitted uses within the proposed MU-10 zone, which allows slightly less by-right density than the MU-9 zone, listed as a High Density Commercial Zone. As such, MU-10 is not inconsistent with the Future Land Use Map.

The Generalized Policy Map



The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map. 223.5

The proposed map amendment from the RA-5 to the MU-10 zone would be not inconsistent with the Policy Map designations and would support land uses that both the Future Land Use Map and the Generalized Policy Map indicate are desirable.

The Comprehensive Plan's policy objectives would also be supported, including relevant policies within the Land Use, Economic Development and Urban Design Citywide Elements.

The permitted uses would support and increase sidewalk activity in the neighborhood and support policies directed to the promotion of commercial centers and the use of public space within commercial centers.

(Policy LU-2.4.1: Promotion of Commercial Centers; Policy LU-2.4.10: Use of Public Space within Commercial Centers; Policy ED-2.3.9: Hospitality Workforce Development; Policy ED-3.1.1: Neighborhood Commercial Vitality)

VIII. AGENCY COMMENTS

As of the date of this report, no District agency had filed comments to the record.

IX. COMMUNITY COMMENTS

The ANC 2A06 voted to support the amendment on April 18, 2018 but a report from the ANC had not been filed to the record as of the date of this report.