

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** <sup>JLS</sup> Jennifer Steingasser,  
Deputy Director, Development Review & Historic Preservation  
**DATE:** July 20, 2018  
**SUBJECT:** ZC Case 18-08 – Set down Report for a Proposed Map Amendment to rezone Lot 74, Square 72 from the RA-5 zone to the MU-10 zone

**I. RECOMMENDATION**

The Office of Planning recommends that the Zoning Commission **set down** the petition by BSREP II Dupont Circle LLC (the Petitioner) to rezone Lot 74 Square 72, at 1143 New Hampshire Avenue N.W. from the RA-5 zone to the MU-10 zone.

**II. APPLICATION-IN-BRIEF**

<b>Petitioner</b>	BSREP II Dupont Circle LLC
<b>Address</b>	1143 New Hampshire Avenue N.W.
<b>Proposed Map Amendment</b>	From RA-5 to MU-10 (CR by PUD 06-29)
<b>Legal Description</b>	Square 74, Lot 72
<b>Property size</b>	31,216 square feet
<b>Generalized Policy Map Designation</b>	Neighborhood Conservation Area
<b>Future Land Use Map Designation</b>	Mixed-Use: High Density Residential/Moderate Density Commercial
<b>Comprehensive Plan Policy Focus Area</b>	Near Northwest Area Element
<b>Ward and ANC</b>	Ward 2/ANC 2A
<b>Historic District</b>	None

## **SITE HISTORY**

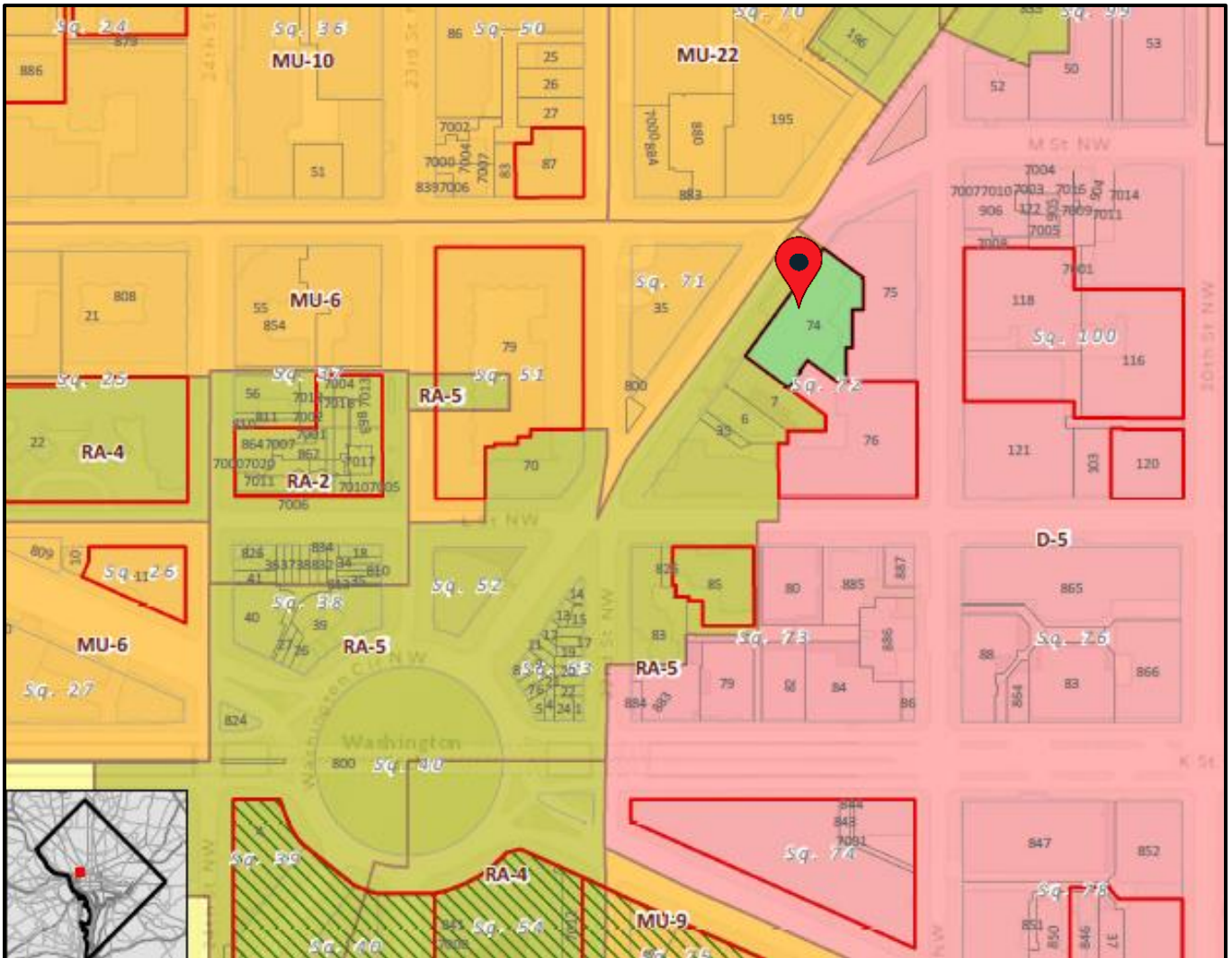
Board of Zoning Adjustment (BZA) Order 9998 approved construction of a hotel and extended care facility on the subject lot, zoned R-5-E (ZR 58), with a floor area ratio (FAR) of 5.7 and a building area of 178,870 square feet, in 1969. A hotel and extended care facility was classified as a residential building for zoning purposes, which permitted a maximum FAR of 6.0. However, the building was never operated as an extended care facility and the structure has remained a hotel.

In 2007, the property owner, WB/NV Center City Hotel Holdings, LLC received Zoning Commission approval under Order 06-29 for a consolidated PUD and a related map amendment from the R-5-E to CR (ZR 58) to support hotel improvement proposed under the PUD. However, after three extensions, the order has lapsed.

The current property owner and Petitioner now seeks a map amendment to rezone the property from the RA-5 zone to the MU-10 zone, which would allow changes to the hotel's adjunct uses, currently not permitted under the RA-5 zone. No expansion of the hotel's existing FAR or height is proposed.

<b>Order #</b>	<b>Effective Date</b>	<b>Proposal</b>
<b>BZA 9998</b>	4/7/1969	Approval for apartment hotel and extended health care facility.
<b>BZA 13879</b>	12/15/1982	Approval for a variance from the prohibitions against increasing the gross floor area of an existing hotel and increasing the total area within an existing hotel devoted to function rooms to construct a new ground floor addition to be used as meeting rooms in an R-5-D District.
<b>BZA 12660</b>	5/7/1978	Approval of variance request to convert the building to a 317-bed hospital, with related FAR.
<b>ZC 06-29</b>	03/22/2007	Consolidated PUD and related map amendment from the R-5-E to CR District to accommodate proposed renovation and reconfiguration of the existing hotel including constructing a two-story addition and to increase the total number of hotel rooms from 350 to approximately 440 rooms. ( <b>Petitioner WB/NV Center City Hotel Holdings, LLC.</b> )
<b>ZC 06-29A</b>	07/27/2009	Granted request of a two-year extension to original PUD with construction to start no later than July 12, 2012.
<b>ZC 06-29B</b>	05/23/2011	Granted request for extension valid until July 12, 2013, with construction to start no later than July 12, 2014.
<b>ZC 06-29C</b>	05/31/2013	Granted request for extension, valid until July 12, 2015 with construction start no later than July 12, 2016. Construction did not begin and the PUD has since lapsed.
<b>18-08</b>	Current	Request for a map amendment from RA-5 to MU-10. ( <b>Petitioner, BSREP II Dupont Circle, LLC.</b> )

### III. SITE AND AREA DESCRIPTION



#### Site Location and Zoning

Existing PUDs

The 31,216 square foot 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 22<sup>nd</sup> 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.

#### IV. EXISTING AND POTENTIAL DEVELOPMENT CAPACITY

Currently, the RA-5 zone permits the hotel use, provided that the hotel existed as of May 16, 1980 and hotel areas devoted to function rooms, and commercial adjuncts were not increased (Subtitle U § 401.1 (d) (2)). Hotel uses under the proposed MU-10 zone does not restrict hotel adjunct or function room uses ([See Use Group D - U § 510.1\(o\) through Use Group G- U § 517.](#))

The RA-5 district allows high-density residential development, including single-family dwellings, flats, apartments with a maximum lot occupancy of 75% and maximum height of 90 feet. A maximum FAR of 6.0 is permitted for apartment houses and hotels and 5.0 for other structures.

The Mixed-Use (MU) zones provide for mixed-use development that permit a broad range of commercial, institutional, and multiple dwelling unit residential buildings at varying densities and is intended to be applied throughout the city consistent with the density designation of the Comprehensive Plan. A zone may be applied to more than one density designation. The MU-10 zone permits a maximum lot occupancy of 75%, maximum 90 feet in height (100 ft. with IZ) and a maximum FAR of 6.0. A hotel is a matter-of right use in the MU-10 District. A summary of the impact of the proposed change in zoning follows:

	<a href="#">RA-5 (Existing)</a>	<a href="#">MU-10 (Proposed Zone)</a>
Height: M-O-R PUD	90 ft.	90 ft. (100 ft. (IZ)) 90 ft.
FAR: M-O-R PUD	5.0 max. 6.0 (Apt. or hotel)	3.0 (res), 3.0 (non-res) 7.2 (IZ) 6.0 (res), 2.0 (non-res), 6.0 max
Lot Occupancy	75 %	75%
Rear Yard	12 ft. minimum	12 ft. minimum
GAR	0.30	0.20
Permitted Use	<a href="#">RA- Use Group</a> Multifamily residential, office, retail, and service uses	<a href="#">MU-Use Group G</a> Multifamily residential, office, retail, and service uses; Uses permitted as a matter of right in any R, RF, and RA zones, and all uses permitted as a matter of right in <a href="#">MU-Use Groups A, and D through F.</a>

The added benefit of the map amendment would accrue to the additional retail, and other matter-of-right uses that may be assigned to the ground floor as part of the hotel’s interior renovations. Gains in height as the IZ bonus would be realized if the property were to be redeveloped or expanded. However, this is not proposed.



## V. COMPREHENSIVE PLAN MAPS

Section 226 of the Framework Element of the Comprehensive Plan addresses the use of the Plan's maps, stating: The Generalized Policy Map and Future Land Use Map are intended to provide generalized guides for development and conservation decisions.

### The Future Land Use Map (FLUM)

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



Section 225 of the Framework Element provides a description of the FLUM land use designations.

**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 -5, 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:

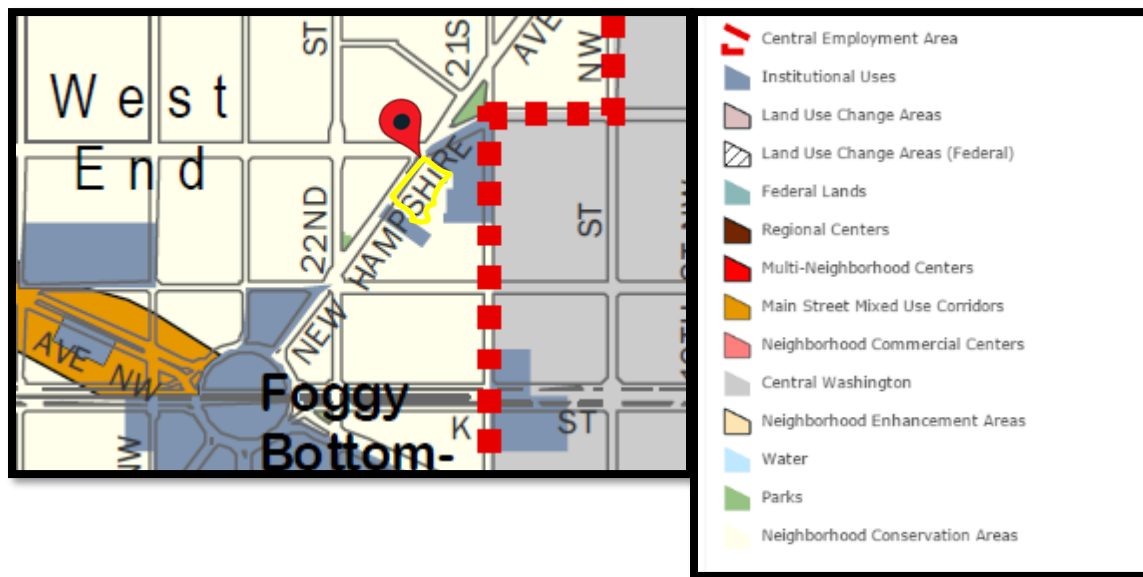
- a. Established, pedestrian-oriented commercial areas which also include substantial amounts of housing, typically on the upper stories of buildings with ground floor retail or office uses;
- b. Commercial corridors or districts which may not contain substantial amounts of housing today but where more 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 map amendment to the MU-10 zone would be not inconsistent with the Future Land Use Map. It would support matter-of-right commercial options on the ground floor as part of the hotel's future interior renovations.

### **The Generalized Policy Map**

The Generalized Policy Map designates the subject site within a Neighborhood Conservation Area.



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 use changes that both the Future Land Use Map and the Generalized Policy Map indicate are desirable. The map amendment would support the Petitioner's proposal to renovate the building's interior and provide matter-of-right uses on the ground floor that could be accessed by the general public.

## **VI. COMPREHENSIVE PLAN POLICIES**

**Area Element: Near Northwest:** *Near Northwest is known for its historic architecture, well-established neighborhoods, lively shopping areas, and nationally recognized institutions. These features provide enduring reminders of the city's growth, from the 18th century to today's international city. The Georgetown Historic District, established in 1950 in response to the demolition of large numbers of waterfront and canal-related historic buildings, was the first historic district established in city. Today, more than half of Near Northwest is included in historic districts; historic landmarks are designated throughout the area with concentrations in Georgetown, on Washington Circle, within the campus of George Washington University, in Dupont and Logan Circles, and along Massachusetts Avenue. These designations include some of the oldest residential and commercial buildings in the city. 2100.2*

### **LAND USE**

**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 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-2.4.10: Use of Public Space within Commercial Centers:** *Carefully manage the use of sidewalks and other public spaces within commercial districts to avoid pedestrian obstructions and to provide an attractive and accessible environment for shoppers. Where feasible, the development of outdoor sidewalks cafes, flower stands, and similar uses which "animate" the street should be encouraged. Conversely, the enclosure of outdoor sidewalk space with permanent structures should generally be discouraged. 312.14*

Approval of the proposed map amendment would support the Petitioner's renovation of the ground floor to add a restaurant/retail use and related sidewalk seating area, which could increase the retail and service opportunities in the West End neighborhood animate the public space's wide sidewalk. The existing height and mass of the hotel are appropriate given the site's proximity to the Central Employment Area and high density mixed use designation on the FLUM.

## ECONOMIC DEVELOPMENT

***Policy ED-2.3.9: Hospitality Workforce Development:*** Recognize the potential for the hospitality sector to generate entry level jobs and opportunities for upward mobility for District residents by promoting vocational, job training, and job placement initiatives in this sector, and by working with local hotels, the District of Columbia Hotel Association, the Washington Convention and Tourism Corporation, and others. 709.13

***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

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The proposed map amendment would support an improved hospitality-based use on the New Hampshire Avenue frontage, employment growth of the District's workforce and diversity of hotel types in the District. The provision of improved ground floor retail space would likely enhance the mix of restaurant services to neighborhood residents.

## URBAN DESIGN

***Policy UD-3.1.6: Enhanced Streetwalls*** Promote a higher standard of storefront design and architectural detail along the District's commercial streets. Along walkable shopping streets, create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort. 913.13

***Policy UD-3.1.7: Improving the Street Environment*** Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall. 913.14

***Policy UD-3.1.8: Neighborhood Public Space*** Provide urban squares, public plazas, and similar areas that stimulate vibrant pedestrian street life and provide a focus for community activities. Encourage the "activation" of such spaces through the design of adjacent structures; for example, through the location of shop entrances, window displays, awnings, and outdoor dining areas. 913.15

***Policy UD-3.1.10: Sidewalk Cafes*** Discourage the enclosure of sidewalk cafes in a manner that effectively transforms them into indoor floor space. The design of sidewalk cafes should be compatible with the architectural qualities of the adjoining buildings, should complement the street environment, and should not impede pedestrian movement. 913.17

The proposed map amendment would allow the Petitioner to expand retail offerings on the ground floor accessible to the public, unlike the limited adjunct uses permitted within the current zone. Wider sidewalks predominant in this area could accommodate outdoor seating to continue improvement to



New Hampshire’s pedestrian environment, including during the evenings, provided that the District’s Public Space provides permission at that location.

The proposal is not inconsistent with the Comprehensive Plan’s Future Land Use and Policy maps, and furthers many important policies for the Upper Northeast Area and Citywide Area Elements as noted above.

## VII. COMMUNITY COMMENTS

The applicant met with the ANC 2A at their regularly scheduled meeting on April 18, 2018; the ANC voted to support the application. The ANC 2A was presented with the intent to file this application on April 23, 2018. The Petitioner is continuing efforts to work with the West End Citizens Association throughout the process. ([Exhibit 2D](#))

## VIII. SUMMARY

The Office of Planning recommends setdown of the proposed map amendment. The MU-10 District is a mixed-use zone that permits a wider variety of commercial uses consistent with the mixed-use high density designation of the Comprehensive Plan.

### LOCATION MAP

