

February 4, 2022

VIA IZIS

Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
441 Fourth Street, NW, Suite 200S
Washington, DC 20001

Re: Z.C. Case No. 21-18: Dance Loft Ventures LLC (“**Applicant**”) to the District of Columbia Zoning Commission for a new Consolidated PUD and related Zoning Map Amendment (collectively, the “**Application**”) for 4618 14th Street, NW – **Pre-Hearing Statement**

Dear Chairman Hood and Commissioners:

On behalf of the Applicant, we submit this pre-hearing statement for a consolidated PUD and related amendment to the Zoning Map from the MU-3A zone to the MU-5A zone to allow the development of a mixed-use multifamily residential building with ground floor retail/commercial and performing arts/entertainment/assembly uses (the “**Project**”).

The Commission set down the Application at its December 16, 2021 public meeting. This filing provides responses to questions and comments raised by the Commission and to comments from the Office of Planning (“**OP**”) in its December 6, 2021 report (“**OP Report**”).

In summary, the Application’s Zoning Map amendment is consistent with the Moderate Density Commercial/Moderate Density Residential designation on the Future Land Use Map. The Additional Plans (as defined below) attached to this filing include enhanced shadow studies plus revisions and additional information in response to the comments in the OP Report. Finally, the Applicant wishes to clarify, in response to statements made during the set down discussion on December 16, 2021, that ANC 4C, the ANC in which the Project is located, has **not** taken a position in opposition to the Project and has not indicated to the Applicant that it opposes the Project.

The following exhibits are included with this statement:

Exhibit A Updated Certificate of Compliance for Pre-Hearing Filing
Exhibit B Additional Plans and Drawings (“**Additional Plans**”)

Response to Zoning Commission Comments and Questions										
Comprehensive Plan Designation and Consistency Analysis	<p>In sum, the Application is not inconsistent with the Comprehensive Plan, as amended. Of the Project’s approximately 101 residential units, 66% are affordable at a mix of 30%, 50%, and 60% MFI. The Project displaces no existing residential uses and advances numerous housing, affordable housing, and arts and culture policies of the Plan and Small Area Plan, among other policies. The Project’s FAR is approximately 3.79.</p> <p>The Future Land Use Map, as recently amended, designates the property as “Mixed Use Moderate Density Residential/Moderate Density Commercial”. The proposed MU-5A zone is expressly among the zones appropriate for such a designation. The definition of “Moderate Density Commercial” provides that in such designated areas “Density typically ranges between a FAR of 2.5 and 4.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-5 and MU-7 Zone Districts are representative of zone districts consistent with the Moderate Density Commercial category, and other zones may also apply.” (emphasis added.) 10-A DCMR § 227.11.</p> <p>The Project far exceeds Inclusionary Zoning requirements and, therefore, would be eligible under the Comprehensive Plan for greater density than requested. However, the Project provides an appropriate level of density given the context and the need for new affordable housing near a Ward 4 transit priority corridor. The current proposal balances and resolves multiple competing tensions in the Comprehensive Plan.</p> <p>The following table summarizes the Application in light of the Future Land Use Map designation and definitions.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 60%;">Definition for Moderate Density Commercial</th> <th style="width: 25%;">Application</th> </tr> </thead> <tbody> <tr> <td>Density</td> <td>2.5 to 4.0 (greater density possible when complying with IZ or via a PUD)</td> <td>3.79¹</td> </tr> <tr> <td>Zones</td> <td>MU-5 and MU-7</td> <td>MU-5A</td> </tr> </tbody> </table>		Definition for Moderate Density Commercial	Application	Density	2.5 to 4.0 (greater density possible when complying with IZ or via a PUD)	3.79 ¹	Zones	MU-5 and MU-7	MU-5A
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Shadow Study and Topography	<p>The Commission also raised a question about the Project’s potential shadow impacts and asked about the topographic considerations of the site with respect to potential shadow impacts.</p> <p>The Additional Plans include shadow studies with enhanced detailing that depict the impact of the Project’s shadows relative to existing conditions. See <u>Exhibit B</u> at sheet A.39.1-A.39.3.</p> <p>At the summer solstice, the Project produces virtually no shadow impact on neighboring property. At the equinox, the Project affects only rear yards of a small portion of nearby residential properties and three adjacent commercial properties to the north.</p> <p>Due to the topography of the block where the property is located and because of the low angle of the sun during the winter months, there are shadow impacts from late fall to mid-winter. However, the winter months’ shadow impacts are not materially different than the impacts that existing residences cause on other existing residences. As an example, in the morning during the winter time, the 15th Street, NW-facing residences cast modest shadows on residences to the north along Crittenden Street, NW. Those shadow impacts persist into the afternoon and affect the majority of the Crittenden Street block by late afternoon in the wintertime. See <u>Exhibit B</u> at sheet A-39.3.</p>									

¹ The MU-7 zone, also referenced as consistent with the Moderate Density Commercial designation, would permit a height of 90 feet (plus penthouse) and an FAR of 5.76 through a PUD.

Z.C. Case No. 21-18 - 4618 14th Street, NW
 Pre-Hearing Statement

	<p>Similar to the shadows produced by the existing residences on the block, the Project also produces modest shadow impacts over the course of the day during winter months. The most profound shadow impacts during these winter months are on the adjacent commercial structures to the north of the Project; however, those structures currently do not have any windows where the new shadow impacts would be experienced. As a result, those winter shadows are not perceptible to occupants of those buildings. The Project’s wintertime shadows secondarily affect certain residential properties along Crittenden Street to the north of the Property. The morning shadow impacts in the winter affect approximately 17 of the nearby residences. These shadows dissipate during mid-day such that the wintertime impacts on the residences to the north occur for fewer than ten of the nearby residences. The late afternoon wintertime impacts from the Project affect just four of the nearby residences (but as noted above adjacent residences to the north are affected by other existing structures on the block during winter afternoons).</p> <p>The Project’s extraordinary affordable housing benefits justify the Project’s limited wintertime shadow impacts on some nearby residences. The Commission should balance the extent of such impacts against the significant value of the Project’s benefits, particularly its affordable housing. Specifically regarding affordable housing, the Project’s envelope above the second story allows the Project to reserve at least two-thirds of its residential units as affordable to households with incomes of 30%, 50%, and 60% MFI. Reducing the partial shadow impacts means reducing the size of the building envelope even further, which would result in losing such meaningful affordable housing or threatening the Project’s viability.² The Project’s other benefits including arts preservation and sustainability together with the Project’s significant impact mitigation measures (such as the inclusion of significant setback distances from surrounding dwellings) further offset any potential shadow impacts.</p>
<p>ANC 4C and Community Feedback to the Project</p>	<p>At the December 16, 2021 public meeting, the Commission suggested that the ANC had provided negative feedback to the Applicant about the Project. The Applicant hopes to clarify that neither ANC 4C nor any individual ANC Commissioner has provided any negative feedback to the Applicant. As far as the Applicant is aware, ANC 4C has not taken any public position on the Project.</p> <p>In the Applicant’s initial filing, the Applicant stated that some owners of rowhomes on the same block as the Project have provided negative feedback about the Project. See Z.C. Case No. 21-18, Exhibit 2A2 at page 13-16. However, many neighbors, including direct abutters, are in support of the Project, especially given the extraordinary community benefits proposed, most notably: the number of deeply affordable and family-sized units, the truly mixed-income approach including some market-rate units, the performing arts component, revitalized retail space and streetscape, and exceptional sustainability targets, including approximately 3,000 square feet of solar panel array area, and LEED v4 Gold certification.</p> <p>The Applicant has formally presented to the community on numerous occasions to date, including the full ANC, numerous targeted meetings specifically for abutting neighbors, and SMD-level meetings hosted by the SMD Commissioner. The Applicant has incorporated numerous revisions to the proposal as a result of this extended engagement with the community as detailed in the initial filing. The Applicant will continue to work with neighbors and ANC 4C to identify and mitigate potential impacts and will provide further information in subsequent filings and at the hearing.</p>

² The Project includes 61,953 sf of gross floor area on its top three floors, which are the floors that cause some potential wintertime shadow impacts to the north. The Project includes at least approximately 60,659 sf of affordable housing, so 98% of the Project’s gross floor area above the second story is arguably attributable to affordable housing.

Z.C. Case No. 21-18 - 4618 14th Street, NW
 Pre-Hearing Statement

Response to Office of Planning Comments and Questions	
Revise 14 th Street Door	The Applicant has revised the “flip-up” door on 14 th Street, NW to avoid potential interference with pedestrians and/or street trees. See Exhibit B at sheet A.08.
Indicate PEPCO Vault Locations	The proposed locations of PEPCO and other utility vaults are shown on a site plan for the Project. See Exhibit B at sheets A.09, A.10 and A.11.
Add a More Defined Top	The Applicant has refined the design of the top of the Project to reduce the flat affect and provide a more distinct “cap.” The Project now includes an enhanced cornice to more specifically reference the surrounding neighborhood context. Moreover, the updated design has a brick cornice projecting 12” from the façade, corbelling down 24” with an alternating pattern of corbelled and flat brick. Directly below the cornice is a 24” band of soldier coursed brick bring the total height of the building top to 48” with a 12” projection. See Exhibit B at sheets A.06, A.07, and A.26-A.38.
Add Brickwork in Character of Neighborhood	Enhanced brickwork in the Project’s façades now more closely matches and celebrates the style of brickwork common to the existing buildings in the vicinity of the Project. Enhancements to the brickwork include adding solider courses above each window similar to the homes on Crittenden. The brick work continues on alley facades with the same level of detail as the 14 th Street façade. This is similar to the 15 th Street NW homes’ rear additions. See Exhibit B at sheet A.29.1-A.29.2.
Pull Back the Alley Projection or Create a Setback at the Second Floor of the Front	<p>The Applicant has studied OP’s suggestion regarding the apparent “projection” of the Project over the alley. The Project’s upper stories do not project over an alley. Instead, the upper stories are constructed to the lot line, and the lower story is recessed from the lot line in order to widen the alley by reserving a portion of private property for vehicle and pedestrian access. This alley-widening was undertaken to address neighbor concerns about the existing width of the alley. Page A.15 of Exhibit B depicts the footprint of the building in relation to the property boundaries and the alley, while page A.10 of Exhibit B shows the recess from the property line along the first floor with more specificity.</p> <p>In response to OP’s comment, the Applicant has added decorative half arches beneath the cantilevered second level to emphasize the transition from the ground floor and add visual interest where the ground level is recessed. The decorative arches are aligned with the brick piers framing the public art area. This allows for the building to both accent and soften the building component built above the private alley recess, but also to incorporate detailing characteristics appropriate for the nearby rowhouse scale context. Globally, the proposed configuration of the second floor and above allows the building to be symmetrical from along 14th Street, as well as to provide a more extensive street presence, consistent with the Comprehensive Plan and the Small Area Plan. See Exhibit B at sheets A.06, A.26, and A.31.</p>

By separate cover the Applicant will deliver to the Office of Zoning a check payable to DC Treasurer in the amount of \$9,261.00 together with address labels for the public hearing notice.

The Applicant requests that the Office of Zoning schedule the Application for a public hearing at the earliest possible date.

Z.C. Case No. 21-18 - 4618 14th Street, NW
Pre-Hearing Statement

Respectfully submitted,

/s/ Jeffrey C. Utz

/s/ David A. Lewis

Enclosures

Certificate of Service

I certify that on or before February 4, 2022 (except as noted below), I delivered a copy of the foregoing document and attachments via e-mail, hand delivery, or first-class mail to the addresses listed below.

/s/ David A. Lewis
As Attorney for the Applicant

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