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April 14, 2022

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Mr. Anthony Hood, Chairperson
Zoning Commission for The District of Columbia
441 4th Street, NW, 200-S
Washington, DC 20001

RE: ZC #21-18, PUD Application 4618 14th Street, NW

Dear Chairperson Hood and members of the Zoning Commission,

ANC 4C, at a duly noticed public meeting, with a quorum of 10 present at its April 13, 2022 meeting, voted with 9 Yeas, 1 Nays, and 0 Abstentions to support the applicant's request for a Planned Unit Development (PUD) and amendment to the Zoning Map in the above referenced case.

ANC 4C supports the application because of its exceptional affordable housing proffer and commitment to family-sized units, its arts related components, its commitment to sustainability including a net-zero energy performance target, its contribution to commercial/retail vitality on the 14th Street corridor as well as the project's neighborhood compatible envelope and setbacks from neighboring homes. ANC 4C encourages the Zoning Commission to approve the application.

Application Overview

The application seeks a PUD and amendment to the Zoning Map for the property located at 4618 14th Street, NW and adjacent lots. The Zoning Map amendment would change the zoning designation for the property from MU-3A to MU-5A. The proposed building has a height of 66 feet, 8 inches (plus setback penthouse) and a FAR of 3.79 and includes flexibility related to parking. The PUD would allow additional height and density in exchange for public benefits, the most significant of which are the addition of at least 67 units of new housing at deeply affordable levels. The new housing would include a substantial number of family sized (3 bedroom) units, where no housing currently exists and the retention, improvement, and expansion of the Dance Loft on 14th community theater and arts space.

As part of the PUD, the existing buildings on the property will be removed and replaced with a single new building containing Dance Loft uses on the ground floor, a mezzanine level above and commercial/retail spaces along 14th Street. The commercial/retail bays and public space investments have the potential to revitalize the streetscape along 14th Street. The ground level also includes 40 enclosed parking spaces, plus bicycle parking spaces and loading. All trash collection for the building occurs from within the enclosed loading. Above the new building's lowest levels will be approximately 101 new residential units, of which at least 67 will be affordable to households earning 30%, 50% and 60% of the Median Family Income for the DC area (one third at each such level). The new building's 101 units will also accommodate families. In addition, the project will be certified at least as LEED Gold or equivalent Enterprise Green Communities certification and will incorporate substantial on-site solar and potentially off-site community solar to

achieve a net-zero energy performance target.

Community Feedback

The ANC began receiving emails and correspondence from the community immediately following the applicant filing their NOI in March 2021. Feedback was both in opposition to and support of the project. The ANC considers it notable that the highest concentration of opposition has come from adjacent households on the 1400 blocks of Buchanan Street NW and Crittenden Street NW. Opposition to the project has identified the height and density as too great for the site. And that height and density are cited as their primary objections. Other concerns raised are width of the alleys immediately surrounding the property, that the parking provided is insufficient to meet the needs of the property, that traffic and parking will have an adverse impact on the community, that the water/sewer systems are insufficient for the additional load created by the property, the potential displacement of existing retail businesses, asserted disrespect and lack of responsiveness on the part of the applicant, insufficient engagement on the part of the ANC, and the failure of the ANC to provide an opportunity for neighbors to express their opinions.

The Office of Planning report determined the project was not inconsistent with the Comprehensive Plan and the Central 14th Street Vision Plan and Revitalization Strategy Small Area Plan. Both the Comprehensive Plan and Central 14th Street Vision Plan and Revitalization Strategy for the property identify the property in the moderate density mixed use land use category. The site was noted as the best redevelopment location in the Vision Plan area and the project implements that vision. The concern about height and density is also inconsistent with the reality that the District and Ward 4 as a whole and the NW DC neighborhoods around Rock Creek Park need to do more to address the shortage of affordable housing in the District. The ANC believes that the project appropriately balances the objectives of the Central 14th Street Vision Plan with a 5-story building along 14th Street that scales back to 4 stories at its rear (plus setback penthouses). The density consistent with the recently-approved changes to the Comprehensive Plan's Future Land Use Map would permit zoning for an even taller building and greater amount of density. The "moderate density mixed use" zoning category would permit up to an MU-7 zone (90ft plus penthouse/5.76 FAR structure). The current proposal is scaled back to a low MU-5A height and density. Further, we also appreciate that the proposed building is deliberately designed to include large setback distances between it and surrounding rowhomes (61' 7"-75' 4" ft) in the interior of the square. Shadow studies indicate the most pronounced impact to the rear of townhouses on the south side of Crittenden Street NW in the morning hours during the Winter Solstice. The topography of the site allows the building's height to be reduced (to 4 stories plus penthouse) along its western edge, where the height of the building is only a few feet higher than some adjacent rowhomes. We agree that a 5-story building along a major commercial corridor (14th Street) that scales back to 4 stories at the rear closest to surrounding rowhomes, and which is separated by an alley and has ample setbacks of 61' 7" – 75' 4" ft from those homes, is contextually appropriate in this neighborhood and that the applicant has sufficiently mitigated any negative impacts. Any further reduction in the size of the project would compromise its numerous and substantial community benefits and amenities.

The applicant has agreed to increase the width of the alley adjacent to the site between the garage entrance and 14th Street NW to accommodate loading vehicles. All ingress and egress to and from the building garage and loading dock can occur from 14th Street and therefore will not otherwise increase traffic in the alley network. Subject to DC Department of Transportation (DDOT) review and approval, signage will be included at the entrance to the alley from 14th Street prohibiting through truck traffic. The DC Fire and Emergency Medical Services Department (DCFEMS) reviewer has confirmed to the SMD commissioner that the existing alleys are sufficient for its emergency vehicles and equipment. In its official response DCFEMS expressed the agency had no objection to the approval of the PUD application.

The DDOT required Transportation Analysis observed the project site is surrounded by an existing network of transit, bicycle, and pedestrian facilities that result in an excellent environment for safe and effective non-vehicular transportation. The Transportation Analysis, and a supplemental analysis that the applicant completed at the community's request concluded the project is not expected to have a detrimental impact on the surrounding transportation network, surrounding parking, or the surrounding alley network. The applicant is providing 40 on-site garage parking spaces which is within the DDOT preferred maximum required for a project of this size. Additionally, responding to neighbor feedback, the applicant has agreed to request that DDOT remove the building's eligibility to participate in the Residential Parking Permit program. We note that the applicant's request is controversial within the community. Some argue it is justified in

order to prevent further pressure on street parking while others argue it is fundamentally unfair to treat differently the future residents of an affordable building, preventing them from using public parking near their home should garage parking be unavailable. Those opposed to removing RPP note the inequity is compounded by the fact that surrounding homes have rear yards with alley access, some with parking spaces or garages, but nearly all capable of off-street parking. The ANC takes no position but appreciates the applicant's willingness to consider and respond to stakeholder feedback. In accordance with DDOT objectives the project will promote alternative modes of transit and will include expansion of the nearby existing 11-dock Capital Bikeshare station to a 19-dock station. And the project will include long and short-term bicycle parking. Weekday peak hour trip generation was calculated for the project as part of the DDOT-approved transportation review process. Trip generation for the theater portion of the development was also calculated. The number of trips generated by the dance studio was estimated based on the studio's general operational characteristics, including its theater operations and administrative functions. The majority of trips for that use are generated after 7:00 PM outside of the PM commuter peak period. The ANC notes that the Site Trip Generation model estimates the project will generate fewer than 25 net new peak hour vehicle trips in the peak direction during any study period.

The DC Water and Sewer Authority (DC WASA) review of the application indicates there are reasonable sewer connections to the available combined sewer lines in the vicinity. It is expected that sewers will have the capacity to accept the discharge from the project. The fire service and the building domestic service will connect to the existing 8" cast iron water main in the sidewalk area in front of the building. DC WASA expects that the 8" water main will have adequate capacity for the project.

Existing businesses currently located between 4608 and 4616 14th Street NW are under lease with The Menkiti Group (The Landlord), a real estate service company specializing in the strategic development, management, and sale of residential and commercial properties, which has partnered with the applicant for purposes of facilitating development of the site. Leases are current and The Landlord, anticipating future development, upon acquisition of the retail property, negotiated cancellation clauses into the Lease Agreements, effectively notifying the existing Tenants that future development was possible. The ANC notes that the primary patronage for these businesses had been from the WMATA Northern Bus Garage which is currently closed for redevelopment. The ANC is interested in protecting the rights of the existing businesses but does not want to intervene in an existing business arrangement agreed to by the landlord and its tenants. The ANC has requested that the applicant provide relocation assistance in the form of brokerage assistance and other informational and expertise resources to any business desiring to remain in the neighborhood. The ANC notes that the Ward 4 Councilmember has also been in contact with the applicant regarding the status of the existing businesses. Negotiation is ongoing but the applicant has made a proposal offering a right of first refusal to those Tenants who wish to return to the project upon its completion subject to approval by the community via a community discussion and survey. Jerusalem Furniture is located within the subject property. The applicant has entered into a Lease Extension for this tenant. This Tenant also has five (5) other stores locally, one of which was opened in the last six months. The size of the space required by this Tenant prohibits their return to the site. The ANC notes that all existing tenants have Lease Agreements which will be honored. Additionally, the minimum time to groundbreaking on this project is approximately 24 months during which all Tenants leases will permit them to continue operation at the site. The applicant has further agreed to extend the leases of the current Tenants should the applicant's construction schedule permit such extension. Moreover, the applicant has agreed to provide 12-months' notice of expected construction commencement in order to provide ample time for current Tenants to transition.

The applicant sent its Notice of Intent to File the PUD to owners of property within 200 feet of the project and the ANC on March 9, 2021. The applicant's first full presentation to the community was during its virtual meeting on March 23, 2021. The applicant held another community meeting on April 8, 2021. The applicant held a meeting for the immediate neighbors on the block bounded by 14th, 15th, Crittenden, and Buchanan Streets, NW on June 3, 2021. The option of reducing the project's height by 1 floor in rear while also reducing setbacks was presented to the community during this meeting. The applicant reports that the community was not receptive to this option. The applicant held another community meeting for immediate neighbors on the block bounded by 14th, 15th, Crittenden, and Buchanan Streets, NW on July 15, 2021. The applicant sent Amended Notice of Intent to File to owners of property within 200 Feet of the project and ANC 4C on July 19, 2021. Questions from the April 8, 2021 meeting and the ANC presentation on April 14, 2021 were collected, collated and complete responses emailed to residents and posted to the applicant's website. As a result of those meetings and various other community input, the applicant made various changes to the project to address community concerns:

- Increasing the amount of parking for residents and retail customers (from 20 spaces to 40 spaces).
- Widening a portion of the alley adjacent to the project to focus vehicular entry and exit on 14th Street.
- Increasing setbacks from neighboring townhouses to 60-75 feet on all sides.
- Increasing the amount of ground floor space devoted to commercial/retail bays (and creating 3 bays) to enhance street-level vitality and neighborhood retail options.
- Committing to future discussions/charrettes about specific retailers or retail uses.
- Committing to sidewalk activation with performances as well as café seating.
- Making design changes to ensure that all 3 alley-facing building facades are designed to be attractive and “front facing” and to improve the project’s fit into its surrounding block.
- Relocating resident amenity space from rooftop to mezzanine to address neighbor privacy concerns.
- Relocating generator to rooftop center with additional sound attenuation to address noise concerns.

The Applicant also met with the Ward 4 Councilmember as well as District agencies several times since March 2021, including the Office of Planning, WMATA, the District Department of Transportation, the District Department of the Environment, DC Water as well as The Washington Interfaith Network, Uptown Mainstreet and the 14th Street Business Association.

ANC 4C heard presentations from the applicant on April 14, 2021 and March 22, 2022. The SMD commissioner hosted community meetings on May 8, 2021, November 17, 2021, December 9, 2021, January 19, 2022 and February 28, 2022. The December 9 meeting featured Ron Barron of the Office of Planning. Mr. Barron made a presentation and took questions on the PUD process which included options for opposing the application. The February 28 meeting was an in-person gathering to provide a venue for application opponents to display a scale model of the project which they had contracted. The meeting of the full ANC on March 22 was in direct response to opponents’ assertions that their opinions had not been heard by the ANC. At every one of these meetings as well as those held by the applicant members of the community availed themselves of the opportunity to ask questions and express their thoughts on the project. In light of the abundant correspondence, emails and telephone calls from the broad spectrum of stakeholders (including in particular from project opponents) received and acknowledged as well as the meetings held both virtually and in person over the course of more than a year, the ANC does not find allegations of insufficient engagement or failure to provide an opportunity for neighbors to express their opinions to be credible.

Further, the ANC is troubled by the tone of the discourse among some project opponents and supporters. The ANC has noted a reluctance on the part of a significant number of supporters to express their opinions publicly or in writing regarding the project seemingly out of concern for how such support will be received by some project opponents. There have also been charges by project supporters of intimidation on the part of project opponents. The ANC appreciates the conviction and passion of the community regarding this project. However, citizens in a civilized society should be able to engage in a spirited, intellectual debate while remaining polite, well mannered and tethered to factual inquiry.

Additionally, the ANC notes the numerous project changes which the applicant has made in response to community concerns and the consistently intractable position of the project opposition over a lengthy period of engagement. We appreciate the applicant’s willingness to consult with and meaningfully engage with all stakeholders, including adjacent neighbors who both oppose and support, other community members in Ward 4, the arts community, affordable housing advocates, the faith community, the local business community and commercial property owners, sustainability advocates, all the relevant District agencies, each member of the ANC, the Ward Councilmember, and others. The outreach over this lengthy period has been exhaustive and the applicant has genuinely attempted to balance multiple, and sometimes competing interests. The result is a truly exceptional project. Given these factors, including a lengthy consultation and engagement process, the numerous opportunities for the project opposition to submit feedback since the filing of the NOI over a year ago, and the substantial concessions and changes to the project design by the applicant as a result of such feedback, the ANC strongly recommends that the Zoning Commission decline to return the project for further discussion between opponents and the applicant. We believe there is no possibility such a return would be fruitful and would only further delay and impose additional costs on a worthy affordable housing and arts preservation project.

Finally, to emphasize how the project appropriately balances impacts and benefits we note that the Comprehensive Plan amendments recently adopted by the Council in August 2021, after nearly a decade of debate and community input, reaffirmed the appropriateness of this zoning category for this site. The Amendments have gone even further to emphasize the need for the Zoning Commission to heavily factor in affordable housing and racial equity impacts when balancing a project's benefits against potential impacts. The Dance Loft project offers extraordinary benefits with regard to affordability, racial equity, and much more: mixed-income housing with deep levels of affordability at 30%, 50%, 60% MFI along with market rate units; a significant number of three-bedroom family sized units. Additional benefits include preservation of a performing arts institution in the neighborhood; deep commitment to sustainability; retention of retail and revitalized streetscape along 14th Street along with more people in the neighborhood to support the retail along those several blocks.

For all these reasons, we urge support for the application without reduction in density, subject to the following conditions:

Conditions

The ANC requests that an approval order includes the following conditions:

- The applicant will provide a point of contact, phone and email, that neighbors can contact with any questions or concerns about the development.
- The applicant will provide notice in advance to impacted neighbors of any planned electrical or water shut offs.
- The applicant will complete pest abatement on the property before any demolition work begins to mitigate any migration to nearby properties.
- At least two-thirds of the residential units will be designated affordable to households earning 30%, 50%, and 60% of the median family income.
- The affordable units will be offered in perpetuity (for the life of the project).
- At least 20% of units will be 3-bedroom units.
- The project will incorporate a performing arts facility operated by Moveius Contemporary Ballet or similar.
- The project's setbacks between the property line and the primary façade at the second level and above at the rear of the new building shall be no less than 16 feet at the north and south and 15 feet at the west, unless otherwise directed by the Zoning Commission.
- The project shall contain no less than 40 parking spaces.
- The portion of the "alley" between the project garage and 14th Street shall be no less than 15 feet wide.
- The applicant will upgrade the uncontrolled crossing at the intersection of 14th Street NW and Crittenden Street NW subject to DDOT review and approval.
- The project shall include CBE and First Source agreements with the District Department of Small Local Business Development (DSLBD).

The Commission also voted with 9 Yeas, 1 Nays, and 0 Abstentions to appoint the Commissioner for Single Member District 4C03, or any member of the Executive Committee, to be authorized to communicate this resolution and represent ANC 4C before the Zoning Commission related to this matter.



Namatie Mansaray, ANC 4C06
Chairperson