



April 20, 2022

VIA EMAIL/ IZIS

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

Re: Z.C. Case 21-18/ Dance Loft Ventures LLC – Consolidated PUD & ZMA
Hearing Date: May 6, 2022

Chairman Hood:

Per Mr. Ron Barron's instruction, I am submitting this letter to the Zoning Commission regarding the Request for Party Status filed on April 18, 2022 on behalf of Friends of 14th Street in the above-captioned case. Staff has informed us that the matter cannot be considered on April 21st as requested and therefore we are submitting this letter to ask that it be heard on April 28th. A copy of the original RFPS is attached.

We appreciate your consideration.

Sincerely,

Edward L. Donohue

Enclosure

cc: David Lewis
Jeffrey Utz
Ron Barron
ANC 4C



**BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



FORM 140 - PARTY STATUS REQUEST

Before completing this form, please go to www.dcoz.dc.gov > IZIS > Participating in an Existing Case > Party Status Request for instructions. Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name:	Friends of Fourteenth Street		
Address:	1418 Crittenden Street, NW		
Phone No(s):	202-365-3070	E Mail:	tedhallinan@gmail.com
I hereby request to appear and participate as a party in Case No.:	21-18		
Signature:	<i>Ted Hallinan</i>	Date:	April, 14, 2022
Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please enter the name and address of such legal counsel.			

Name:	Edward L. Donohue		
Address:	117 Oronoco Street		
Phone No(s):	703 549-1123	E Mail:	EDonohue@DTM.law

ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:

I hereby request advance Party Status consideration at the public meetings scheduled for: **4/21/22**

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness;
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts; and
4. The total amount of time being requested to present your case.

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

**BEFORE THE ZONING COMMISSION
of the DISTRICT OF COLUMBIA**

**ATTACHMENT TO FORM 140 – PARTY STATUS REQUEST
FRIENDS OF 14th STREET**

PARTY WITNESS INFORMATION:

1. A list of witnesses who will testify on the party’s behalf;

Dana Baughns – 4611 15th St NW
Andrew Elting – 1419 Buchanan St NW
James (Ted) Hallinan – 1418 Crittenden St NW
Peter Bouma and Katherine Millikin– 4609 15th St NW
Greg Phillips and Julio Fernandez – 1416 Buchanan St NW

2. A summary of the testimony of each witness;

Dana Baughns will testify as to neighborhood concerns about proposed density and our engagement with the Applicant to date.

Andrew Elting and Jessica Elting will testify about the safety and privacy concerns as parents of children that will live in the shadow of the proposed project.

James (Ted) Hallinan will testify regarding the proposed density and the inconsistency of the proposed project with our neighborhood.

Peter Bouma and Katherine Millikin are long-term residents that may testify about neighborhood history and parking.

Julio Fernandez or Greg Phillips will testify as to the Applicant’s supporting documentation and accurately characterize the data as presented on the DC Zoning 21-18 website. Dance Loft opposition is concentrated site adjacent and support is typically found much farther away from the site.

3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts; and

- a. Jawahar (Joe) Mehra. P.E. PTOE, a traffic and transportation expert, will address traffic issues. Mr. Mehra’s resume is attached in accordance with 11-Y DCMR §404.1(h).

Friends of Fourteenth Street (“FOFS”) reserves the right to add to the list of witnesses and expert witnesses as it develops its case and reviews additional submissions by the Applicant.

4. The total amount of time being requested to present your case.

60 minutes or the same amount of time afforded the Applicant at the hearing.

PARTY STATUS CRITERIA:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?

The Applicant, Dance Loft Ventures LLC, (the “Applicant”) has filed for (i) a Consolidated Planned Unit Development (“PUD”) and (ii) a Zoning Map Amendment at 4618 14th Street NW in Square 2704 (Lots 64 & 828, and 830-832 and 823) (the “Application”). As proposed, the Dance Loft Ventures proposed project (the “Project”) is inconsistent with the surrounding neighborhood development in this part of the city. The project seeks to redevelop a 100-year-old theater site that extends deeply into Square 2704, by 295 feet. The Project will have a total built height of 75’4” plus an additional 6’6” of rooftop enclosure to cover solar panels and condensing units – over 80’ at 14th Street NW. The western edge of the project trends up roughly 20’0” in elevation but still tops out at 58’0” with the additional 6’6” of rooftop enclosure. The surrounding rowhouses generally top out at between 22’0” and 25’0” at their highest elevations in the rear yards facing the Project. The Project, as proposed would tower over the existing 100-year-old row houses depriving them of light and air.

At its heart, the PUD process intends that a proposed development would be superior to that of a matter-of-right development and offer exemplary or commendable public benefits to advance the public health, safety or welfare in exchange for the request for increased density. See 11-X DCMR §300.1. The Applicant contends that they are entitled to the proposed PUD and Map Amendment based on “extraordinary public benefits;” and “superior urban design/architecture.” While FOFS agree that redevelopment of this site that includes an arts component and affordable housing are necessary and valuable, we are opposed to the scale and density of the Project and the detrimental impact to our neighborhood as currently proposed. FOFS are indeed uniquely qualified to provide insight into these objections after almost a year of meetings with the Applicant.

FOFS intends to address the following issues surrounding the Project and its place in our neighborhood:

1. Height, density and bulk;
2. Inadequate parking;
3. Construction and attendant safety, hazardous materials and construction labor parking;
4. Underlying flaw in zoning and small area plan; and
5. Minimal public benefits i.e. No CBE participation proffers.

2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)?

FOFS is an unincorporated, not for profit, neighborhood association comprised of neighbors/owners residing near the Project. FOFS's mission is to ensure that the Project is developed in a way that is consistent with the needs and concerns of the surrounding neighborhood, neighbors/owners. Approximately 60 residents are active members of FOFS, many residing in Square 2704 and within 200 feet of Lot 64. Of the 42 residents who have filed letters of Opposition to the Application as of April 17, 2022, 12 are members of FOFS that live in Square 2704.

3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board (Preferably no farther than 200 ft.)?

The majority of the members of FOFS are included in the list of property owners within 200 feet - Applicant's Statement in Support (Exhibit 2E).

4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?

Because the scale of the Project is too large for the surrounding context, it has an overwhelming and detrimental impact on the neighborhood. The Applicant has ignored our concerns about short-term impacts on our houses during construction as well as our long term concerns about how the Project overshadows our homes. The surrounding blocks in our neighborhood will be impacted by the inadequate parking proposed as part of the Project when future residents are forced to park on the surrounding streets. Traffic impacts will certainly be felt and property values will suffer in comparison to homes in the District not under the shadow of an out-of-scale development.

5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.

The narrative above summarizes the readily apparent and major issues that FOFS has expressed over the past year to the Applicant. The lack of meaningful engagement from the Applicant concerning these threshold issues and concerns greatly undercuts our ability to identify tertiary impacts and concerns. However, additional insights or concerns from FOFS will be shared as we become aware of them.

6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

FOFS represents the immediate neighbors of the Project site, and in many cases, those living in the same Square 2704. The Project has been discussed for over a year and we have been the predominant opponents at all the Advisory Neighborhood Commission meetings. Moreover, we have produced a 1/8" = 1'0" scale model of the Project to better understand the physical impact of the project on our homes and neighborhood as a whole. FOFS can provide unique context and insight into this Project as the Zoning Commission considers this case as the group includes those most directly impacted

In summary, The property interest and enjoyment thereof of the abutting property owners are significantly, distinctively and uniquely affected in character and kind by the following:

1. Height and bulk of the building that overshadows the row houses within Square 2704 on average by 65'0";
2. The density of the 101 proposed units that will house on average 300 people burdening an aging infrastructure
3. Inadequate parking for existing residents who only have on street parking due to the depth of the existing building
4. Inadequate parking to support the density of the proposed units in the building;
5. The intent to maintain the existing footprint and scale up significantly greatly diminishes the sunlight that rises behind row homes that generally only get light from the rear most of the day;
6. Construction and attendant safety, hazardous materials and construction labor parking;
7. Underlying flaw in zoning and small area plan that disproportionately impacts homeowners at Square 2704; and
8. Minimal public benefits i.e. No measurable CBE participation proffers.
9. Design brings the commercial corridor within 10 feet of our property line.

**Friends of Fourteenth Street
Dance Loft Ventures, LLC – 4618 14th Street NW
ZC Case No. 21-18**

April 14, 2022

D.C. Zoning Commission
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001

Re: ZC Case No. 21-18 – Dance Loft Ventures, LLC

Dear Commissioners:

I hereby authorize Edward L. Donohue, Tracy L. Themak and the law firm of Donohue, Themak & Miller, PLC to represent our group before the Zoning Commission.

Sincerely,



By:

Ted Hallinan for Friends of Fourteenth Street

DISTRICT OF COLUMBIA ZONING COMMISSION

REQUEST FOR PARTY STATUS

Z.C. Case 21-18

CERTIFICATE OF SERVICE

I certify that on the 18th day of April, 2022 I emailed a true copy of the foregoing Request for Party Status to Advisory Neighborhood Commissions 4C (4c03@anc.dc.gov) and counsel for the Applicant, David Lewis and Jeffrey Utz, at (david.lewis@goulstonstorrs.com; jutz@goulstonstorrs.com).



Edward L. Donohue (Bar No. 412301)
ATTORNEY FOR
FRIENDS OF 14TH STREET

Dated: April 18, 2022

DONOHUE, THEMAK + MILLER, PLC
117 ORONOCO STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE: (703) 549-1123