

## MEMORANDUM

**TO:** District of Columbia Zoning Commission

**FROM:** Stephen J. Mordfin, Development Review Specialist  
*JLS*  
Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

**DATE:** April 28, 2022

**SUBJECT:** Public Hearing Report for Zoning Commission Case No. 21-18, Consolidated Planned Unit Development and Related Map Amendment from MU-3A to MU-5A at 4808-4618 14<sup>th</sup> Street, N.W. (Square 2704, Lots 64, 815, 819, 821, 823, 828 and 830-833)

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### **I. LATE FILING**

The attached report concerning Zoning Commission Case 21-18 is being submitted less than ten days prior to the Zoning Commission's public hearing. The Office of Planning respectfully requests that the Commission waive its rule and accept this report into the record.

### **II. BACKGROUND**

At its December 16, 2021 public meeting, the Zoning Commission set down for a public hearing Zoning Commission Case No. 21-18, a consolidated Planned Unit Development (PUD) request for this site by Dance Loft Ventures LLC with a PUD-related zoning map amendment from MU-3A to MU-5A. The application would allow the construction of a mixed-use multi-family building with ground floor retail and performing arts/entertainment/assembly uses.

The subject site is located at 4808-4618 14<sup>th</sup> Street, N.W., is approximately 29,960 square feet in area, slopes downward 17.67 feet from west to east and is developed with one and two-story commercial structures. It is located in an area characterized by commercial and industrial uses along 14<sup>th</sup> Street NW, and that is surrounded by moderate density housing. A more complete description of the site is provided in the Office of Planning (OP) setdown report dated December 6, 2021 (Exhibit 6).

The current proposal is largely the same that was setdown and a summary of changes is provided by the applicant at Exhibit 525D.

### **III. RECOMMENDATION**

OP recommends the Commission **approve** this PUD application. The proposal would be not inconsistent with the Comprehensive Plan or the Rock Creek East Small Area Plan.

#### IV. RESPONSES TO OP AND ZONING COMMISSION COMMENTS FROM SETDOWN

The following summarizes OP and Zoning Commission comments from the time of setdown and their current status. See also Applicant Submissions at Exhibit 35 and 525.

	Comment	Applicant Response	OP Analysis
ZC 1	Is MU-5A a moderate density zone? Need more information on how the project conforms to and is consistent with the Comprehensive Plan.	The height, density, and mix of uses proposed for the Project are consistent with the Future Land Use Map and Generalized Policy Map designations for the Property. The Project is not inconsistent with the Comprehensive Plan and other policies as a whole and implements the Plan’s Area Element and Small Area Plan with respect to the Project site.	<p>Pages 57 and 58 of the Framework Element of the Comprehensive Plan describes Moderate density commercial as:</p> <p><i>“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...”</i></p> <p>The MU-5A zone permits a maximum matter of right density of 3.5 FAR, 4.2 with IZ and 5.04 with a PUD. The application proposes a density of 3.7.</p> <p>Moderate Density Residential, as described on page 2-56, permits a <i>“FAR up to 1.8, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development.”</i> In this case the applicant is proposing a PUD with a substantial number of affordable units, or two-thirds of the building, making it consistent with the description of Moderate Density Residential stripe and the FLUM.</p>

	Comment	Applicant Response	OP Analysis
ZC 2	The height of the building shuts out some of the neighbors sunlight during the winter solstice. Need a deeper explanation of how the slope of the site affects light and shadowing in relation to the building. How would reducing the height by one floor affect shadowing?	The Project may result in modest post-completion impacts such as winter shadows and other changes that result from new development. Reducing the building by one floor would reduce the amount of affordable housing, as 98 percent of the GFA above the second floor is proposed to be dedicated to affordable housing.	The shadow study submitted by the applicant indicates that at 4:00 pm of the winter solstice additional shadowing would extend from the rear yards of approximately 4 row houses to the rooftops of those houses, in addition to some of the commercial buildings in the vicinity of 14 <sup>th</sup> and Crittenden streets. Reducing the building by one floor would primarily reduce the shadowing of roof tops. As such, the impact should be generally minor.
ZC 5	Does the equity analysis address racial density inconsistency?	<p>The Project increases housing opportunities and affordable housing opportunities in an amenity-rich neighborhood without causing any direct displacement of residents. It provides opportunities for new jobs for a variety of skill sets, ranging from construction jobs to full time, hourly, and salaried employment. The Project preserves and enhances the Dance Loft, which provides space for multiple minority-owned dance organizations and a significant number of minority artists (including students) to practice and earn their living through performing and/or working directly for the Dance Loft. While the project does potentially displace up to six minority-owned businesses, it includes meaningful items to mitigate such displacement and provides a mechanism to assist those tenants to relocate nearby, and even to potentially return to the property. The overall project will have an extraordinarily positive net impact on racial equity issues.</p> <p>The benefits of the Project will be enjoyed by, among others, residents of the Project’s new housing, many of whom are likely to be Black given the demographics of the District’s affordable housing waiting list. The District’s equitable development goals open the door to the imposition of minor inconveniences on the</p>	The proposed building would add affordable units at 30, 50 and 60 percent MFI within an area lacking in affordable units and adjacent and nearby to other forms of housing, resulting in a mix of housing types within the surrounding neighborhood on a site for which no housing is currently provided. In addition to increasing the amount of housing within this neighborhood, it would significantly increase the amount of new and family-sized affordable units within an area deficient of affordable units. There are no residents living on the site, so there would be no direct displacement of residents.

	<b>Comment</b>	<b>Applicant Response</b>	<b>OP Analysis</b>
		relatively wealthier, predominantly white residents of Northwest DC who have long enjoyed the benefits, amenities, and opportunities of NW neighborhoods in exchange for an opportunity for Black and other racial minority District residents to share in those benefits and opportunities.	
ZC 6	Interested in community's opinion. Encourage the applicant to work with the community.	The applicant had worked with the community prior to filing, including increasing the distance from the proposed building to the row houses surrounding the site to a minimum of 60 feet. Since filing, the applicant now proposes to enter into a Certified Business Agreement and a First source Employment Agreement as requested by the community.	The applicant included in its filing on April 15, 2022 that ANC 4C voted to support the application on April 13, 2022. OP supports the applicant's proposal to enhance its amenities and benefits package with the addition of a Certified Business Agreement and a First source Employment Agreement, as was requested by the community.
OP 1	Revise the hydraulic flip-up door on 14th Street.	The drawings were revised to propose a roll-up instead to protect pedestrians on 14 <sup>th</sup> Street and street trees from potential damage.	The proposed roll-up door would protect pedestrians and street trees on 14 <sup>th</sup> Street.
OP 2	Indicate the location of the PEPCO/transformer utility vaults.	The proposed locations of PEPCO and other utility vaults are shown on a site plan for the Project.	The applicant provided the locations of the utility vaults.
OP 3	Consider adding a more defined top to the building/front elevation with brick work more in the character and style more of the neighborhood.	The Applicant 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.	The applicant added a more defined top to the front of the building to the satisfaction of the OP Design Division.

	<b>Comment</b>	<b>Applicant Response</b>	<b>OP Analysis</b>
OP 4	Consider pulling back the projection or creating a setback at the 2nd floor on the front elevation.	The Applicant 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 14 <sup>th</sup> Street, as well as to provide a more extensive street presence, consistent with the Comprehensive Plan and the Small Area Plan.	The Design Division at OP finds the revisions to be satisfactory.

## V. PROJECT DESCRIPTION

The applicant proposes to construct a five-story building with 101 residential units, including 24 three-bedroom, or family-sized units, and common amenity space. Two-thirds of the units would be affordable at 30, 50 and 60 percent MFI<sup>1</sup>. A non-profit performing arts organization, Moveius Contemporary Ballet Company/Dance Loft on 14, would occupy 11,277 square feet on the ground and mezzanine levels, 1,888 square feet of retail space would face 14th Street, and 40 off-street parking spaces and long-term bicycle parking would be located within a garage. The proposal would redevelop an aging commercial strip with a modern apartment building, increasing residential density that, in turn, would be capable of supporting improved retail uses and options available to the community as a whole. It would also support a locally serving dance studio, an existing use on the site providing arts amenity with services to school-aged children and the community.

## VI. PLANNING CONTEXT

Title 11 Subtitle X § 304.4(a) requires that a PUD, inclusive of a map amendment, be not inconsistent with the Comprehensive Plan. A full description of the Comprehensive Plan, and analysis of the proposal against its maps and policies is provided in the OP preliminary report (Exhibit 6); the applicant has also provided additional Comprehensive Plan analysis at Exhibit 525H. The project has not changed significantly since then, in ways that would impact this analysis.

### Analysis Through a Racial Equity Lens

The Implementation Element calls for “*the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis. 2501.8*” The direction indicates that

<sup>1</sup> Median Family Income

the equity analysis is intended to be based on the policies of the Comprehensive Plan and part of the Commission's consideration of whether a proposed zoning action is "not inconsistent" with the Comprehensive Plan, rather than a separate determination about a zoning action's equitable impact. Equity is conveyed throughout the Comprehensive Plan, particularly in the context of zoning, where certain priorities stand out. These include affordable housing, displacement, and access to opportunity. Environmental and sustainability considerations are also equally important to equity review.

The Comprehensive Plan recognizes that without increased housing, the imbalance between supply and demand drives up housing prices in a way that creates challenges for many residents, particularly low-income residents.

The Rock Creek East Element provides a demographic profile of the planning area. Approximately 59.3 percent of the Planning Area's residents were Black in 2017 (updated to 2019 = 53.4%), which is higher than the District-wide total of 47.7 percent (updated to 2019 = 45.4%).

The number of Black residents in the Planning Area declined to 45,694 in 2017. By 2017 the number of white residents was 17,241 which represented 22.4 percent of the Rock Creek East Planning Area; persons of Hispanic/ Latino origin represented 20.3 percent (updated to 2019 = 22.9%) of the area's population, double the average for the District as a whole.

The Planning Area's median household income was \$73,464 in 2017 and \$96,638 in 2020 which was slightly lower than the District-wide median of \$77,649 in 2017 but slightly higher than the 2020 figure of \$92,266. Approximately 12 percent of the area's residents were below the federal poverty line. This is below the District-wide total of 17.4 percent.

The 2019 Housing Equity Report talks to the question Why Equitable Housing Matters. It states in part

*"Establishing equitable housing goals by Planning Area is critical to advancing the District's goals of equity and inclusive prosperity and promoting the wellbeing of all residents. As Mayor Bowser's Department of Health 2018 Health Equity Report shows, where people can afford and are able to live affects not only their quality of life, but also life expectancy and economic opportunity.<sup>17</sup> A growing body of evidence-based research continues to reveal just how deeply vital neighborhood conditions are to influencing and shaping life outcomes.<sup>18, 19</sup>*

...

*Perhaps most importantly, when low-income residents can move or afford to live in high-opportunity neighborhoods, they thrive. Low-income children living in high-opportunity areas are more likely to perform better in the classroom and on academic tests compared to their peers in high-poverty areas.<sup>27</sup> The benefits continue to accrue as life progresses, as those children are more likely to attend college and have increased lifetime earnings, averaging \$302,000 higher as adults compared to their low-income peers living in high-poverty areas.<sup>28</sup>*

While the data shows an increasing Median Household Income it also shows a slight shift in racial makeup from Black to white households in the Planning area. A review of the American Communities Survey also showed a 2019 Median Home Value of \$603,462 for the Planning Area and \$646,500 for the District; this figure is routinely reported as higher in 2022. A project like Dance Loft would provide housing for households of lower income which tend to be households of color. The advantages of living in an area of high opportunity advances the District's goals of equity and inclusive prosperity as noted above. The commercial spaces along 13<sup>th</sup> Street, NW would also provide opportunities for jobs and cultural expression.

There are also policies against which the project must be balanced including:

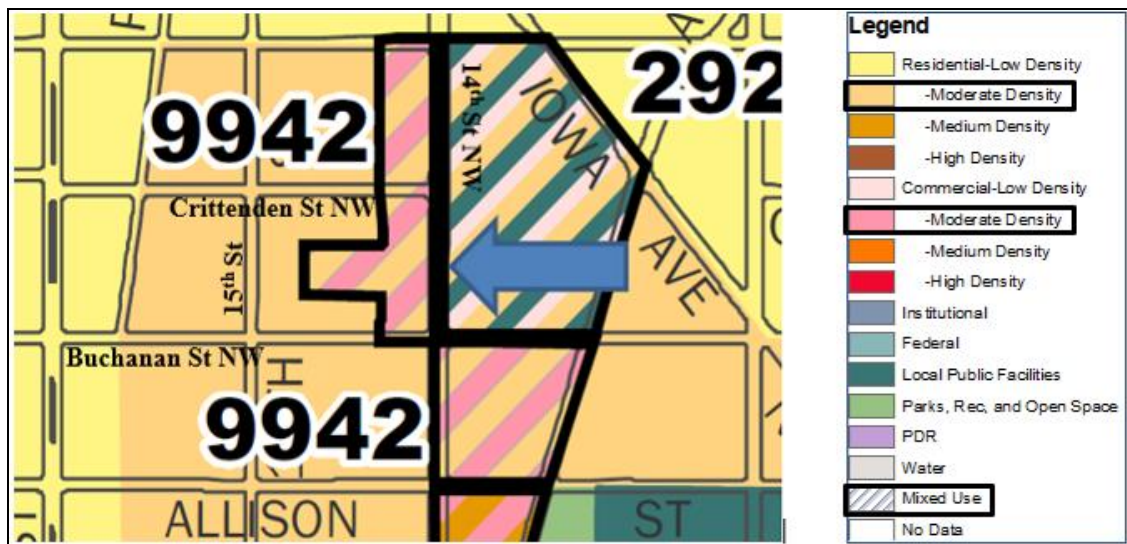
**Policy LU-1.5.1: Infill Development:** Encourage infill development on vacant land within Washington, DC, particularly in areas where there are vacant lots that create gaps in the urban fabric and detract from the character of a commercial or residential street. Such development should reflect high-quality design, complement the established character of the area and should not create sharp changes in the physical development pattern. 308.6

**Policy LU-2.1.7: Row House Neighborhood Character:** Respect the character of row house neighborhoods by ensuring that infill development is compatible with existing design patterns and maintains or expands the number of family-sized units. Upward and outward extension of row houses that compromise their design should be discouraged. 310.14

The extension of the project down the alley could be viewed as extending not complementing the established character of the adjacent moderate density rowhouse blocks. However, the design is of high quality and has a clear residential character; the materials are brick and there are small residential balconies, all of which are compatible with the rowhouses. When balanced against the need for housing and that the project will provide approximately 101 rental multifamily residential units, of which approximately 24 will contain three (3) bedrooms and approximately 66 will be affordable at a mix of 30%, 50%, and 60% of Median Family Income, OP continues to determine that, on balance, the proposal is not inconsistent with the Comprehensive Plan as a whole, including the maps and policy statements. In particular, the proposal would further policy statements contained in the Land Use, Transportation, Housing, Environmental Protection, Urban Design and Arts and Culture Citywide Elements, and the Rock Creek East Area Element.

**Generalized Future Land Use Map (FLUM)**

The Future Land Use Map (FLUM) indicates that the site is appropriate for “Mixed Use” development, a combination of Moderate Density Residential and Moderate Density Commercial.



**Future Land Use Map**

***Mixed Land Use***

*Indicates areas where the mixing of two or more land uses is especially encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding to the specific land use categories. 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 map may note the dominant use by showing it at a slightly higher density than the other use in the mix. The Comprehensive Plan Area Elements may also provide detail on the specific mix of uses envisioned.

### **Moderate Density Residential**

Defines neighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings. In some neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all).

### **Moderate Density Commercial**

Defines shopping and service areas that are somewhat greater in scale and intensity than the Low-Density Commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Buildings are larger and/or taller than those in Low Density Commercial areas.

### **Generalized Policy Map**



**Generalized Policy Map**

“The purpose of the Generalized Policy Map is to categorize how different parts of the District may change between 2005 and 2025.”

The Generalized Policy Map designates the entire subject property as “Main Street Mixed Use Corridors”, described as:

“Traditional commercial business corridors with a concentration of older storefronts along the street. The area served can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian oriented environment with traditional storefronts. Many have upper-story residential



*or office uses. Some corridors are underutilized, with capacity for redevelopment. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.”*

The proposal would also further goals and objectives of the Central 14<sup>th</sup> Street Vision Plan and Revitalization Strategy Small Area Plan, which, in particular, explicitly calls for the addition of 130 new residential units along 14<sup>th</sup> Street between Webster Street and Decatur Street. The subject application would add 101 new residential units toward achieving that goal. The plan also recommends that the site be developed with a mixed-use building with retail on the ground floor and up to three levels of residential above.

The Greater 14<sup>th</sup> Street Vision Plan and Revitalization Strategy plan, under “*Node Two Design Guidance*,<sup>2</sup>” or Development Concept 2a, recommends the following for site, otherwise known in the plan as the Value Furniture site:

- *New development targeted for the Value Furniture site should include residential infill at the top with ground floor retail at the bottom.*
- *The surrounding residential uses between Crittenden and Buchannan consist of single-family homes with rear yards backing to the opportunity site. In all cases, height and density should front on 14th Street and step back away from existing residential neighborhoods.*
- *To decrease the appearance of mega blocks, storefront improvement should be consistent with the corridor’s existing, neighborhood-serving retail character.*
- *To create a more pedestrian-friendly area, continuous street frontage should be established where possible.*

The proposed structure would be consistent with this vision. It would be a mixed-use building, including arts uses, retail and residential. The plan suggests three or four floors of residential above the ground floor, for up to a total of five floors. As a result of the topography of the site, the building would be four stories in height at the rear and as it steps back away from 14<sup>th</sup> Street, consistent with the recommendations of the small area plan. The additional floor, visible from the front of the building, would enable the applicant to provide additional dwelling units and density at the front that contribute to the recommended number of new dwelling units within the area between Webster and Decatur streets. Along 14<sup>th</sup> Street, the building would present its greatest height, but due to the topography of the site and the square, the building would appear to decrease in height by one full story at the western end of the site, to no more than four floors.

## **VII. ZONING ANALYSIS**

The site is currently zoned MU-3A; the applicant is requesting a PUD-related zoning map amendment to the MU-5A zone, which is not inconsistent with the Comprehensive Plan. There are no significant modifications since setdown that would change the table included in OP’s preliminary report (Exhibit 10).

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<sup>2</sup> Node Two is located on 14<sup>th</sup> Street, between Webster Street and Decatur Street.

	<b>Existing Zone MU-3A MoR</b>	<b>Proposed Zone MU-5A PUD</b>	<b>Proposal</b>	<b>Flexibility</b>
<b>Lot Area</b>	None prescribed	21,780 sq. ft.	29,960 sq. ft.	None Required
<b>Height</b> G § 303/G § 403	40-foot max.	90 -foot max	66 feet, 8 inches	None Required
<b>Penthouse</b>	12 feet 15 feet for mechanical	12 feet 18.5 feet for mechanical	12 feet 18.5 feet for mechanical	None Required
<b>FAR</b> G § 402; X 303	1.2 with IZ bonus	5.04 with IZ & PUD bonuses	3.79	None Required
<b>Lot Occupancy</b> G § 404	60% max. res. 100% non-res. max.	80% max. res. 100% non-res. max	70% res. 100% non-res.	None Required
<b>Rear Yard</b> G § 405	20-foot min.	15-foot min.	15 feet	None Required
<b>Parking</b> C § 701.5	Residential: 32 Entertainment 23 <u>Retail: 0</u> TOTAL: 55 min.	Residential: 32 Entertainment 23 <u>Retail: 0</u> TOTAL: 55 min.	40 spaces	<b>Requested</b>
<b>Short Term Bicycle Parking (min.)</b> C § 802	Residential.: 5 Entertainment: 2 <u>Retail: 0</u> TOTAL= 7	Residential.: 5 Entertainment: 2 <u>Retail: 0</u> TOTAL= 7 min.	8	None Required
<b>Long Term Bicycle Parking (min.)</b> C § 802	Residential.: 33 Entertainment: 2 <u>Retail: 0</u> TOTAL= 35	Residential.: 33 Entertainment: 2 <u>Retail: 0</u> TOTAL= 35	35	None Required
<b>Loading</b> C § 901	1-30 ft. berth min. 1-20 ft. delivery space	1-30 ft. berth min. 1-20 ft. delivery space	1-30 ft. berth 1-20 ft. delivery space	None Required
<b>Green Area Ratio</b> G § 407.3	0.3 min.	0.3 min.	0.3	None Required

The applicant requests the following zoning flexibility through this PUD:

1. PUD-related map amendment from MU-3A to MU-5A.
2. Reduction of off-street automobile parking from a minimum of 55 spaces to 40 spaces.

PUD-Related Map Amendment from MU-3A to MU-5A

The applicant requests a PUD-related map amendment from MU-3A to MU-5A. The Comprehensive Plan FLUM designates the area encompassing the subject property for mixed-use development, including moderate density residential and moderate density commercial.

The Comprehensive Plan text, under Section 227.11 of the Framework Element, defines medium density commercial, as the subject property is identified by one of its stripes on the FLUM, as “*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, ...*”

Under Section 227.6 the Comprehensive Plan text of the Framework Element defines Moderate Density Residential with “*a FAR up to 1.8, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development.*”

The applicant requests a FAR of 3.79 through a PUD, consistent with the moderate density designation, especially as two-thirds of the dwelling units are proposed to be affordable.

#### Reduction of Off-Street Automobile Parking from a Minimum of 55 Spaces to 40 Spaces

The applicant requests to reduce the number of off-street parking spaces from 55 to 40, twenty-one of which would be stacked spaces. The site is not eligible for RPP. Access to the parking garage would be from the public alley on the south side of the lot, which the applicant proposes to widen onto its property from ten to fifteen feet to improve vehicular access into the garage. Loading would be provided as required.

The transportation study submitted by the applicant, Exhibits 308A, 308B and 308C, found that the Transportation Demand Management plan (TDM) submitted as a part of the application would “*adequately promote non-vehicular modes of travel, including the expansion of an existing Capital Bikeshare station from 11 to 19 docks.*” In conclusion, the transportation study found that the proposed building would not be “*expected to have a detrimental impact on the surrounding transportation network, surrounding parking, or the surrounding alley network.*”

The DDOT report at Exhibit 640 notes that the “amount of vehicle parking proposed on site to be sufficient and supports relief from this requirement with the inclusion of a robust TDM Plan and pedestrian upgrades at the intersection of Crittenden Street and 14<sup>th</sup> Street NW” (p.2)

### **VIII. PUD EVALUATION STANDARDS**

The Zoning Regulations define a Planned Unit Development (PUD) as “*A plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a combination of these, on land of a minimum area in one (1) or more zones irrespective of restrictions imposed by the general provisions of the Zoning Regulations, as more specifically set forth in Subtitle X, Chapter 3.*” (Subtitle B-28). The purpose and general standards for a Planned Unit Development are established in Subtitle X 300:

- 300.1 *The purpose of the planned unit development (PUD) process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that the PUD:*
  - (a) *Results in a project superior to what would result from the matter-of-right standards;*
  - (b) *Offers a commendable number or quality of meaningful public benefits; and*
  - (c) *Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.*
- 300.2 *While providing for greater flexibility in planning and design than may be possible under conventional zoning procedures, the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, or to result in action that is inconsistent with the Comprehensive Plan.*

**Public Benefits and Amenities:**

Subtitle X Section 305 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. *“Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title”* (§ 305.2). *“A project amenity is one (1) type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors”* (§ 305.10).

Section 305.5 lists several potential categories of benefit proffers, and states that *“(a) project may qualify for approval by being particularly strong in only one (1) or a few of the categories in [that] section, but must be acceptable in all proffered categories and superior in many”* (§ 305.12). The Commission *“shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment)”* (§ 305.11).

The applicant’s most recent summary of project benefits and amenities (Exhibit 525-I) provides additional information requested at setdown. Entitlements Gained Through the Proposed PUD are summarized below.

	<b>MoR (MU-3A)</b>	<b>PUD (MU-5A)</b>	<b>DIFFERENCE</b>
Height	40 feet	66 feet, 8 inches	26 feet, 8 inches
Gross Floor Area	35,952 sq. ft., including IZ bonus	150,998 sq. ft., including IZ bonus	113,546 sq. ft.
Lot Occupancy	60% max. residential; 100% non-residential	70% residential; 100% non-residential	+10% None
Use	Mixed-use residential/commercial	Mixed-use residential/commercial	None

OP analysis of the proffer is summarized in the following table, and detailed below. Where noted, additional information about proffers is needed prior to a final decision on the case.

<b>ITEM</b>	<b>MITI-GATION</b>	<b>PUBLIC BENEFIT</b>	<b>PROJECT AMENITY</b>	<b>REQUIRED</b>	<b>PROFFER</b>
<b>Urban Design, Architecture</b> <i>X § 305.5(a)</i>			<b>X</b>		
<b>Site Planning, Efficient Land Utilization</b> <i>X § 305.5 (c)</i>		<b>X</b>			
<b>Housing and Affordable Housing</b> <i>X §§ 305.5 (f) and (g)</i>			<b>X</b>	<b>X</b>	
<b>Environmental and Sustainable Benefits</b> <i>X § 305.5 (k)</i>			<b>X</b>		

ITEM	MITI-GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	PROFFER
Uses of Special Value to the Neighborhood <i>X § 305.5 (q)</i>			X		

*(a) Superior urban design and architecture*

The building would include a space along the 14<sup>th</sup> Street frontage from which pedestrians would be able to see Dance Loft activities within the building. The building would also include the same use of materials on all sides of the building so as not to create a façade that appears to be the rear, or interior sides, of the structure, improving its appearance from the residential row houses that surround it. The building itself is designed to be no closer than 60 feet, and an average of 60 to 75 feet from the rear walls of the residential row houses within the square, including the widths of the public alleys.

*(b) Site planning and efficient and economical land utilization*

The applicant proposes to widen a portion of the public alley on the south side of the building by five feet to a width of 15 to better accommodate traffic entering and existing the proposed on-site garage for both parking and loading. Parking and loading are both required for this site, both proposed to be located within the garage, OP finds this proposal to be mitigation.

*(c) Housing*

Twenty-four three-bedroom units are proposed, out of a total of 101 units. Therefore, approximately 22 percent of the proposed units will be family-sized, units. In addition, as the site currently provides no housing, there would be no residential displacement as a result of the construction of this building. OP considers this to be an amenity.

The figures in the following table are based on information supplied in the application.

Residential Unit Type	Percentage of Total	Units	Affordable Control Period	Affordable Unit Type
Total Res. Floor Area (Net SF)	100	101		
Market Rate (Net SF)	15	15		
IZ – 30% MFI (Net SF)	22	22	perpetual	Covenant with DHCD
IZ – 50% MFI (Net SF)	22	22	perpetual	Covenant with DHCD
IZ – 60% MFI (Net SF)	18	18	perpetual	Covenant with DHCD
Large family-sized units (3-BR)	22	24	N/A	N/A
Affordable large family-sized units (3-BR)	18	18	perpetual	Covenant with DHCD

*(d) Affordable housing*

Sixty-six percent of the units in the building would be affordable, considerably more than would be required under IZ, or IZ+. Of the affordable units, 22 would be offered at 50 percent MFI and 22 at 30 percent MFI. Eighteen of the twenty-four three-bedroom units would be affordable. A matter-of-right project under the current zoning would be required to provide about 8 to 10 percent affordable housing, significantly less than the proposal. As the majority of the building would be dedicated to affordable housing, including three-bedroom affordable units, OP considers this to be a strong amenity.

*(e) Use of Special Value in the Neighborhood*

The proposed building would include a new space specifically designed for Dance Loft, an arts use, at approximately 1,888 square feet in area. It would therefore retain a locally and woman owned community performing arts organization within the neighborhood, and the District.

*(f) Building space for special uses*

The proposed building would provide 11,277 square feet of space for Dance Loft on 14, a local non-profit dance studio primarily focusing on local talent. Having its own new space, this dance studio would not have restrictions on days or times in which it could operate, which can occur when an arts use shares or rents space from others. This is especially important in the afternoons when school children, the age-group most focused on by the applicant, needs space. OP would consider this to be an amenity.

*(g) Environmental and sustainable benefits*

The applicant proposes several innovative sustainable design elements, including the use of solar panels. The building would be designed to achieve zero energy targets and Enterprise Green Communities Plus level. The applicant is investigating implementing a sewer heat energy capture system as an alternative energy source consistent, but still needs to work out the details of that proposal. OP would consider this to be an amenity.

*(h) Streetscape plans*

The proposed building would replace an existing row of older storefronts, most of which are one story in height, with modern new modern commercial space. The building would be faced with red brick, similar to existing row houses within the square, providing for consistency in design. OP considers this to be a benefit.

*(i) Uses of special value to the neighborhood or the District of Columbia as a whole; and*

1. The proposed building would provide new rehearsal, teaching and performance space for dance artists to rehearse, teach and perform, allowing them to earn a living in the field of arts for the community. A new black box theater would be included in the building. OP considers this to be a benefit.

2. The applicant also proffers to enter into a Certified Business Entity Agreement, including minimum CBE contracting and equity requirements, and a First Source Employment Agreement, setting, establishing minimum employment requirements for District residents. OP considers this to be a benefit.

3. Since filing, the applicant proposes to increase the number of docks at a nearby bikeshare station from 11 to 19. This would increase the availability of bicycles to the community at this location. OP considers this to be a benefit.

4. Certified Business Entity Agreement and First Source Employment Agreement. Since filing, the applicant has added this public benefit at the request of neighbors, which would set minimum District-resident employment requirements. OP considers this to be a benefit.

Overall, OP finds that the effect of each of the special uses described above would be a benefit. However, the cumulative effect of the four benefits OP finds would be an amenity.

In summary, OP finds this to be a particularly strong benefits, amenities and proffers package, that would to be commensurate with the related map amendment and other requested flexibility through the PUD.

## **IX. AGENCY COMMENTS**

OP circulated project information to District agencies. In addition, OP arranged an interagency meeting, inviting representatives of all notified agencies to participate. These discussions are reflected in this report.

DHCD: DHCD had no objections to the proposed PUD or map amendment. DHCD “*appreciates that the finishes of all units will be identical & since the affordability period is to be perpetual, IZ shouldn’t ever apply, unless the District/federal funding falls through.*”

DC Water: See Attachment 1, noting no objection

FEMS: See Attachment 2, noting no objection

DDOT: DDOT, in a memorandum dated April 22, 2022, recommended approval of the application, subject to conditions. (Exhibit 658)

DOEE: See Attachment 3, comments positively in an email provided below.

No other agency comments were submitted to the record or to OP prior to the filing of this report to the record.

## **X. ADVISORY NEIGHBORHOOD COMMISSION COMMENTS**

ANC 4C submitted a letter to the record dated April 14, 2022 in support of the application, subject to a number of conditions. (Exhibit 605)

## **XI. COMMUNITY COMMENTS**

The record at the Office of Zoning contains several hundred comments in support of and in opposition to the application, which can be found on-line under the Interactive Zoning Information System. There are requests for party status in opposition at Exhibit 342, 537/607, and 608.

The Uptown Community Initiative (Upton Main Street and Petworth Main Street Programs) submitted a letter to the record in support of the application. (Exhibit 628)

## **XII. ATTACHMENTS**

Attachment 1



David L. Gadis, Chief Executive Officer

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY | 1385 CANAL STREET, SE | WASHINGTON, DC 20003

March 29, 2022

Stephen J. Mordfin  
Development Review Specialist  
DC Office of Planning  
1100 4th Street SW, Suite E650  
Washington, DC 20024

Subject: 4608-4618 14th Street, N.W.; Z.C. Case 21-18

Dear Mr. Mordfin

This letter is in response to your February 14, 2022 email requesting review of the Planned Unit Development (PUD), Z.C. Case 21-18, that was set down by the Zoning Commission on December 16, 2021 for the redevelopment of a site at 4608-4618 14<sup>th</sup> Street, N.W. (Square 2704, Lots 64, 815, 819, 823, 828 and 820-833).

DC Water has reviewed the plans found on the Zoning Department web site and has the following comments:

1. The site plan shows reasonable sewer connections to the available combined sewer lines in the vicinity. There is an available 10" combined sewer to which only the sanitary building service is proposed for connection. The building Storm sewer service is proposed to connect to the much larger 27" x 36" combined sewer on the east side of 14<sup>th</sup> street. It is expected that both sewers will have the capacity to accept the discharge from the proposed building.
2. The site plans shows both the fire service and the building domestic service connecting to the existing 8" cast iron water main in the sidewalk area in front of the building. It is expected that the 8" water main will have adequate capacity and if not the 12" water main on the east side of 14 Street would. The piping arrangement of the fire served and domestic are shown in a configuration that will not meet DC Water design standards however there should be adequate space along the frontage of the building to construct alternative service connections that can meet design standards.
3. The proposed storm water management design will need to provide sufficient 15-yr storm detention to offset both the storm and the sanitary sewer contributions. As this is a combined sewer area, the post construction 15-yr combined storm and sanitary sewer discharge should be equal to or less than the current combined storm and sanitary contribution. We don't anticipate that this will be problematic.

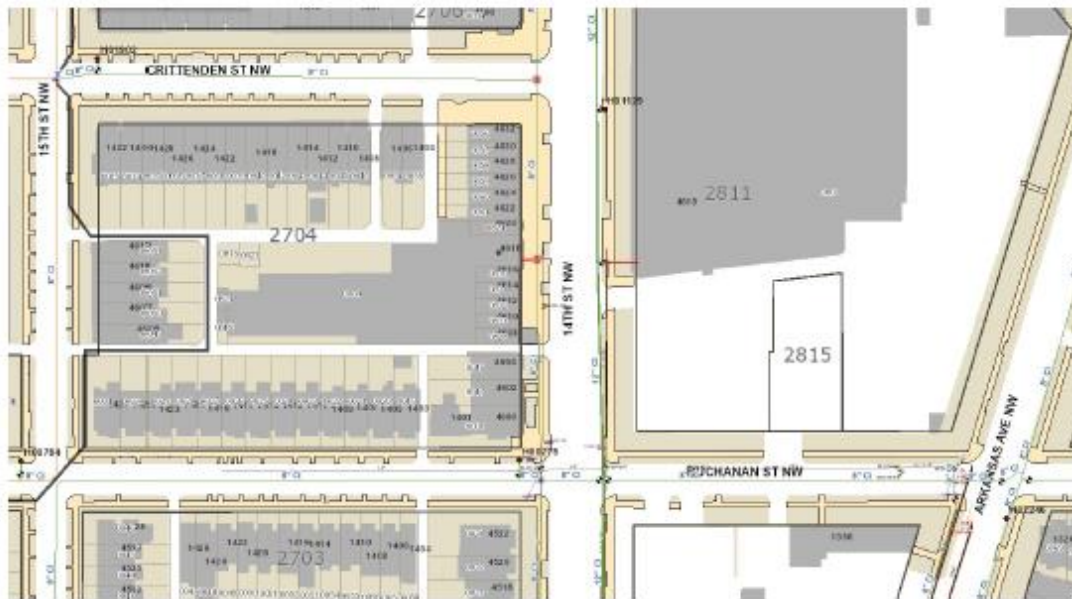


4. In general, it appears that the plans can be made to satisfactorily meet DC Water criteria.
5. The alley on the south side of the building is too narrow to accommodate any water or sewer utility so all connections should be to the 14<sup>th</sup> Street Frontage.
6. Fire suppression should be considered in the design.

Should you have any further questions pleased do not hesitate to contact me.

Sincerely,

Brian T. McDermott, PE  
Director, Permit Operations  
DC Water



Attachment 2



**Government of the District of Columbia  
Fire and Emergency Medical Services Department**



**John A. Donnelly, Sr.**  
Fire and EMS Chief

**MEMORANDUM**

**TO:** Stephen J. Mordfin  
DC Office of Planning

**FROM:** Jonathan A. Davis  
BFC-Assistant Fire Marshal

**CO/PLT:** FPD

**DATE:** March 31, 2022

**SUBJECT:** Z.C. Case No. 21-18: 4608-4618 14<sup>th</sup> Street NW

This written correspondence is being forwarded to your office to address the proposed building located at 4608-4618 14<sup>th</sup> street NW, that was submitted to DCFEMS Office of the Fire Marshal for review.

Based on our review, the following findings are being brought forth: DCFEMS Office of the Fire Marshal has no objection to this request being approved. However, the applicant shall ensure that all fire department access and service features are in accordance with the International Fire Code 2015 edition, and DCMR 12-H Fire Code Supplement 2017 edition.

If you have any questions or concerns, please do not hesitate to contact my office at (202)-727-1614.

Sincerely,

Jonathan A. Davis  
BFC-Assistant Fire Marshal  
DCFEMS-Fire Prevention Division

Frank D. Reeves Municipal Center  
2000 14th Street, NW, Suite 500  
Washington, DC 20009



phone: (202) 673-3320  
facsimile: (202) 462-0807  
[www.fems.dc.gov](http://www.fems.dc.gov)

Attachment 3, April, 28, 2022

# DOEE Development Review Comments

## ZC 21-18: 4618 14<sup>th</sup> Street NW (Dance Loft)

DOEE has been engaged with the applicant since August 2021, when the applicant contacted DOEE's Green Building team for guidance on pursuing a target of net-zero energy (NZE) and to learn about DOEE's priorities for improving sustainability in the built environment. The Green Building team was impressed by the project's ambitious sustainability goals, which align with the agency's mission and objectives of the Sustainable DC, Clean Energy DC, and Climate Ready DC plans. DOEE subsequently provided a letter of support to assist the applicant's pursuit of grant funding from the National Endowment for the Arts.

DOEE applauds the applicant for pursuing certification under the Enterprise Green Communities rating system at the new plus-level of certification (EGC+). This rating system caters specifically to affordable housing projects and incorporates building standards that will benefit future tenants. The EGC+ level of certification is reserved for projects that go above and beyond the base-level certification to achieve net-zero energy or near-net-zero energy.

The applicant is pursuing environmental benefits beyond those required by the EGC rating system and has been responsive to and incorporated many of DOEE's recommendations. DOEE looks forward to continued engagement with the applicant and hopes that lessons learned from this project can guide future development in the District. The following sections offer recommendations, guidance, and resources to assist the applicant with implementing their green building strategies.

Many of these strategies can be financed with no upfront cost through [DC PACE](#). The [DC Green Bank](#) and the [DC Sustainable Energy Utility](#) (DCSEU) also offer innovative financial products and technical assistance to help projects gain access to capital. To learn about project-specific financing options, contact Crystal McDonald at [cmcdonald1@dcseu.com](mailto:cmcdonald1@dcseu.com) or complete DCSEU's [Custom Rebate Form](#).

### **Energy Performance and Electrification**

DOEE applauds the applicant's current energy efficiency and renewable energy strategies and is particularly interested in the project's potential use of a municipal sewer heat recovery system. Maximizing energy efficiency at the time of construction will more cost effectively assist in meeting [Building Energy Performance Standards](#) (BEPS) in the future. The BEPS program was established in Title III of the Clean Energy DC Omnibus Act of 2018. The Act states that starting in 2021, owners of buildings over 50,000 square feet that are below a specific energy performance threshold will be required to improve their energy efficiency over the next 5 years. Projects below the performance threshold will be able to choose between a performance pathway, which requires that they document a 20% reduction in energy usage over the 5-year compliance period, or a prescriptive list of required energy efficiency measures. The next BEPS will be established in 2027 and again every six years, and the compliance threshold will increase each cycle. New projects are encouraged to maximize energy efficiency during the initial design and construction in order to meet BEPS upon completion. In line with the District's goal of carbon neutrality and the objectives of the [Sustainable DC 2.0](#) and [Clean Energy DC](#) plans to reduce greenhouse gas emissions, DOEE previously recommended that the applicant design the project to be fully electric (i.e., no on-site combustion of fossil fuels), and DOEE appreciates that the applicant has made a commitment to this. DOEE and DCRA are evaluating options

to include building electrification requirements in future code updates. Building electrification involves powering all building appliances and systems (e.g., domestic hot water, heating equipment, cooking equipment) with electricity rather than fossil fuels (e.g., natural gas or fuel oil). Efficient electric systems reduce indoor air pollution caused by combustion equipment and can save on operating costs, especially when coupled with solar energy. All-electric buildings can also save on construction costs by avoiding the need to install gas piping. It's easier and more cost-effective for new construction to be designed with electric systems than it is to retrofit buildings later, so DOEE strongly encourages projects to evaluate electric options as part of their initial energy modeling exercises. For more information about building electrification in the District, visit [this resource page](#) created by the Building Innovation Hub.

### **Net-Zero Energy**

Clean Energy DC, the District's detailed plan to reduce greenhouse gas emissions, calls for net-zero energy (NZE) building codes by 2026. DOEE commends the applicant for establishing an NZE goal at the start of the design process and ahead of this planned code requirement. This goal is especially ambitious for a multifamily midrise project. An NZE building is a highly energy-efficient building that generates enough on-site, or procures acceptable offsite, renewable energy to meet or exceed the annual energy consumption of its operations. NZE buildings can benefit both owners and tenants through significantly lower operating costs, improved occupant comfort and improved indoor air quality. Under the [2017 District of Columbia Energy Conservation Code](#), projects can use Appendix Z as an alternative compliance pathway, which provides a working definition and guidance for NZE.

DOEE has published a *Net-Zero Energy Project Guide*, a *Multifamily Guide*, and an *Integrated Design Charrette Toolkit* to assist project teams with planning, designing, constructing and operating NZE buildings. These and other resources can be found at [doee.dc.gov/service/greenbuilding](https://doee.dc.gov/service/greenbuilding). For the past few years, DOEE has offered grants to projects exploring NZE design and other innovative green building approaches. Case studies and final reports documenting the lessons learned from some of these projects are available [here](#).

### **Solar**

DOEE applauds the applicant's efforts to maximize the project's rooftop solar energy generation capacity. The applicant's exploration and pursuit of local off-site solar opportunities is admirable and demonstrates an uncommon commitment to net-zero energy.

Maximizing solar energy production will contribute to achieving the District's goals to rely on 100% renewable electricity by 2032 and increase local solar generation to 10% of total electricity by 2041. As a result of the District's commitments, there are many financial incentives to install solar. One way that the project can maximize solar energy production is to integrate solar photovoltaic arrays into green roofs. See the GAR and Stormwater Management section below for more details.

### **Climate Resilience**

In order to prepare for the impacts of climate change, including increased flooding and extreme heat, DOEE encourages the team to assess how climate change will affect the project and to incorporate resilient design strategies. As part of the [Climate Ready DC Plan](#), DOEE released [Resilient Design Guidelines](#) to assist project teams considering climate resilient design. Additional DOEE Climate Adaptation and Preparedness resources are available at [doee.dc.gov/climateready](https://doee.dc.gov/climateready).

DOEE is excited to see that the applicant anticipates designating the project's community room as a Resilience Hub. For additional coordination and guidance related to the establishment of a Resilience Hub, the applicant is encouraged to contact Erin Garnaas-Holmes (DOEE) at [erin.garnaas-holmes@dc.gov](mailto:erin.garnaas-holmes@dc.gov).

### **Green Area Ratio and Stormwater Management**

DOEE encourages the applicant to exceed the minimum GAR and stormwater requirements. Additional on-site stormwater retention can earn the project Stormwater Retention Credits (SRCs) that can be sold through DOEE's Credit Trading Program. SRCs can be sold directly to DOEE through the SRC Price Lock Program (for projects located in the [MS4 Sewer System](#) only) or sold on the open market. For more information, please visit [doee.dc.gov/src](http://doee.dc.gov/src) or email Matt Johnson at [src.trading@dc.gov](mailto:src.trading@dc.gov).

DOEE encourages the applicant to incorporate solar energy generation into the project's green roof design, which can be accomplished without diminishing the project's GAR or stormwater requirement compliance. DOEE has issued guidance on how to successfully incorporate solar into green roofs on pages 41 & 42 of the [2020 Stormwater Management Guidebook](#).

DOEE is prepared to meet with the project team to discuss GAR and stormwater opportunities on the project site. To set up a review meeting with the stormwater team at DOEE, please contact Ayende Thomas at [ayende.thomas@dc.gov](mailto:ayende.thomas@dc.gov).

### **Deconstruction, Reuse, and Embodied Carbon Reduction**

Wherever possible, DOEE encourages the reuse of existing buildings and materials because the demolition of these buildings and construction of entirely new buildings is very carbon intensive. DOEE encourages the applicant to conduct a simple life-cycle analysis (LCA) to measure and reduce the impacts from the proposed project's structural and envelope design. An LCA is an effective tool to measure the embodied carbon, or global warming potential (GWP), of a building and its materials. An LCA can inform decisions about the selection and quantity of materials used, and can assist with dematerialization (i.e., reducing the amount of a given material). Dematerialization reduces environmental harm and saves money.

Embodied carbon is the sum of all greenhouse gas emissions resulting from the construction of buildings, including materials and construction activities. It is estimated that 23% of the world's GHG emissions result from construction. Most of these embodied emissions are associated with the production and use of concrete and steel, common structural elements. The energy savings of a high-performance building can take decades to offset the impacts of the building's construction.

DOEE recently funded two grant projects focused on reducing embodied carbon through LCAs. The lessons learned by these grantees may help the applicant identify simple ways to reduce the project's embodied carbon and understand how to conduct a basic LCA. The reports from these projects are available here: [LCA for St. Elizabeth's Building 2 Commercial Office by Hickok Cole](#) and [Embodied Carbon Life Cycle Assessment Assistance for Southeast Neighborhood Library by Quinn Evans](#).

In 2018, construction and demolition (C&D) activities in the US generated 600 million tons of waste. The reuse and rehabilitation of existing buildings can reduce waste and embodied carbon. When reuse is not possible, deconstruction or pre-demolition salvage can divert waste from landfill and incineration and allow for reuse of building materials. Destruction is the process of carefully and intentionally dismantling a building rather than demolishing it. While this process is more time consuming than demolition, reusing salvaged materials can reduce construction costs, and the sale of salvaged or recyclable materials can generate additional revenue. Organizations like [Community Forklift](#) collect donations of surplus and salvaged building materials throughout the DC region. DOEE is also working to develop a Donation and Reuse program and may have additional resources and information available at the time of project construction. The applicant is encouraged to reach out to Connor Rattey at

[connor.rathey@dc.gov](mailto:connor.rathey@dc.gov) if they are interested in deconstruction of existing structures or donation and reuse of building materials.

JLS/sjm