

May 5, 2022
Zoning Commission Case 21-18
Greater Greater Washington

Good evening. My name is Alex Baca, and I serve as D.C. policy director for Greater Greater Washington. We unequivocally support Dance Loft's proposed project. Our only wish is that it were taller, bigger, denser, and had less parking. It is still a fantastic project that is not inconsistent with the Comprehensive Plan. It deserves approval, so much so that GGWash has broken its own rule of not organizing our supporters around individual projects so as to support it. I will discuss that in more detail later in my testimony.

First, in our interpretation, the change from MU-3 to MU-5 zoning that Dance Loft is requesting is compliant with what the FLUM defines as allowable under a moderate-density residential designation ([page 2-56](#)):

This designation is used to define 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). **Density in Moderate Density Residential areas is typically calculated either as the number of dwelling units per minimum lot area, or as 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 R-3, RF, and RA-2 Zone Districts are consistent with the Moderate Density Residential category, and other zones may also apply.

"Aha!" you say, attempting to accuse me of being in a developer's pocket, "an MU-5 designation would allow *up to 5.04 FAR*, which is *enormously more* than 1.8 FAR." To this, I say, "The last bit of the definition of moderate-density residential is 'although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development,' which is what Dance Loft is proposing to do. And, may I interest you in the definition of a moderate-density *commercial* designation ([page 2-58](#))?"

This designation is used to define 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. **Density typically ranges between a FAR of 2.5 and 4.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development.** The

MU-5 and MU-7 Zone Districts are representative of zone districts consistent with the Moderate Density Commercial category, and other zones may also apply.

Dance Loft is proposing 3.79 FAR, which is less than 4.0 FAR, which is well within the moderate-density commercial FLUM category, to which its parcel was changed from low-density commercial during the Comp Plan rewrite. [OP's preliminary report](#) shows all this; as I stated, Dance Loft's project is not inconsistent with the Comp Plan Future Land Use Map.

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

I would be remiss if I did not mention the 2012 [small-area plan for Central 14th Street](#) identifies a building that's about what Dance Loft is proposing, on page 34. Whether nearby residents like it very much or not, Dance Loft's proposal *is* the character of the neighborhood; the District said as much nearly 10 years ago. Those opposing this project have made it clear that they will not be satisfied by a smaller building, or less intrusion in the alley, or a different facade, or more parking, or extensive support for local businesses.

I've spent over three years advocating for the Comp Plan to allow for greater density District-wide, but most particularly in affluent neighborhoods; I will continue to do so when the Comp Plan is rewritten in 2025. (Central 14th Street, where single-family homes routinely sell for over a million dollars, is an affluent neighborhood.) Changes to the FLUM, which were not thought to be possible at the beginning of the amendment process, make greater density legal

in more places than before, and I'm proud of those changes. I'm also proud of what GGWash worked hard to get into, and keep in, the Framework element: “uber-benefits” that elevate, among other affordability and anti-displacement policies, “the production of new affordable housing units above and beyond existing legal requirements...” ([page 2-49](#)) in the approval of PUDs. At least 75 of the 101 units in this project will be subsidized, means-tested homes, thereby meeting Office of Planning’s definition of affordable housing, as stated in the [Housing Framework for Equity and Growth](#) and going well beyond what would be required by existing legal requirements. According to the District’s [own goals](#) for affordable housing production, 1,500 units of subsidized, means-tested homes need to be built in Rock Creek East by 2025; 617 have been built so far.

I didn’t work on the Framework with the Dance Loft project in mind, because it didn’t exist then, but I did work on the Framework so that projects *like* Dance Loft’s would be confirmed by the zoning commission with more confidence, and with more grounding in the Comp Plan. Litigation against many PUDs has rested on the assertion that the zoning commission fudged the difference between moderate- and medium-density to get them through, or simply accepted developers’ arguments at face value without pushing for more community benefits, including affordable housing. (The only way this project could include more affordable units is if it were taller, larger, denser, and had less parking.) The amended Comp Plan is not, in my opinion, different enough from the original 2006 plan, but it is different. I worked directly on refining the “uber-benefits” language I cited above, and can tell you that it was at least *my* intent to give you all on the commission a better, clearer, and more direct mandate to approve projects that propose an exceptional amount of affordable housing—like, say, at least 67 out of 101 units restricted to residents making 30 to 60 percent AMI.

As I noted, GGWash no longer organizes its supporters around individual projects, focusing our advocacy instead on changing District-wide systems with the intent that *all* projects contain the characteristics, like greater density; more subsidized, means-tested affordable housing; less parking; reduced minimum lot sizes, and so on, that we value. But I organized our supporters who live in ANC 4C to contact their commissioners to support this project in advance of the ANC’s vote; I have submitted documentation of this with my testimony, for the record.

I wanted to make sure that any assertion that the “community” was not in support could be reasonably countered, knowing, of course, that the “community” here is ridiculously undefined. But the more pressing reason that I went beyond my maxim of not advocating for individual projects is because the Dance Loft project represents something bigger than itself with regard to the District’s development processes. If this project is not approved, I see little point in the practice of planning. If the zoning commission rejects a project that complies with the FLUM and Generalized Policy Map, delivers the PUD benefits the Comp Plan highlights as most important, and almost exactly matches the recommendations of a small-area plan, then, truly, why bother?

The zoning commission shouldn’t actually need to hear from me, from GGWash, from the Ward 4 residents we know, or from Councilmember Lewis-George, who voted twice to confirm amendments to the Comp Plan, to decide that Dance Loft’s project is not inconsistent with the

Comp Plan. We showed our support for more density, and more affordable housing *as a result of* that density, by working to amend the Comp Plan in the ways that were available to us—by testifying and negotiating with executive and council staff, by contacting elected officials, by voting on the dais. In short, we've done the work that we can do for the zoning commission *already*. Approval is up to you—not me, not the “community,” and not the councilmember.

My time, and the time of many others who participated in the tortured Comp Plan amendment process with the hope that it would marginally improve the quantity, quality, and distribution of housing, and affordable housing, in the District, will have been profoundly wasted if this project is not approved.

Thank you.

Alex Baca
D.C. Policy Director
Greater Greater Washington
abaca@ggwash.org