

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

**AMENDED TESTIMONY OF DANA BAUGHNS  
FOFS MEMBER**

**CASE NO. 21-18 (DANCE LOFT VENTURES, LLC)  
Application for a Consolidated PUD and Related Map Amendment  
@ Square 2704, Lots 64, 815, 819, 821, 823, 828, and 830-833**

**THURSDAY, MAY 12, 2022**

Good Afternoon Chairman Hood and Members of the Zoning Commission and Counsel Ritting

My name is Dana Baughns and I live at 4611 15<sup>th</sup> Street NW.

A. Background and Personal Perspective

I have lived at 4611 15<sup>th</sup> Street with my two children for almost 16 years. I am a Chief Legal Officer for a global staffing provider where I have worked for 14 years, commuting by car into our office in Hanover, Md, five days a week to provide for my family. On the weekends, I work for my children like most parents, regularly driving them to their various sporting events around the region, as well as shopping for a family of four for the next week.

My property, Lot 32 in Square 2704 is within 15 feet across the rear alley and abuts the Applicant's property. The height of the rear of my property is 22ft. [See Baughns Exhibit A—Baughns Property Rear.] The rowhouses on 15<sup>th</sup> Street have an inclined height to the front of the homes with decreasing height to the rear. [See

Baughns Exhibit B – the house next door to my house to depict the inclined height to the front and decreased height to the rear]. My property does not have a garage on it or any other off-street parking. [See Baughns Exhibit C—highlighted sections where garages exist, and longer property lots.] Unlike other alley systems in the neighborhood, which the Applicant has used as a reference point for off street parking, Square 2704 does not have separate garages across the alley for parking and the homes in the square are much shorter in length than other homes in the other blocks outside of Square 2704. I share this property and personal information to provide some perspective and context about my home.

I am not a developer, an architect, or a builder. I do not have any background in zoning and have never had the need or desire to jump into a zoning process--much less a zoning dispute. I have been actively engaged in all processes leading up to this hearing to thoughtfully understand the impact to our neighborhood, our home, and the real estate investment we plan to leave to our children.

I am uniquely impacted and qualified to provide perspective on behalf of my family, as well as the Friends of Fourteenth Street (“FOFS”) regarding how the Applicant has engaged in misdirection and misrepresentation about our opposition, and the negative impact(s) of the proposed height, density and scale in the Dance Loft Ventures PUD application and related Map Amendment.

B. Height and density are the primary issues that the Applicant has ignored.

The Applicant acknowledges at various places in the record that height and density has been a primary issue for “certain neighbors.” The Applicant also acknowledges in the record that it has done nothing to mitigate the specific concerns of height and density because the height and density “... is acceptable in light of the public benefit of the proposed affordable housing.”

C. Support for affordable Housing is not support for the height and density.

The Applicant often touts the support of others for the arts and affordable housing as a reason not to mitigate the height, density or even scale of the building. Instead, the Applicant has and continues to offer up other project modifications as faux concessions and compromise when the changes made elsewhere in the project do not address height, density or scale. The changes made by the Applicant were otherwise required to align with other regulations, safety concerns and done primarily to advance the building design as proposed by the Applicant. Importantly, none of the preapplication changes outlined in the record by the Applicant addressed the specific concerns of height, density or scale. Instead of engaging in a good faith discussion, the Applicant flatly refused to make any mitigation, concession or compromise on the height or density, or even take into consideration where it could scale the building differently and maintain the percentages necessary to remain eligible for the affordable housing subsidy it intends to pursue.

D. A reduction in density, while maintaining percentages for affordable housing will still maintain eligibility for affordable housing subsidy.

As it relates to density, the Applicant continues to maintain it cannot reduce a single unit from the 67 affordable housing units without impacting available subsidies without preventing the entire project from proceeding. (See Applicant's Exhibits in the Record at 525C, 525D and 525E). The consideration of addressing density goes beyond just the 67 affordable units. However, the Applicant has taken the density concerns—which are directly related to our height concerns—and promoted that our opposition is instead to affordable housing and the arts component of the project. I assure the Commission, it is not! The Applicant has not considered any reduction or restructure of the other 34 residential units not classified as affordable; or even reconfiguring the Dance Loft retail space. These two obvious

considerations can and could have been made to address some of the density concerns, which ultimately could impact the available height and/or scale mitigation options, while still maintaining eligibility for applicable affordable housing subsidies.

E. An alternate scale of the building is viable mitigation approach.

Please see Baughns Exhibit D (emphasis added) – Applicant’s Exhibit A.02.1 Context Neighboring Issues. In relation to addressing the height concerns, we would like this Commission to reject the Application, and require a height reduction to the rear two-thirds of the building (pictured in red) and shift those units to the front of the building on the 14<sup>th</sup> Street commercial corridor (pictured in green). This mitigation scaled alternative would be a reasonable compromise amongst the parties and the abutting negatively impacted properties. The rear/back approximately 2/3rds of the building could consist of four levels (three levels above ground) and a setback penthouse; and the front approximately 1/3 of the building can scale up on the 14<sup>th</sup> Street and consist of six levels and a penthouse.

The Applicant flatly rejected this alternate mitigated scale consideration since the June 2021 meeting when it was proposed. When meeting with abutting property owners the Applicant stated: 1) changing the scale of the building would not be financially feasible for the Applicant; and 2) that many other neighbors supported the Dance Loft Project as proposed, so the Applicant really didn’t need to consider any change or incur additional costs in redesigning options for our consideration or in compromise. The Applicant indeed made good on that statement in its October 26, 2021 filing of Analysis of Potential Project Impacts, Exhibit K.

In that exhibit, the Applicant’s analysis states, in relevant part, **“to the extent there are negative impacts from the Project’s height or density, those impacts are more than acceptable in light of the Project’s significant affordable housing contribution which would not be possible absent the Project’s proposed height**

**or density.”** The Applicant’s outcome which was premised on the analysis, concluded, in relevant part, **“the Project’s urban design impacts are favorable. Any massing impacts are ... acceptable in light of the public benefits, primarily the amount and depth of the proposed affordable housing.”** The circular reasoning of the Applicant is nothing more than the height and density shall be, because it is. So therefore, the height and density is because it shall be.

From that June 2021 meeting until now the Applicant has not met with members of this party for the purpose of discussing any mitigation related to height, density or even scale. At the meeting, the Applicant provided a slightly lower building, with no setbacks at all—an obviously, equally, untenable proposal. In June 2021, the Applicant stated that it considered its obligation to meet with us—abutting property owners—fulfilled. In June 2021 the Applicant stated that it would proceed with the height, density and scale as it proposed because it believed it had the public benefit over any homeless shelter that could be put there by other developers, and that it had other neighborhood support. The concerns regarding height, density and a mitigating alternate scale have been summarily dismissed by the Applicant from any further dialogue post Application! I submit to this Commission that most, if not all of the supporters the Applicant relies upon do not or will not live in the shadows of the (IT IS – THEREFORE IT SHALL BE) proposed scale of this building through the entire alley system of Square 2704.

F. Investment to engage in good faith on height and scale proposed.

This Group sought to understand the Applicant’s proposed height and scale and commissioned the build of a scaled model to first understand the height and scale of the building and proposed setbacks, and then to hopefully foster a productive discussion with the Applicant. Unfortunately, no productive discussion has ever occurred. Despite using all the publicly shared measurements by the Applicant for the scaled model build, the Applicant questioned the accuracy of the scaled model

and dismissed its relevance. The Applicant was invited to produce its own model of the project to promote additional discussions on height, density, and scale post its filed Application. The Applicant declined to produce its own model or meet to discuss height, density or scale. Instead and again, the Applicant defaulted back to its supporters of the arts and affordable housing as a reason NOT to engage in a good faith and productive discussion even about the height and scale.

G. The Applicant never made any consideration to mitigate the impact of the height, density or scale of the building to abutting property owners.

I strongly caution this Commission to not be misled by the Applicant. The Applicant is disingenuous in how they consistently re-cast support which is specifically for the arts, affordable housing and other community benefits, as also support for the height, density and scale of the Applicant's proposed building. Do not be misled by the Applicant's representations in the record and taken under oath that it has engaged members of this group in good faith on height, density or scale. I direct the Commission's attention to the Applicant's Exhibit K, "Open Space, Urban Design and Massing Impacts, analysis and outcome which makes clear, that while "massing impacts are capable of being mitigated" the Applicant's offer of affordable housing negated its need to mitigate height or density! The Applicant has wholly ignored the concerns of this group, and now attempts to shroud its neglect and complete disregard as deep community engagement. This is not accurate or truthful.

A careful review of the letters of support reveal that supporters do not address the very specific concerns raised by this Group regarding height and density. The letters of support do specifically address the arts, affordable housing, and other neighborhood benefits. Indeed, this is a unique opportunity for our neighborhood and this Group has expressed support for the Dance Loft and the benefits it can offer to our community. This Group has also stated their support of providing a viable

path for affordable housing in this neighborhood and for fostering greater diversity on many levels. However, our primary concern and opposition has been and remains the height and density, which are separate and apart from supporting the arts and affordable housing. **Let me repeat that because it seems to always get missed or dismissed, our primary concern and opposition has been and remains the height and density, which are each separate and apart from supporting the arts and affordable housing.** However, instead of the Applicant engaging in good faith dialogue about how to address the height and density concerns, it has proffered a take it or leave it height and density proposal, and spent its time, quite frankly bullying and misrepresenting homeowners like me, dubbing us all, including during the hearing last week, as non-supporters of the arts and affordable housing, racists, and wealthy, million dollar homeowners suffering from NIMBYism. The Applicant's campaign was as tactical and purposeful in this regard as its presentation to the ANC and this Commission — a record and presentation which this Commission remarked about, but I note specifically excluded any views of the proposed building from a single back yard of the abutting property owners. It excluded any views of the rear and sides of the building from the abutting homes. It excluded any review of the actual distance across the alley from the subject property to a single abutting neighbor. (See Baughns Exhibit E – views from abutting homes on Buchanan, 15<sup>th</sup> and Crittenden – See Appendix photos). The Applicant instead provides exhibits that show the rear of the building removing abutting homes and clear property lines from view or showing it's building barely peaking over the tallest home at the crest of a hill at Crittenden and 15<sup>th</sup>. (See Baughns Exhibit F – views of Crittenden and 15<sup>th</sup>, rear view of proposed building.)

We have repeatedly asked for a good faith discussion and believed we could reach a reasonable compromise in the height and scale – but the Applicant refused and the evidence of their refusal is riddled throughout multiple submissions to this

Commission. The Applicant has done nothing but decline to engage on these very specific concerns because it simply believed and concluded early in this process that it did not have to. And unfortunately, the Applicant was never compelled to do so by our ANC Commissioners.

I would now like to bring the Commission's attention to my next Exhibit. Baughns Exhibit G—Applicant's "Context Along 14<sup>th</sup> Street A.02.5." As additional support for the height and scale of the project, the Applicant provides what it has termed as "Context Precedent Along 14<sup>th</sup> Street A.02.5" of several four-story buildings. This Exhibit is also misleading. These contextual photos are only precedent for multi-level dwellings that do not protrude into the alley system as the Applicant's property does in Square 2704. I submit to this Commission that the context to be taken from the photos in that exhibit is that none of those buildings extend into the alley system, impacting abutting properties on the blocks that run both parallel and perpendicular to the property—like that which is proposed by the Applicant for Square 2704.

The buildings pictured are not within 10ft and 15ft from the property lines of the homes on the streets that run parallel and perpendicular to 14<sup>th</sup> Street, impacting natural light year-round, shadowing over neighboring properties, and impacting privacy and personal use and enjoyment of other property owners. The Applicant's exhibit does not depict similarly situated properties. The Applicant has not provided any precedent for erecting a structure that at a minimum will double in size, dwarfing the rear of all the surrounding homes, which by great measure changes the character, enjoyment and environment of the homes abutting the Applicant's property. The precedent to be taken and followed from the photos in the exhibit is to require the Applicant to scale on 14<sup>th</sup> Street, like the others buildings pictured in the exhibit, and reduce the height in the rear 2/3<sup>rd</sup> to four levels (three levels above ground instead of the four proposed).



I implore the Commission to not be fooled by the Applicants attempt to supplant the privacy concerns of the Group by providing photos of a single home's taller window with a potentially direct line of sight into neighbor's window or yard in an attempt to discredit the valid privacy concerns regarding a direct line of site from multiple windows that will tower over abutting properties from the Applicant's proposed building. The Applicant assumes arguendo that those limited instances, should make it a norm or acceptable in the aggregate for dozens of units to have a direct line of sight into multiple surrounding homes, on the three sides of the building.

We respectfully request this Commission to deny the application in its entirety and require the Applicant to reconsider its design and reduce the height of the back two-thirds of the proposed building from four levels to three levels; and instead increase the height on the 14<sup>th</sup> Street commercial corridor from five levels to six levels. Any approval from the Commission should at a minimum require the Applicant to reconsider its design and reduce the height of the back two-thirds of the proposed building, and instead, increase the height on the 14th Street.

Many of the objectives of the Applicant, the benefits to the entire Ward 4, the affordable housing mission of the City and the Mayor can still be achieved under the alternate scaling mitigation of the building. Doing so, also factors in the primary concern of this Party, maintains the density and reconfigures the height and removes the weighty burden and direct negative impacts this well-intended project places on abutting homeowners and their personal real estate investments and residence.

Thank you.

Submitted by Dana Baughns

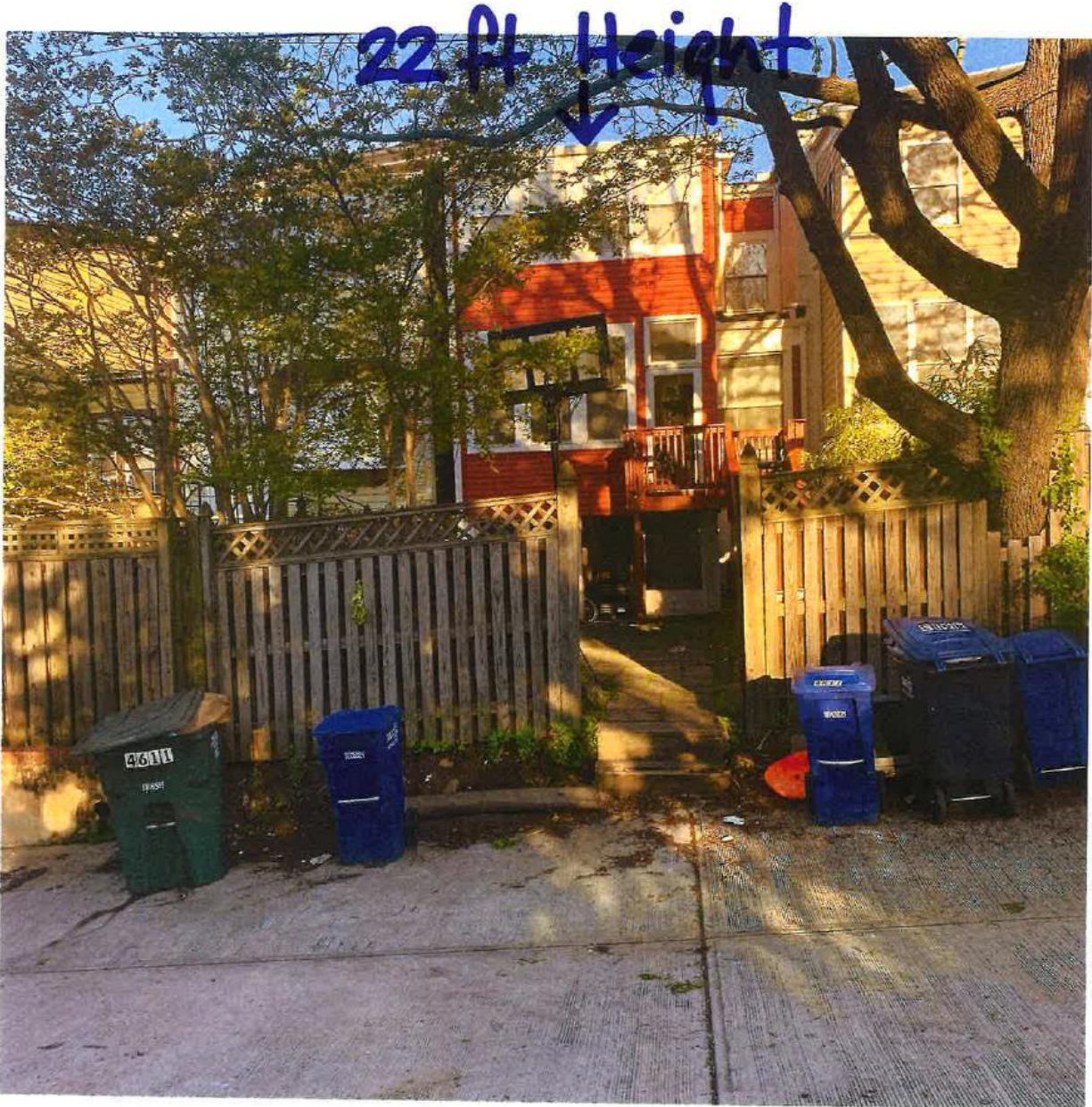
4611 15<sup>th</sup> Street NW

Washington, DC 20011

A





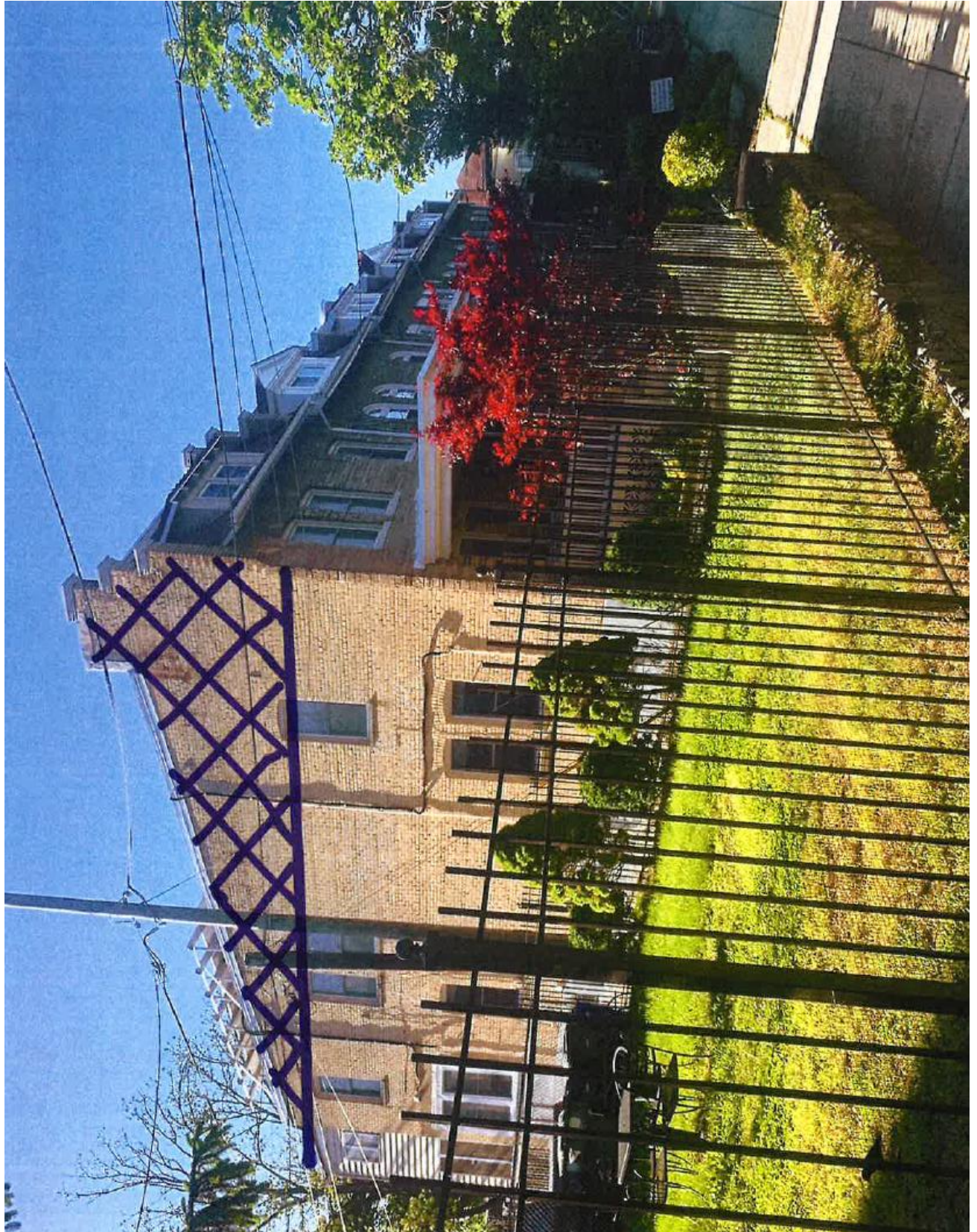




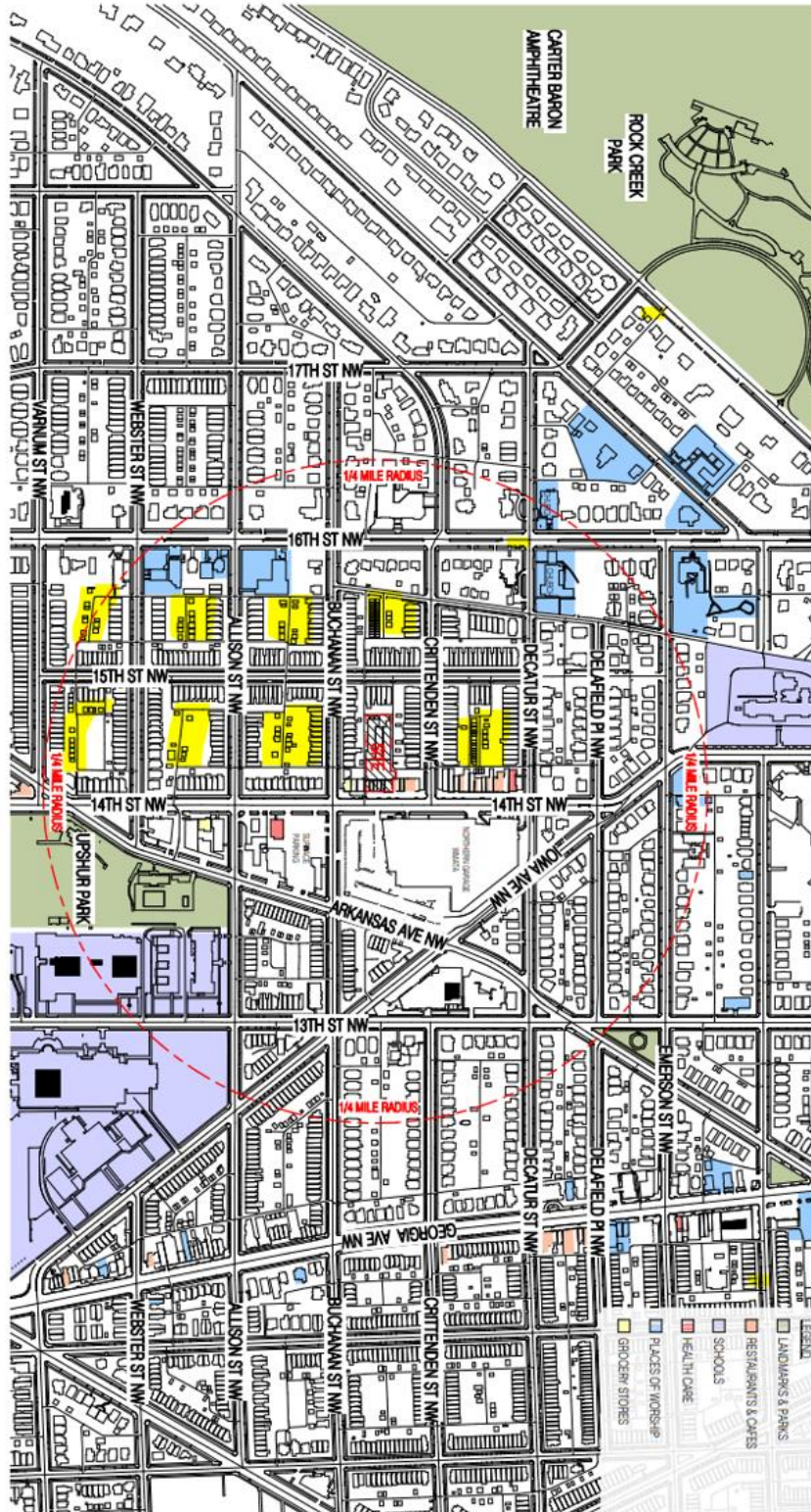




B







4618 14TH STREET, NW

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VICINITY MAP A.00.2

04/15/2022



CURRENT ZONING MAP



PROPOSED MAP AMENDMENT



4618 14TH STREET, NW

COMPILED & 2017 FROM ARCHITECTS FILE

EXISTING ZONING VS PROPOSED AMENDMENT **A.01.3**

04/15/2022

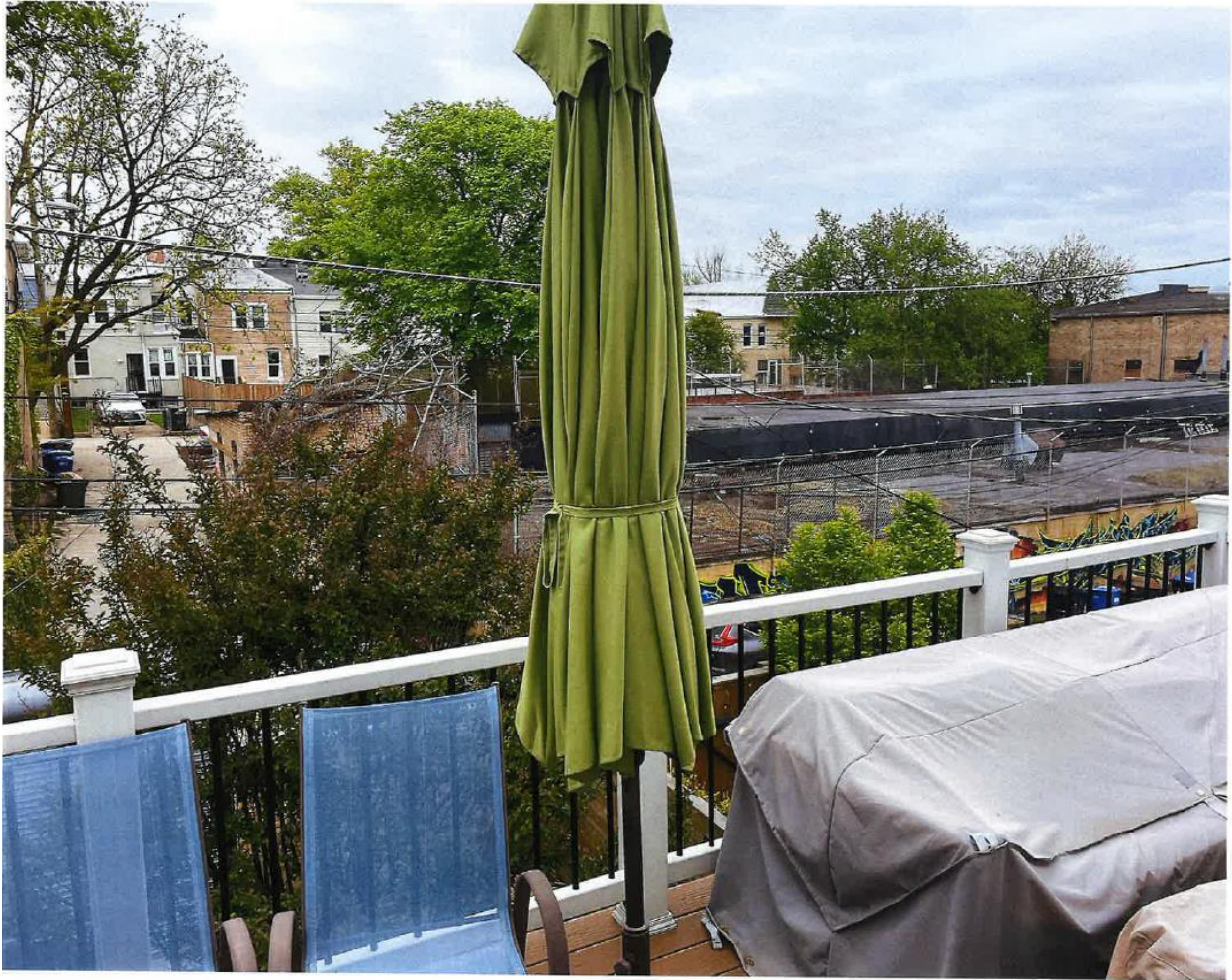






E

(Appendix)

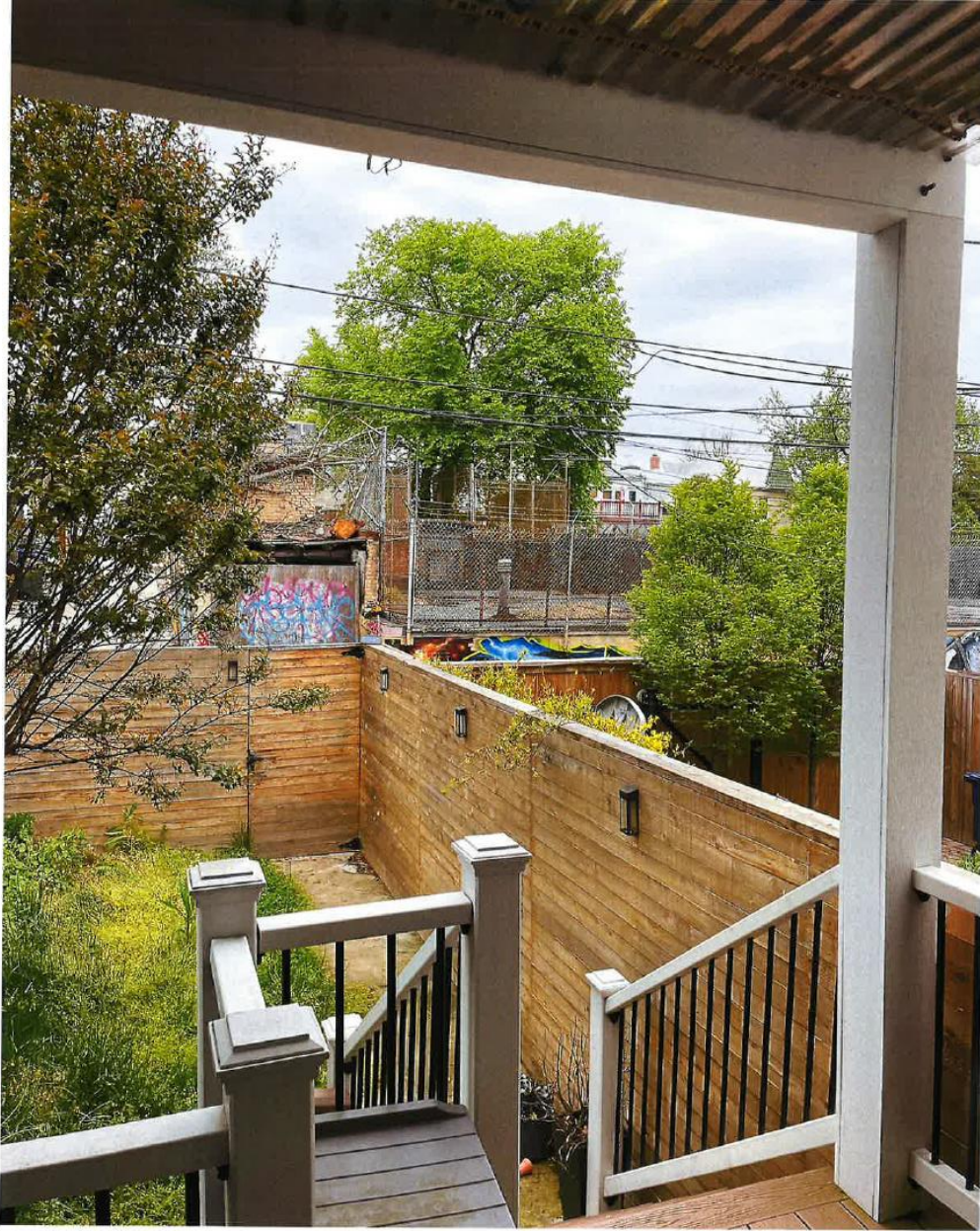






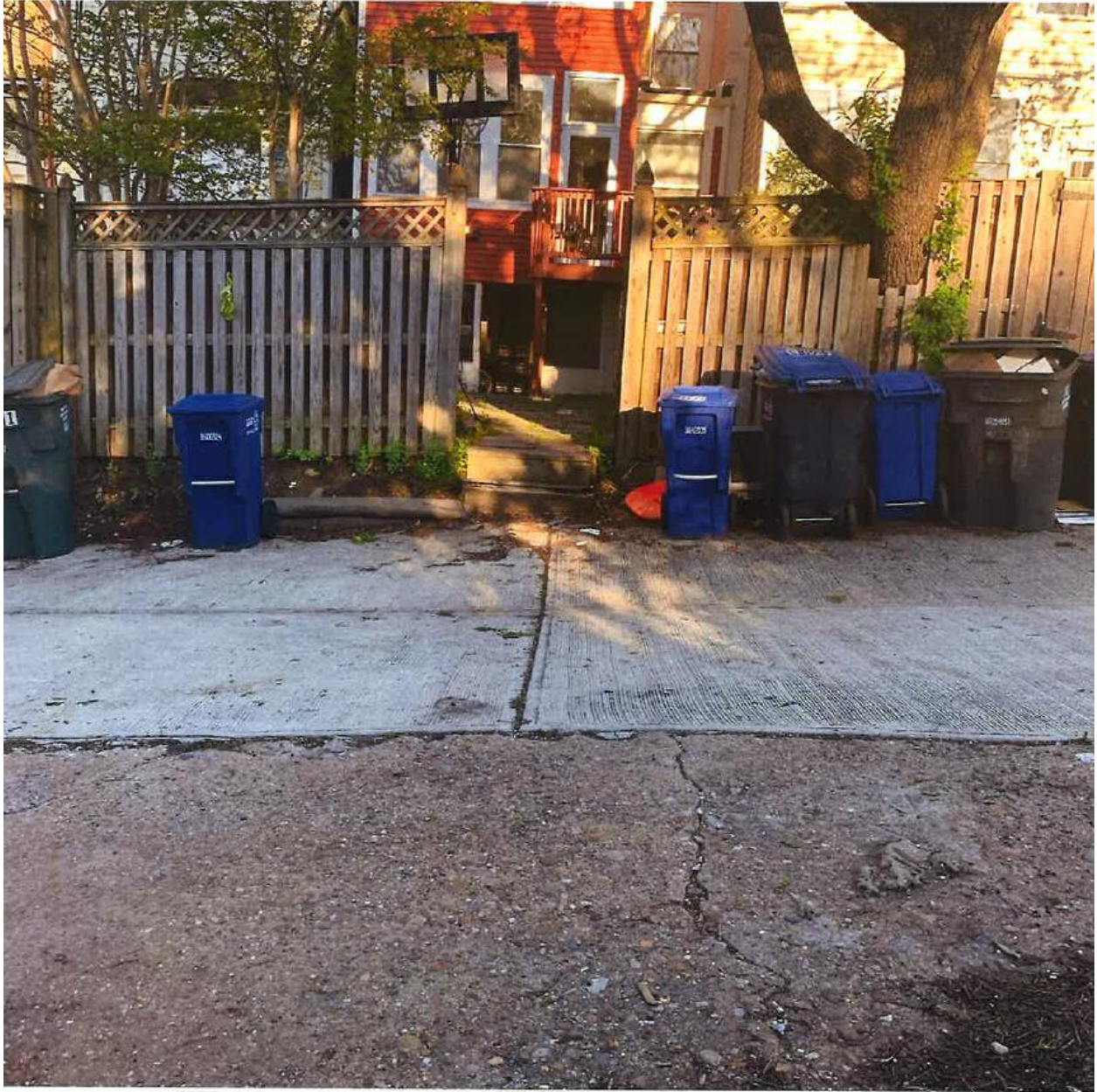






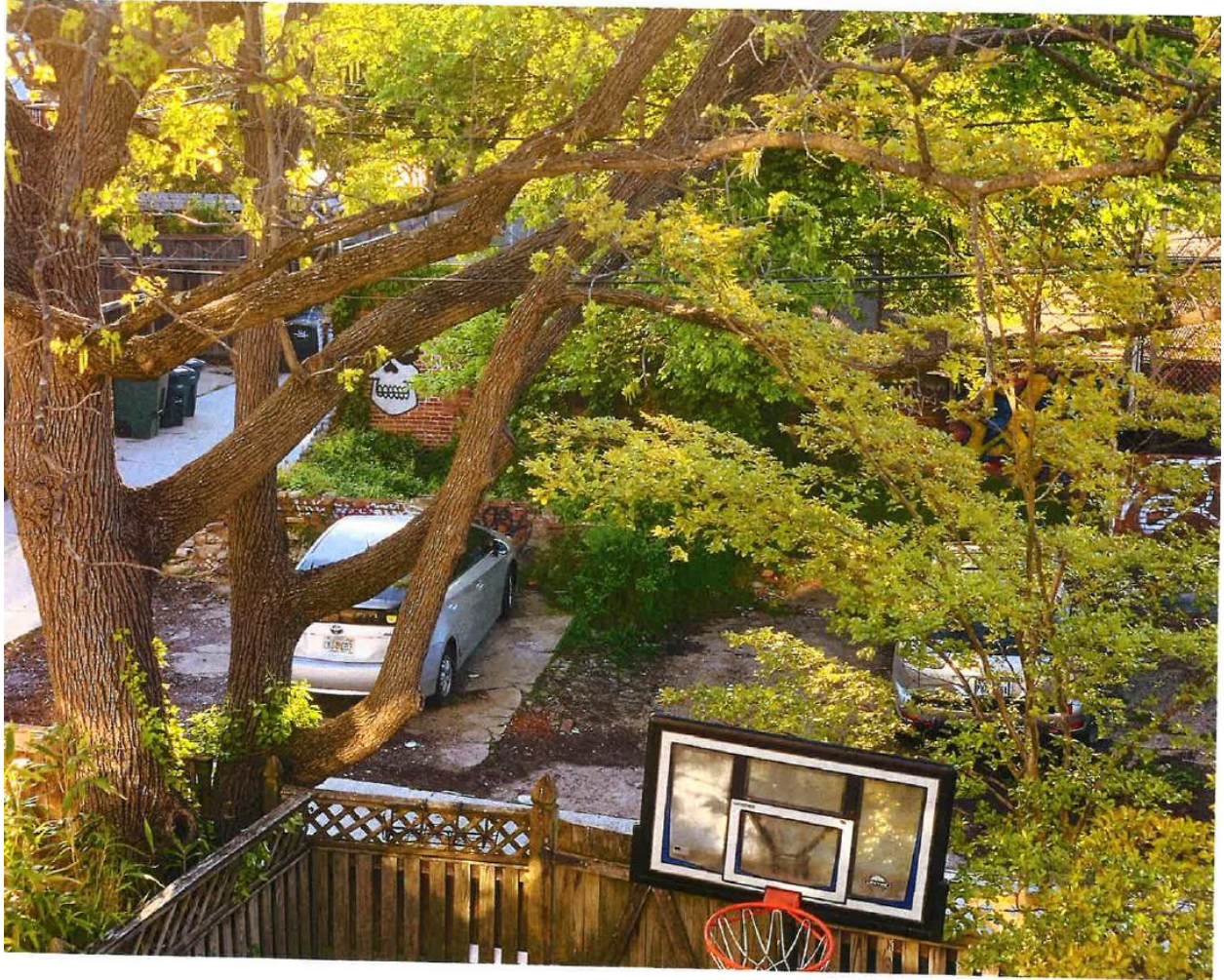




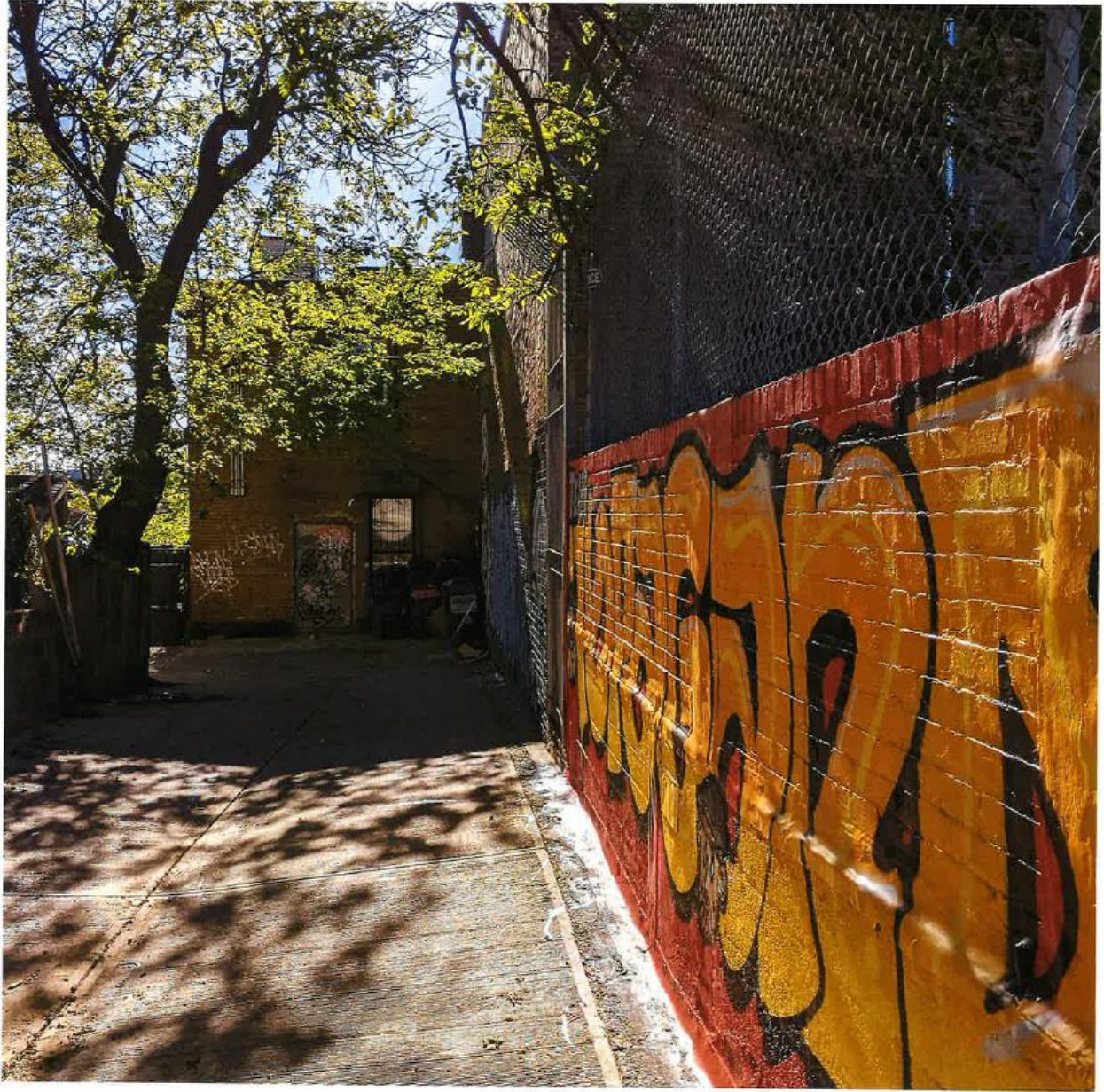




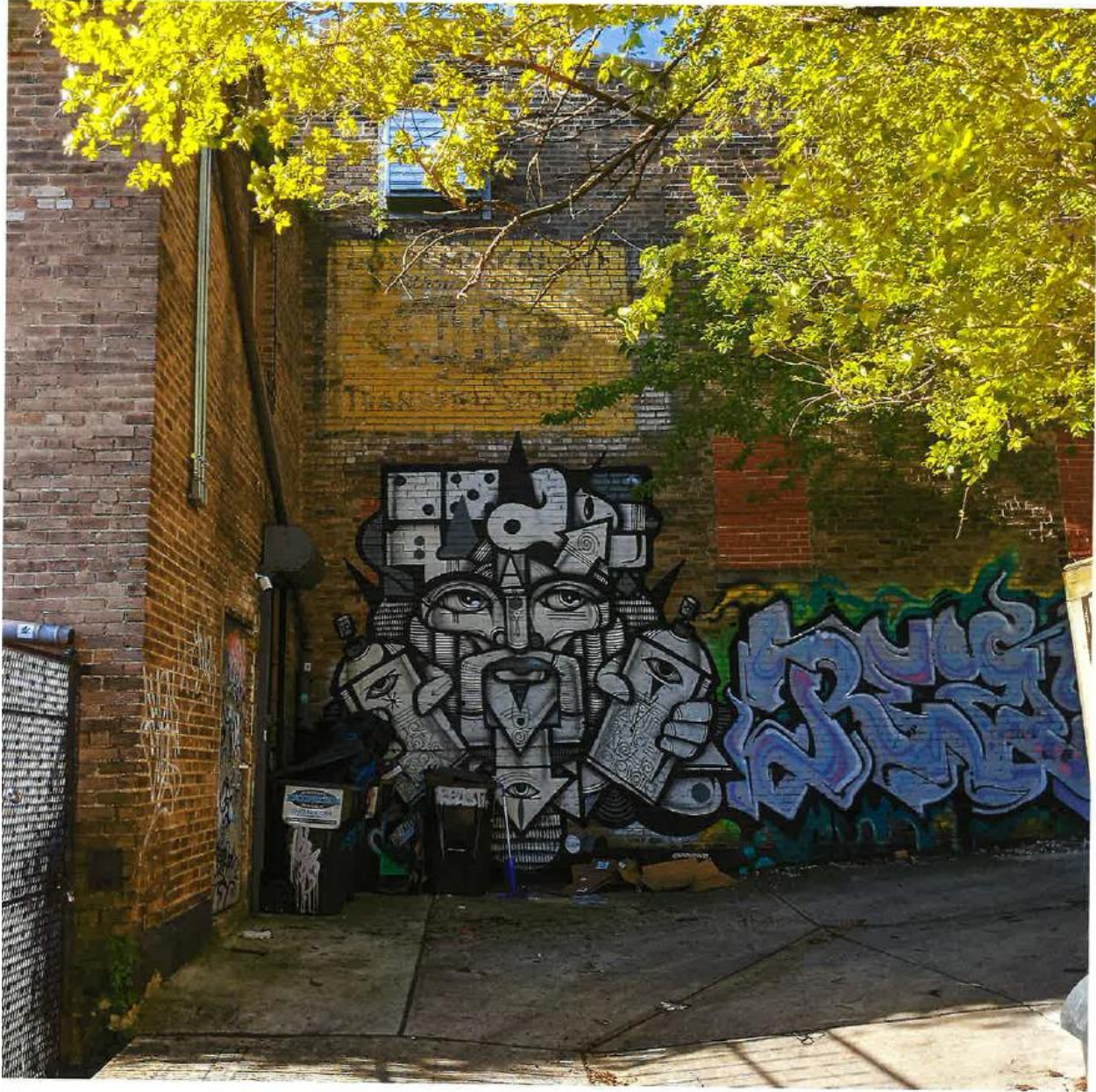




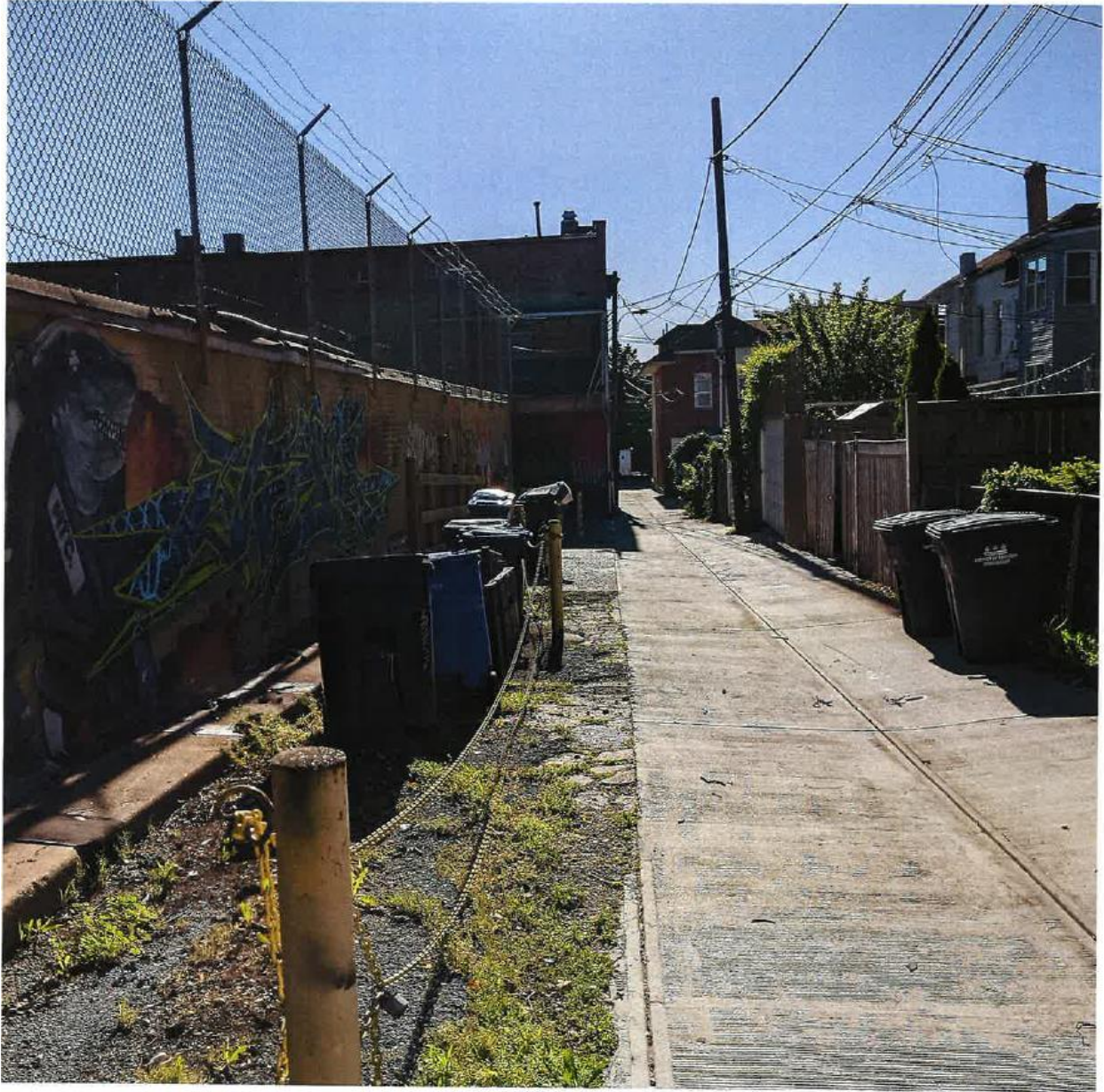


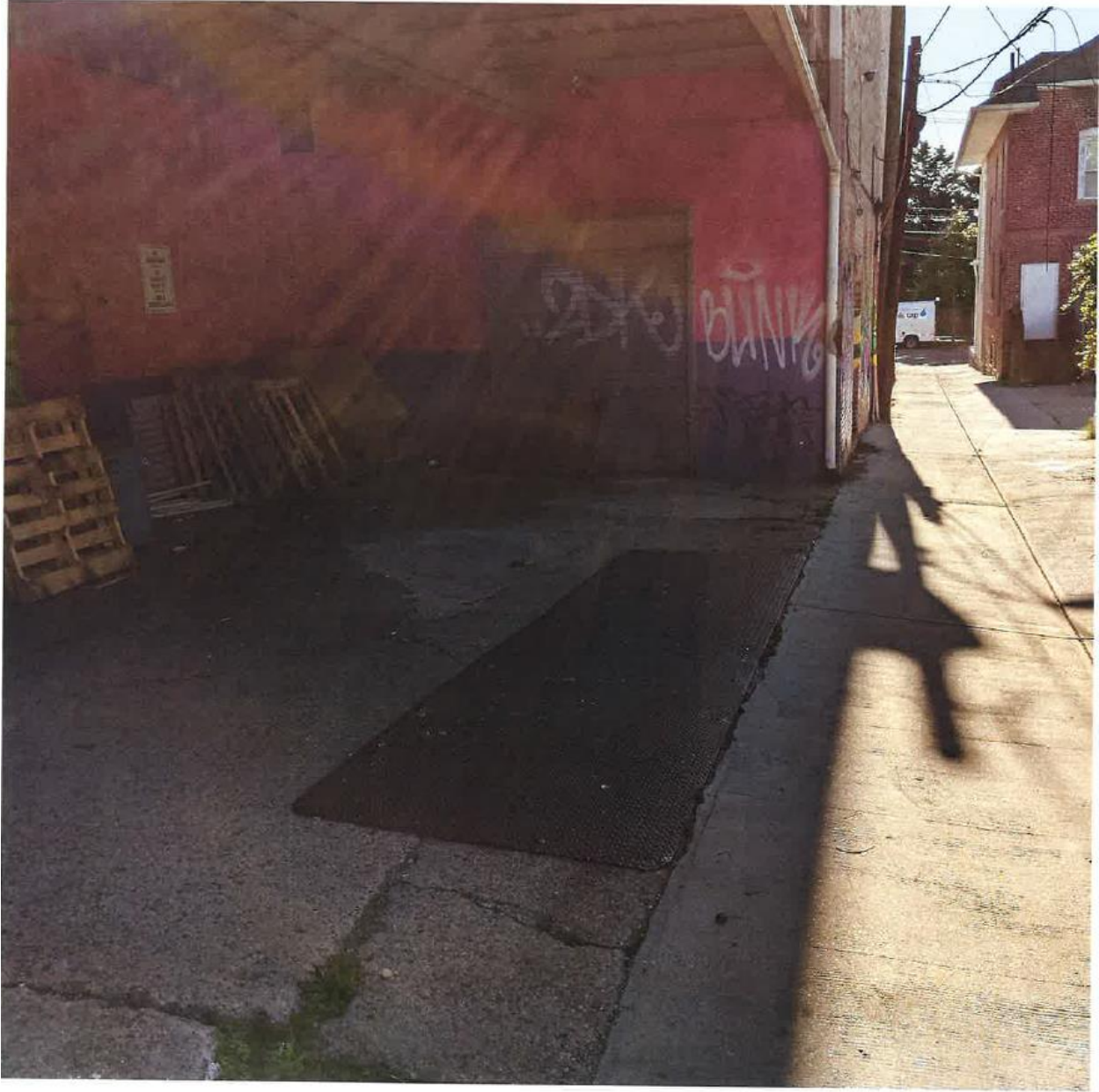




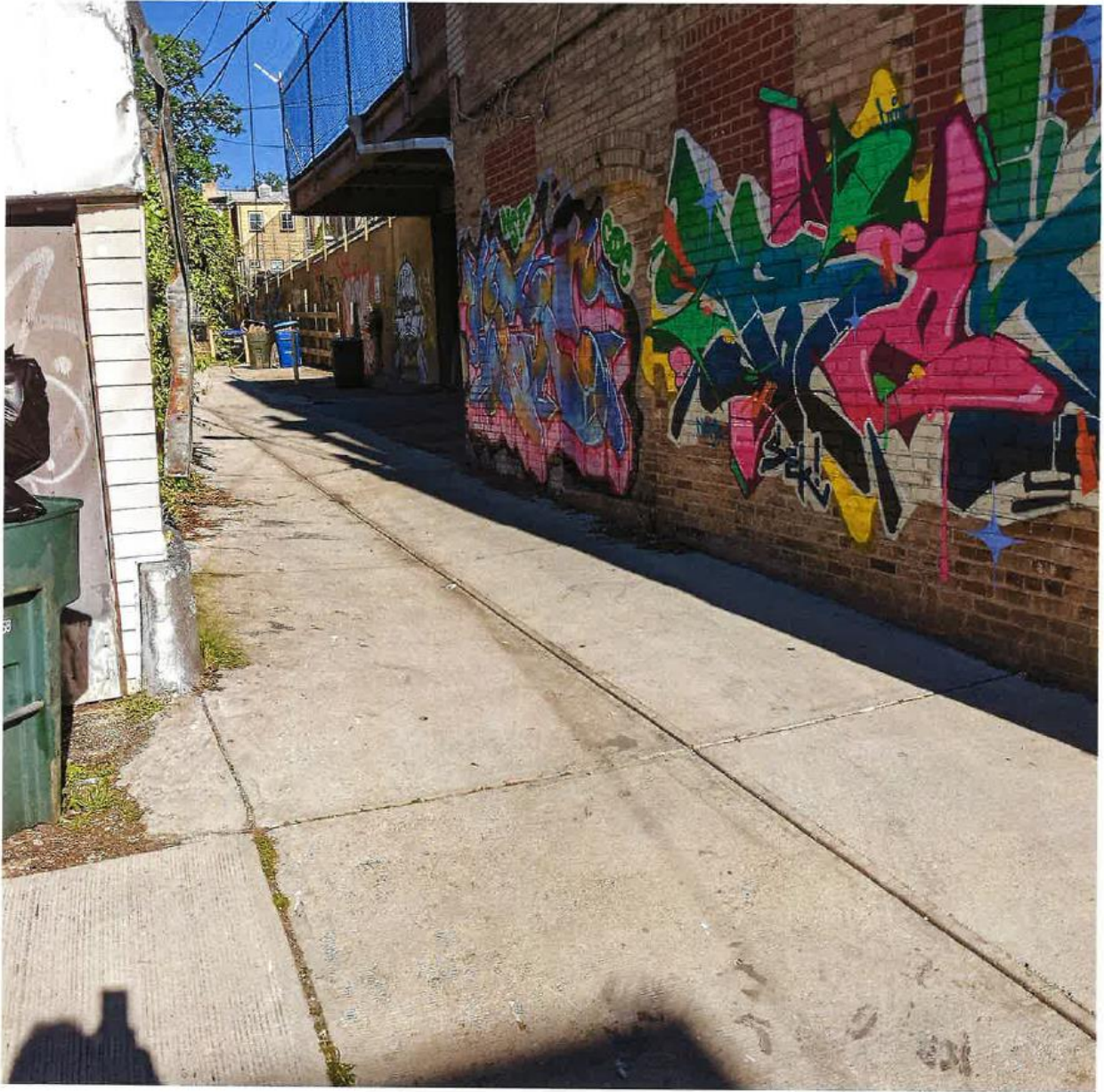












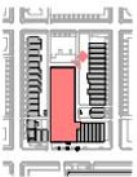






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REAR ALLEY VIEW | A.06.2

04/15/2022



F



# Design Presentation

DLV

PGN

G/S

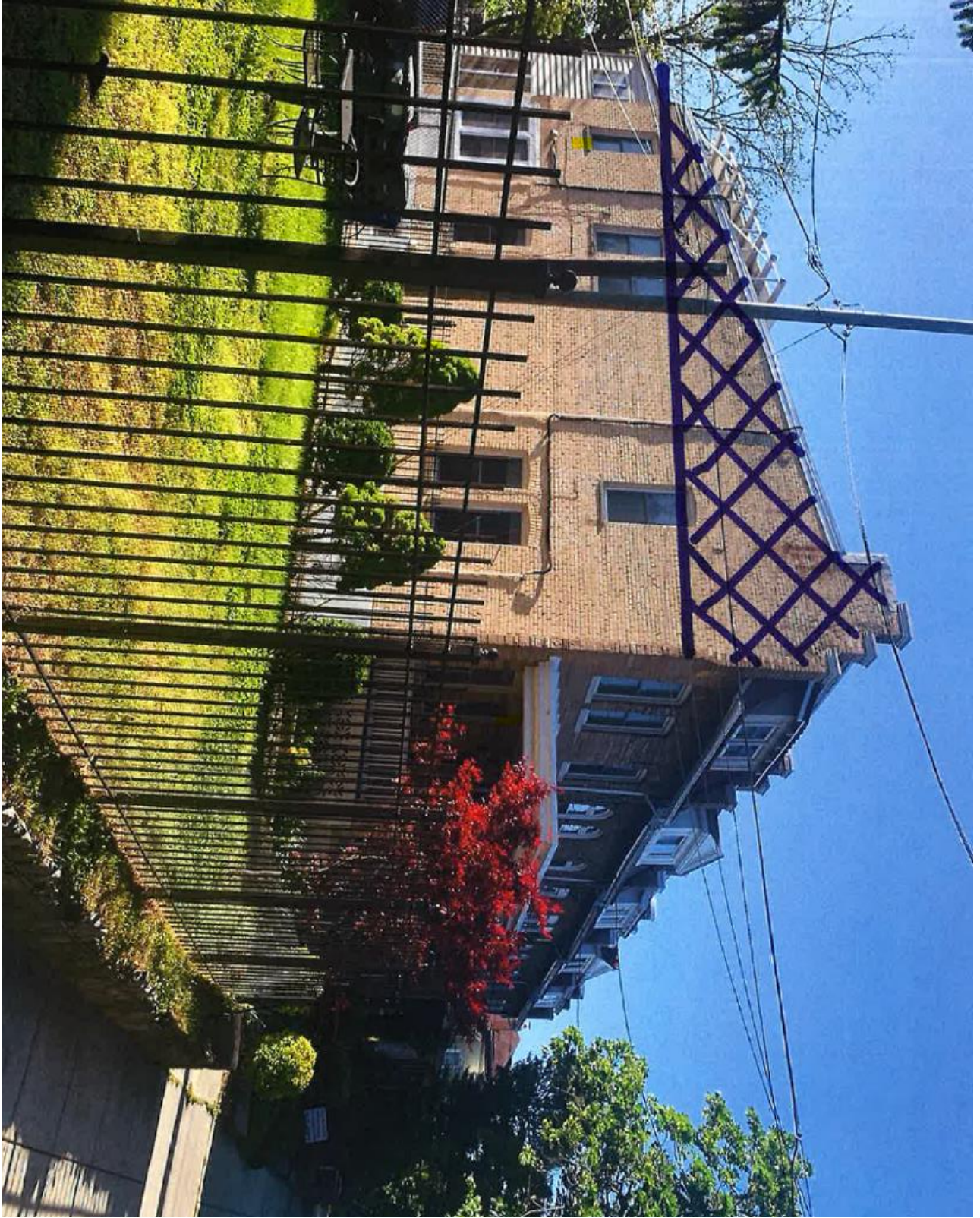
PUD















A. THE INTERSECTION OF 14TH AND ALLISON



B. THE INTERSECTION OF 14TH AND WEBSTER



C. THE INTERSECTION OF 14TH AND SPENSER



D. THE INTERSECTION OF 14TH AND RANDOLPH



E. THE INTERSECTION OF 14TH AND QUINCY



F. THE INTERSECTION OF 14TH AND SPRING

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**CONTEXT - PRECEDENT ALONG 14TH ST A.02.5**

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