

ART PLACE AT FORT TOTTEN

Block B



The Morris and Gwendolyn Cafritz Foundation

APPLICATION TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION FOR
SECOND-STAGE REVIEW AND APPROVAL OF A
PLANNED UNIT DEVELOPMENT AND MODIFICATION
OF FIRST STAGE PUD APPROVAL OF ZONING COMMISSION ORDER NO. 06-10

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EXHIBITS

- Exhibit A** Application Forms for a Second-Stage Planned Unit Development and Modification to an Approved Order
- Exhibit B** Letter from the Applicant Authorizing this Application
- Exhibit C** Certificate of Notice and Notice of Intent to File a Zoning Application
- Exhibit D** Certificate of Compliance with Subtitle Z, Chapter 3
- Exhibit E** Property Owner List
- Exhibit F** Zoning Commission Order Nos. 06-10, 06-10(A), 06-10(C)
- Exhibit G** Architectural Drawings, Renderings, Sections, Streetscape Designs, Landscaping, Civil, Other Plans, Tabulation of Development Data, and Surveyor's Plat of the Property

PREFACE

This statement and the attached documents support this application (“**Application**”) of The Morris and Gwendolyn Cafritz Foundation (the “**Applicant**”) to the Zoning Commission for the second-stage review and approval of a Planned Unit Development and the modification of the first-stage PUD approval for the Art Place at Fort Totten (“**APFT**”) project, as approved by Z.C. Order No. 06-10, as modified by Z.C. Order 06-10(A) and 06-10(C) (collectively, the “**PUD**”).

The property that is the subject of this Application consists of approximately 5.18 acres, and is formally designated as Square 3765, Lots 1-4 and 7-9, Square 3767, Lots 3-4, 4th Street, NE between Ingraham Street, NE and Kennedy Street, NE to be closed and a parallel 16-foot alley running between Kennedy Street, NE and Ingraham Street, NE to be closed (collectively “**Block B**”). Block B is currently occupied by low-rise multi-family residential apartment buildings that are part of the Riggs Plaza Apartment complex and is bounded by South Dakota Avenue, NE to the east, Kennedy Street, NE to the north and Ingraham Street, NE to the south, and a 20-foot public alley to the west.

This Application proposes to redevelop Block B with an apartment building containing approximately 210-250 units and 192,287 square feet of GFA of residential space, as well as common amenity space, and ground floor retail space (the “**Residential Building**”) located on the west side of the closed 4th Street, NE. The portion of Block B that is bound by South Dakota Avenue, NE, Ingraham Street, NE, Kennedy Street, NE and the closed 4th Street, NE will be developed with a structure that includes approximately 30 units of artists housing and work space, as well as associated common amenity space (the “**Artist Housing**”), a ground level grocery store (the “**Grocery Store**”), ground floor retail space, a children’s museum containing approximately 24,931 square feet of GFA, space for cultural uses and a family entertainment zone comprising approximately 152,162 square feet of GFA, and approximately 765 parking spaces (collectively, the “**Project**”). The overall GFA for Block B is 491,777 square feet and the overall FAR for Block B is 2.34. This Application also provides a detailed phasing plan for the development of the remaining parcels of APFT, Blocks C and D.

This PUD is not inconsistent with the District of Columbia Comprehensive Plan, D.C. Law 16-300, 10 DCMR (Planning and Development) § 100 et seq. (2006), nor any adopted goals and public policies and active programs of the District of Columbia related to the site.

Submitted in support of this Application are completed application forms, letters from the Applicant authorizing representation in this Application, a notice of intent to file a PUD (with property owner list and certification of mailing), certificates confirming compliance with the notice and other requirements of Subtitles X and Z of the Zoning Regulations, materials required by the Zoning Commission in the order approving the first-stage PUD, and architectural drawings, plans, and elevations for the Project. As set forth below, this statement and the attached documents meet the filing requirements for a Second-Stage Planned Unit Development application under Subtitle Z, Chapter 3 of the District of Columbia Zoning Regulations.

I. INTRODUCTION

A. *Summary of Requested Action*

The Application. This statement and the documents attached as exhibits hereto support this application (the “**Application**”) of The Morris and Gwendolyn Cafritz Foundation (the “**Applicant**”) to the District of Columbia Zoning Commission for the second-stage review and approval of a planned unit development and the modification of Zoning Commission Order No. 06-10, as modified by Zoning Commission Order No. 06-10(A) and Zoning Commission Order 06-10(C) (as so modified, the “**First-Stage Order**”), the first-stage order to which this Application succeeds, (collectively, the “**PUD**”) for the property known as “Block B” of the Art Place at Fort Totten (“**APFT**”) project. Block B is comprised of Square 3765, Lots 1-4 and 7-9, Square 3767, Lots 3-4, 4th Street, NE between Ingraham Street, NE and Kennedy Street, NE to be closed, and a parallel 16-foot alley running between Kennedy Street, NE and Ingraham Street, NE to be closed (collectively, the “**Property**”). A copy of the First Stage Order is attached hereto as Exhibit F.

The key elements of the development of Block B (defined below) entail creating a mixed-use development combining modern living, family activities, neighborhood amenities, and unique and educational children’s entertainment impacting our most important community asset, our children. The instant proposal will redevelop the Property with multiple buildings, one containing retail and residential uses, one containing artist housing, and one containing mixed retail, grocery, museum, and family entertainment uses, as well as ground level and underground parking (collectively, the “**Project**” or “**Block B**”). Construction of the Project will establish an innovative arts, cultural and educational facility that will offer dynamic experiences and high quality entertainment for both children and adults. The Project will provide something for all, inside and out, via a range of activities ranging from fun and instructive exhibits in a children’s

museum to healthy food choices and special programming in the family entertainment zone (the “**FEZ**”). The Project represents a significant investment in cultural, artistic and educational programming in an area of the city that is relatively underserved by such programming and resources.

Because this Application is a second-stage review of a PUD, pursuant to Subtitle X, Section 302.2, the Zoning Commission’s review is focused on a detailed site plan review of the Project to determine its transportation management and mitigation requirements, final building and landscape design and materials, and compliance with the First-Stage Order. The First-Stage Order established the overall development envelope, mixture of uses, the affordable housing requirements, and compatibility with adopted public policies of the District. This Application demonstrates that the Project complies with the findings and conditions of the First-Stage Order, subject to the modifications thereof sought in this Application.

The First-Stage Order. This Application is the first of three anticipated second-stage PUD applications arising out of the First-Stage Order. The First-Stage Order was initially approved in December 2009, and subsequently modified in October 2011 and June 2014, and established the framework for the comprehensive redevelopment of the Riggs Plaza Apartment complex and several adjacent warehouses (collectively, the “**Site**”), which are bound by Galloway Street, NE, South Dakota Avenue, NE, a 20-foot public alley running parallel to South Dakota Avenue, NE, and the Food and Friends building. The Riggs Plaza Apartment complex originally contained 15 low-rise multifamily apartment buildings, and was constructed by Morris Cafritz over 60 years ago.

The Riggs Plaza Apartment complex is aging and provides no cultural or community amenities to residents or neighbors. The application approved as part of the First-Stage Order

aims to “revitalize the Applicant’s 15-acre property with a dramatic mixture of residential, commercial, and arts and cultural uses, as well as to bring significant economic, social, and cultural investment to a community in northeast Washington that has seen little such investment in more than a generation.” *See* First-Stage Order, Findings of Fact ¶ 27. This Application represents a significant step in continuing the multi-year effort to implement these goals and realize the vision of redeveloping the Site.

Block B. The Property consists of approximately 5.18 acres (including the land area of 4th Street, NE and the 16-foot public alley proposed to be closed), and is in the middle portion of the Site. The Property is bounded by South Dakota Avenue, NE to the east, Kennedy Street, NE to the north and Ingraham Street, NE to the south, and a 20-foot public alley to the west. Today, the Property contains six separate low-rise apartment buildings. Immediately south of the Property is the Modern, a residential apartment building that was approved as a consolidated Planned Unit Development pursuant to the First-Stage Order. West of the Property is a multi-family apartment building, north and east of the Property opposite South Dakota Avenue, NE are detached houses as well as the Lamond Riggs Neighborhood Library, and north of the Property is the headquarters of Food and Friends. The Property is located only several hundred feet from the red, green, and yellow line Fort Totten Metrorail stop.

The Property is within the area designated as a mix of Medium Density Residential and Medium Density Commercial uses on the Future Land Use Map of the District of Columbia Comprehensive Plan, D.C. Law 16-300, 10A DCMR (Planning and Development) § 100 et seq. (2006) (the “**Comprehensive Plan**”). Pursuant to the First-Stage Order, the Property was

approved to be rezoned to the C-2-B Zone District¹, which is now the MU-5-A zone under the 2016 Zoning Regulations.²

The Project includes an apartment building containing approximately 210-250 units and 192,287 square feet of Gross Floor Area (“GFA”) of residential space, as well as associated common amenity space, and ground floor retail (the “**Residential Building**”) on the west side of the closed 4th Street, NE. The portion of Block B that is bound by South Dakota Avenue, NE, Ingraham Street, NE, Kennedy Street, NE and the closed 4th Street, NE will be developed with a structure that includes approximately 30 units of artists housing and work space, as well as associated common amenity space (the “**Artist Housing**”), a ground level grocery store (the “**Grocery Store**”), a children’s museum containing approximately 24,931 square feet of GFA, space for cultural uses and the FEZ comprising approximately 152,162 square feet of GFA, and approximately 765 parking spaces. The proposed closure of 4th Street, NE will allow for the creation of an active and vibrant pedestrian oriented area between the residential and culturally/arts-related elements of the Project. As shown in the renderings included in Exhibit G, the southern end of the closed 4th Street, NE will potentially include kiosks and stands that can be used for retail and entertainment purposes. The northern end of the closed 4th Street, NE will help allow for the loading facilities associated with the arts/culture/retail portion of the Project. The closed 4th Street, NE will include details, such as the introduction of a curbless street, to indicate to pedestrians and vehicular drivers the shared use of this space.

¹ A portion of the Site is rezoned to the FT/C-2-B overlay and zone district, but this area does not include the Property.

² This Application will henceforth refer to the nomenclature of the 2016 Zoning Regulations, and apply the applicable development standards and criteria of the 2016 Zoning Regulations to the redevelopment of the Property, except where explicitly modified in the First-Stage Order or where flexibility is requested here.

Compliance with the First-Stage Order. The First-Stage Order described the approved plans for Block B as follows:³

Building B shall be constructed as a three-story building not to exceed 60 feet in height and shall include approximately 144,000 square feet of anchor retail and supporting retail uses, 59,000 square feet of grocery, an approximately 47,000 square foot children's museum, as well as recreational and meeting space for resident and community seniors, with a total gross floor area not to exceed 456,000 square feet, all of which would be for non-residential uses. Building B shall have a maximum lot occupancy of approximately 76% and contain approximately 1,100 parking spaces.

See First-Stage Order, Condition 7b.

The Project complies with the general parameters established for the Site in the First-Stage Order, but differs from the specific development plans for Block B in the following ways:

(i) rather than a single large building taking up the entire Property as proposed in the First-Stage Order, the Project as currently proposed is spread across multiple buildings separated by 4th Street, NE, which will be closed and function largely as an active pedestrian area, (ii) in order to further the tenant relocation process for existing tenants of the Riggs Plaza Apartment complex, two of the existing Riggs Plaza Apartments buildings will remain on the Site, (iii) the uses envisioned for the entire Site in the First-Stage Order will be shifted such that Block B will include residential uses and the FEZ, as well as the originally intended grocery, retail, and museum space, (iv) certain development standards, including height, total GFA, FAR, and number of parking spaces have been adjusted to accommodate the shift in uses within the overall Site as well as the replacement of a single building with multiple structures and significant pedestrian plaza areas, which will contribute to a vibrant and engaging pedestrian environment on Block B and the larger Site.

³ The Application will refer to the phase of development identified as "Building B" in the First-Stage Order as "Block B".

These proposed modifications are entirely consistent with the overall massing, development, policy objectives, character and appropriateness of the First-Stage Order, and were undertaken following detailed studies of the Project's site plan, architecture, landscaping and transportation. The Applicant believes these design alterations will improve the overall quality of the community in this phase of the APFT development and make the relocation process smoother for existing tenants. Thus, as part of this Application, the Applicant seeks a modification of the First-Stage Order pursuant to Subtitle Z, Section 704 of the Zoning Regulations to accommodate these modest changes.

Community Outreach. The Applicant has committed to a robust community and public agency outreach process. The Property is within the boundaries of Advisory Neighborhood Commission 5A (the "ANC"), and Advisory Neighborhood Commission 4B ("ANC 4B") is located across South Dakota Avenue, NE to the northeast. As part of the First-Stage Order, the Applicant engaged in significant community outreach to the ANCs, its neighbors, and its tenants as part of the PUD process. The Applicant is committed to the same extensive community outreach as part of the instant Application. The Applicant hosted multiple focus groups for the community in May 2018 to solicit input regarding retail and public space use for the Property. The Applicant has also reached out to the ANC 4B Commissioner, who represents the area across South Dakota Avenue, NE from the Site. While the Site is not located in ANC 4B, it is deemed to be an "affected" ANC. Due to its summer recess, the Applicant was not able to make a presentation to ANC 4B in August 2018. The Applicant expects to make an initial presentation to ANC 4B at their regularly scheduled public meeting in September.

The Applicant has also begun discussions with the President of the Lamond Riggs Citizens Association ("LCRA"), a party to the original case, regarding this Application and is

scheduled to make a presentation on September 27, 2018 to LRCA. At the request of ANC 5A Commissioners, the Applicant discussed its satisfaction of the requirements of the consolidated PUD approval for Block A at the ANC's August 22, 2018 meeting. The Applicant is scheduled to present the Project to SMD 5A08 on September 25, 2018. The Applicant's design team made an initial presentation to ANC 5A on August 1, 2018 regarding the Project.

The Applicant has also met with officials from the District of Columbia Office of Planning ("OP") and Department of Transportation ("DDOT") as recently as August 29, 2018. The Applicant's outreach to tenants, neighbors, the ANCs, and the government agencies has been extensive and productive, and the Applicant will continue such outreach for the remainder of the public process.

B. The Applicant

The Applicant, The Morris and Gwendolyn Cafritz Foundation, was established in 1948 by the late Morris Cafritz, a prolific builder and real estate developer in the Washington, DC area. The Foundation was led by the late Gwendolyn Cafritz for many years and has awarded nearly \$450 million in grants in the past 50 years for projects in the arts and humanities, community services, education, environment, and health. As a well-endowed foundation with a focus on arts promotion in the Washington, DC area, the Foundation is uniquely positioned to undertake a development such as the Project.

C. Summary of Public Benefits to Be Provided in Block B

The Project will provide significant public benefits and project amenities pursuant to the requirements for a PUD. Most significantly, the Project introduces an innovative cultural and arts space to serve both children and adults. A summary of these public benefits and amenities is provided here, and detailed descriptions of each are addressed below in Section IV. Public benefits include:

- *Building Space for Special Uses* – the Project will include community rooms and common amenities spaces for residents, including communal space in the artist housing; furthermore, the FEZ and children’s museum will provide a variety of innovative and enriching activities;
- *Superior urban design, architecture, and landscaping* – the Project incorporates numerous urban design precepts that guide attractive urban design in the District and that represent significant improvements over the existing aesthetic and functional conditions of the buildings on the Property; moreover, the high quality of design, materials, and finishes proposed for the Project celebrates the redevelopment and emergence of Riggs Plaza Apartment complex as APFT, signals the Applicant’s commitment to delivering high-quality housing and retail and arts development, and sets expectations about future development nearby;
- *Site planning, and efficient and economical land utilization* – the Block B site plan is an integral piece of the overall Site (though capable of standing independently until future phases occur) and will create residential densities as well as arts and entertainment uses on the Property that are appropriate given the proximity to transit options;
- *Housing and affordable housing*⁴ – the Project will have a total of approximately 210-250 new apartment units, and 30 subsidized artist housing units;
- *Employment and training opportunities* – the Applicant has entered into a First Source Employment Agreement with the Department of Employment Services (“DOES”) as part of each phase of the overall Site redevelopment;
- *Environmental and sustainable benefits* – the Applicant will pursue certification of the entire APFT development under the LEED Neighborhood Development rating standard;
- *Transportation* – the Project has been carefully designed to address the expected parking and loading demand for the various users, the Applicant’s transportation engineer is creating a Comprehensive Transportation Review Study that will address the expected demand and will include a transportation demand management plan;
- *Uses of Special Value to the Neighborhood* – the Project will provide a variety of uses that will enhance the neighborhood, including the FEZ, children’s museum, residential uses, a neighborhood-serving grocery store, ground floor retail, and artist space. Additionally, the Applicant is committed to furthering the tenant relocation plan, to ensure that current tenants of the Riggs Plaza Apartment complex are not displaced from the community;

⁴ Block A provides 141 affordable housing units, and the Applicant has committed to providing 171 income-restricted units overall in the AFPT project, representing 18% of the total number of units.

- *Other ways in which the PUD substantially advances the Comprehensive Plan* – as set forth more fully below, the Project substantially advances a number of themes and policies of the Comprehensive Plan.

Overall, the Project will be an attractive, place-making development anchor establishing the bright future for AFPT and the surrounding Fort Totten neighborhood. The Project will create a unique multi-use center, offering a variety of educational and artistic activities for people of all ages. The FEZ and children’s museum will provide myriad opportunities for children to explore and learn, through the interactive exhibits, educational programming, and first-class entertainment. Adults and families will be able to enjoy all that the Project has to offer, including lectures, shows, themed festivals offering a variety of foods, and enjoyable, safe, and attractive pedestrian space.

The PUD process outlined in Subtitle X, Chapter 3 of the Zoning Regulations serves as the best means of achieving the objectives of this first phase of development. The PUD process provides the necessary flexibility and density bonuses to allow the Applicant to redevelop the Site while providing the public benefits described above. The PUD process ensures that the Project is well-designed, contributes to the housing needs of the District and local needs of the neighborhood around the Site while making sure that the density and uses are appropriate and the architecture is compatible with the surrounding neighborhood.

D. Development and Phasing Plan for Completion of APFT

The Applicant intends to begin construction of the Project during the first quarter of 2020 and the Project will take approximately 30 months to build. The Project is expected to be completed during the third quarter of 2022. The Applicant will file a second-stage PUD application for either Block C or Block D by December 31, 2024, which is expected to be two years after Block B is open and operating, and the second-stage PUD application for the final development parcel included in APFT will occur by December 31, 2030. The Applicant believes

that such time periods are appropriate in order to allow each development parcel to be constructed and have a period of operation prior to the beginning of the next round of development of APFT.

II. THE PROPERTY AND THE PROPOSED PUD PROJECT

A. The Property: Location, Current Use, and Surrounding Area

The Property is located in Ward 5 in the Northeast quadrant of DC, and apartment buildings owned by the Applicant occupy the Property today. The vast majority of the residents of these existing buildings have already been relocated to appropriate and comparable units in Building A, and any remaining tenants in good standing will have the option to be relocated to a comparable unit in APFT, which will be income-restricted, prior to commencement of construction of the Project. Additionally, two of the existing Riggs Plaza Apartment buildings will be retained to further facilitate the tenant relocation process.

B. The Project

The Project, and specifically FEZ, will be a high-tech center that offers a variety of exhibits, including hosting an inventive arts collective, potentially a video game/virtual reality center, a “maker space” encouraging children to experiment and create their own projects. Additionally, a children’s museum featuring interactive experiences, such as a rain room, will provide exciting and engaging educational exhibits for children and families. The Project will maintain the residential legacy of the Site by including approximately 210-250 multifamily units and 30 units of artist housing. Additionally, existing residents of the Riggs Plaza Apartment complex who have not yet been relocated to Building A of APFT will have the opportunity to relocate.

Architectural drawings and plans (the “**Plans**”) depicting the design and layout of the Project are attached as Exhibit G.

Overall Project Description. Block B at APFT is a transit-oriented development located in Ward 5 along on the of the city’s major streets, South Dakota Avenue, NE. Building upon the success of the first phase of APFT at Building A, the Project enhances the neighborhood retail environment with a grocery store and brings new vitality via the children’s museum, and the FEZ, containing exciting entertainment venues.

The Project, and specifically the FEZ, is organized with a main entry and plaza located along South Dakota Avenue, NE and Ingraham Streets, NE at one end and is anchored by a new neighborhood grocery store at the other. Upon entry to the FEZ, a family may visit one of several venues on the interior, such as dining at the food courts, visiting the interactive museum or exploring the welcoming pedestrian-focused zone surrounding the FEZ. Designed to engage the neighborhood, the interior is visible to the local community in many locations and invites participation by all.

The FEZ is a high tech center that will offer a range of dynamic experiences for children and adults. The FEZ will host an innovative arts and entertainment group comprised of almost 200 artists across a variety of artistic disciplines that is known for its immersive and interactive offerings. Additionally, a children’s museum, including the possibility of a video game and virtual reality section, as well as a hydroponic wall and a “maker’s space” will attract children of all ages. Classes may be offered to children, families, and adults, and occasional festivals will unify the programming of the various entities operating in the FEZ and children’s museum. Additionally, the FEZ will feature a food hall, host the best chefs of Washington, DC for special events and cooking classes and include a brewery featuring craft beers. The FEZ will also feature free children’s performances during the day, as well as music and comedy performances, book signings and lectures in the evenings.

At the upper end of FEZ towards the Fort Totten Metrorail station, the Project provides a secondary entry to the museum and food court at 4th Street, NE and Ingraham Street, NE. 4th Street, NE is transformed into a shared street for pedestrian access, programmed activities and outdoor dining as well as loading operations for the FEZ. Two types of residential accommodations are organized along 4th Street, NE: artists housing entered on the eastern side of 4th Street, NE and market rate residences on the opposite side of 4th Street, NE, accompanied by retail conceived to serve the neighborhood.

Pedestrians are prioritized along each street frontage, and the Applicant plans to close 4th Street, NE to create a pedestrian zone. Additionally, at the corner of Ingraham Street, NE and South Dakota Avenue, NE, an outdoor plaza known as Morris Square, which was originally proposed for Block D of the Project, will welcome visitors to the FEZ, creating an open and inviting gateway to the Project.

The Project's most prominent feature - the circular building hosting the FEZ - is oriented to give the Project a visual prominence from approaching vantage points. This circular structure will be illuminated to provide a well-lit environment for families and residents enjoying the Project, enhancing the safety of the Project. Such an inviting and well-lit entrance to the FEZ will provide a beacon to the Project and establish a sense of community centered on the activities offered by the FEZ and children's museum. The varying heights of the residential buildings and the retail, FEZ and museum building will create natural variation along the block, avoiding a monolithic aesthetic at the Project. The variation in uses and dimensions of the Project's buildings, together with the multiple areas for pedestrian circulation and gathering places for free entertainment will create an organic community center that will appeal to people of all ages.

Other Development Standards. The buildings comprising Block B will occupy 76 % of their lot, have a total GFA of 491,777 square feet and a total FAR of 2.34. Block B will include 765 vehicular parking spaces. The Residential Building will have approximately 192,287 square feet of residential GFA and a residential FAR of 0.91. The Artist Housing will have approximately 25,732 square feet of GFA and a FAR of 0.12. The Grocery Store will have approximately 11,498 square feet of GFA, and a FAR of 0.05. The combined community common space, space for cultural uses and additional family entertainment space will have approximately 152,162 square feet of GFA, and a FAR of 0.72. The children's museum will have approximately 24,931 square feet of GFA and a FAR of 0.12.

Inclusionary Zoning/Affordable Housing. A significant objective of the Project is the preservation of the existing affordable housing units on the Property and provision of additional housing units in close proximity to the Fort Totten Metrorail station. As a result, AFPT as a whole is required to provide 171 affordable units. The residential building in Block A, the Modern, includes 141 income-restricted units. Pursuant to Z.C. Order No. 06-10, the Applicant committed to a tenant relocation plan for the residents of the Riggs Plaza Apartment complex in good standing. As of the filing of this Application, 59 residents of the Riggs Plaza Apartment complex have moved into Building A, and 8 more residents are expected to move into Building A by the end of September 2018. 3 residents of Riggs Plaza Apartments have elected to stay in the existing Riggs Plaza Apartments for now or to move off-site, and an additional 7 residents of the Riggs Plaza Apartments are still making their decisions regarding relocation.

Parking and Loading. Block B will include approximately 765 parking spaces. Truck loading berths for the grocery store, retail, museum, and FEZ uses will be accessed via Kennedy Street, NE and the northern portion of the closed 4th Street, NE. Loading access for the

residential component of Block B will be via the adjacent public alley. All parking and service entries are located for convenience as well as to minimize visual impact and conflict with pedestrian activity.

C. *Consistency with the First-Stage Order*

The Project is consistent with the general parameters established for the overall AFPT development in the First-Stage Order, but differs slightly by advancing certain uses to an earlier stage of development as part of Block B, rather than as part of Blocks C and D. Therefore this Application entails a modification of the First-Stage Order.

The elements of the Project that differ from the First-Stage Order include:

- **Mix of Uses.** The Project proposed herein contains a different mix of uses than those approved for Block B in the First-Stage Order. Block B was approved in the First-Stage Order as a single building containing a children's museum, grocery, retail and a senior center. Block B will now include residential uses, including artist housing, and the FEZ in addition to the originally approved grocery store, retail, and children's museum. The proposed grocery store will comprise approximately 23,800 square feet, rather than 59,000 square feet, as proposed in the First-Stage Order. The size of the grocery store has been reduced due to the construction and operation of a full-service grocery store operated by Walmart approximately 3 blocks from the Property. The uses now proposed for Block B are consistent with the overall uses approved for the APFT. Shifting certain of these uses to an earlier phase of development will more quickly establish a sense of place and an active pedestrian zone at APFT.
- **Building Type.** The Project replaces the originally proposed single multi-use building with several multi-use buildings containing a mix of residential, artist housing, retail, grocery, children's museum, and FEZ uses. This change allows the Applicant to create various open plazas and pedestrian zones along 4th Street, NE, as well as at the corner of Ingraham Street, NE and South Dakota Avenue, NE.
- **Dimensional Standards.** The overall GFA of Block B is changed from 456,000 square feet as approved in the First-Stage Order, to 491,777 square feet, to account for the shift in uses. The number of vehicular parking spaces offered has been reduced from 1100 to 765. The First-Stage Order approved a height of 60 feet for a single building, however, the Project will include several multi-use buildings with varying heights, up to 75 feet.
- **Alley and Pedestrian Area Modifications.** The Applicant proposes to close 4th Street, NE (which will include the removal of the building restriction line along 4th Street, NE and Kennedy Street, NE) and create a pedestrian zone for visitors and residents to

enjoy the offerings of the food court and FEZ. The northern portion of the closed 4th Street, NE will be used for truck loading access and will be a 75-foot right of way (with no building restriction line). Additionally, Morris Square is to be relocated from the corner of Kennedy Street, NE and South Dakota Avenue, NE to the corner of Ingraham Street, NE and South Dakota Avenue, NE. Locating the open plaza in this area will draw visitors and residents to the FEZ and retail of Block B and create a gateway to the Project that will draw people into the larger APFT.

These proposed modifications are consistent with the overall massing, development envelope, policy objectives, character and appropriateness of the First-Stage Order for the overall APFT, and were undertaken following detailed studies of the Project's site plan, architecture, landscaping and transportation. Moreover, the Applicant believes these alterations will improve the overall quality of the community by providing neighborhood-serving retail and grocery, introducing unique and educational arts and cultural programming, and making the relocation process smoother for existing tenants. Accordingly, the Project seeks a modification from the First-Stage Order pursuant to Subtitle Z, Sections 703 and 704 of the Zoning Regulations as set forth in Section V hereof.

III. PUD EVALUATION STANDARDS

The Project and this Application satisfy and exceed the requirements of a second-stage PUD pursuant to the First-Stage Order.

The Zoning Regulations at Subtitle X, Sections 301, 302.2, 304, and 305 and at Subtitle Z, Sections 300.12(j) and 703.10 set forth certain substantive and procedural requirements for a second-stage PUD and PUD modification and the criteria against which the Zoning Commission is to evaluate and make a determination on this PUD application. This Section III describes how the Project satisfies the area requirements of Subtitle X, Section 301 of the Zoning Regulations to proceed as a PUD and identifies the Project's impacts with respect to Subtitle X, Section 304.4(b). Section IV hereof describes the Project's benefits and amenities in light of the provisions of Subtitle X, Sections 304.4(c) and 305. Section V hereof addresses the requirements

for consistency with the Comprehensive Plan, First-Stage Order (subject to the modification sought herein), intent and purpose of the Zoning Regulations, and the PUD process as required pursuant to Subtitle X, Sections 302.2 and 304.4(a) and Subtitle Z, Sections 300.12(j) and 703.10.

As set forth below in this Section III, the Project satisfies the area requirements for a PUD. In addition, the PUD Evaluation Standards, at Subtitle X, Section 304.4, provide that the Zoning Commission must find that the proposed development “[d]oes not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.” The Project readily satisfies this standard for the reasons set forth in Sections III.B and C below.

A. PUD Area Requirement

The Project satisfies the requirements in Subtitle X, Section 301 of the Zoning Regulations that a PUD must include an area of at least 15,000 square feet in the MU-5A zone and that all of the property be contiguous except as separated by streets and alleys. As noted above, the Property is over 5 acres, and the entire Site is over 15 acres. In addition, all of the property comprising the PUD is contiguous, except as separated by streets and alleys. Accordingly, the Project satisfies the PUD area requirement.

B. Project Impact on the Surrounding Area

The impact of the Project the surrounding area either will be favorable or capable of being mitigated because the Project will: (i) provide unique and innovative artistic, cultural and educational programs and facilities to residents, (ii) provide formalized amenities that improve the pedestrian experience adjacent to the Property and that will provide safe outdoor

opportunities for residents; (iii) offer a high-quality neighborhood design and architecture that are both complementary to and enhance the existing fabric of the surrounding residential streets; (iv) promote the goal of walkable and transit-oriented development; and (v) provide neighborhood-serving retail uses, such as a grocery store to the neighborhood.

1. Land Use Impacts

From a land use perspective, the Project will create no unacceptable impacts on surrounding neighborhoods. Given the Project's proximity to Metrorail transit and given the overall approvals in the First-Stage Order for additional commercial activities on the Site, the density on the Property will have positive impacts on the surrounding neighborhoods. The Project will help transform Fort Totten into a mixed-use, transit-oriented neighborhood. Accordingly, the overall land use impacts of the Project will either be favorable or capable of being mitigated.

2. Development-Period Impacts on Residents and Neighbors

During the development period for Block B, the Project's impacts on residents and neighbors are capable of being mitigated. As part of the materials submitted in the application for the First-Stage Order, the Applicant prepared a tenant relocation plan designed to ensure that existing tenants are not displaced. As noted previously 59 residents of the Riggs Plaza Apartment complex have already relocated to Building A, and 8 more residents are expected to move into Building A by the end of September 2018. 3 residents of Riggs Plaza Apartments have elected to stay in the existing Riggs Plaza Apartments for now or to move off-site, and an additional 7 residents of the Riggs Plaza Apartments are still making their decisions regarding relocation.

3. Open Space, Urban Design, and Massing Impacts

The Project favorably improves upon the existing conditions with respect to the relationship between the buildings, open spaces, and the public realm. The current relationship between the Riggs Plaza Apartment buildings and the surrounding open spaces and public realm is a source of considerable concern from a public safety perspective. The existing buildings and open spaces form partially-enclosed and semi-observed areas that create uncomfortable conditions for pedestrians and facilitate illicit outdoor activities. The Project greatly improves upon these conditions by being oriented along the surrounding streets with open and well-lit pedestrian zones. The lively streetscape and open plazas will create active areas for families visiting the FEZ as well and residents to enjoy. The Project will have a significantly favorable impact on open space in the neighborhood.

4. Design and Aesthetic Impacts

The Applicant hopes that the Project's design and architecture will create a point of resident and community pride. The Project incorporates the highest-quality architecture and exemplary design. The materials and design details of the buildings in Block B are significant improvements over the existing conditions. Upon completion of the Block B redevelopment, the new buildings will appear fresh and emblematic of new investment. The Project will usher in a new architectural vocabulary that will establish a high baseline of quality of design and finishes expected for projects along South Dakota Avenue, NE.

5. Transportation and Mobility Impacts

The proposed Project will not have an adverse impact on the public transportation facilities or roadways that it will rely on for service. The Project's vehicular traffic impacts are strongly mitigated by its transit options, and the Project achieves the right balance of mobility. The Property is well-served by transit and vehicular infrastructure. The Fort Totten Metrorail

station is only several hundred feet from the Property, and it is expected that many of the Project's residents and visitors will use public transit.

AFPT as a whole will contain 765 parking spaces to accommodate the parking demands of residents, shoppers at the retail and grocery store, and visitors to the FEZ and children's museum. The Project's physical form—new construction facing the street, multiple inviting pedestrian zones, and a tree-lined streetscape—mitigates traffic impacts by promoting and encouraging active mobility over driving.

The Applicant has engaged Wells + Associates as transportation engineer for the Project and will provide its complete report as this case moves through the public hearing process.

C. Project Impacts on City Services and Project Environmental Impacts

The Project will not have an adverse impact on the public facilities and District services that it will rely on for service.

1. Water Demand

Block B will contain approximately 24, 931 square feet of GFA of children's museum space, approximately 11,498 square feet of GFA of grocery space, approximately 192,287 square feet of GFA of multifamily residential space, approximately 25,732 square feet of GFA of Artist Housing and associated maker space, approximately 152,162 square feet of GFA for cultural uses, including the FEZ, approximately 50,574 square feet of GFA of additional retail space, and approximately 34,593 square feet of GFA for parking. The average daily water demand for this project can be met by the existing District water system. The proposed connection for the fire and residential water supply will be made within the existing distribution system and will be coordinated with DC Water.

2. Sanitary Sewer Demand

The proposed connection for the sanitary sewer connections for the Project will be made within the existing distribution system and will be coordinated with DC Water.

3. Stormwater Management

The Project has been designed to achieve high levels of on-site stormwater retention. The proposed green roofs, permeable pavement, and bioretention devices are designed to meet District Department of Energy and Environment (“**DOEE**”) stormwater management retention and detention requirements. The requisite inlets and closed pipe system will be designed and constructed in compliance with the standards set by DOEE, DC Water, and DDOT.

4. Solid Waste Services

Solid waste and recycling materials generated by the Project will be collected regularly by a private trash collection contractor.

5. Electrical Services

Electricity for the new Buildings will be provided by the Potomac Electric Power Company (“**Pepco**”) in accordance with its usual terms and conditions of service. All electrical systems will be designed to comply with the D.C. Energy Code. Transformers will be installed on the Property in accordance with Pepco’s design guidelines.

6. Energy Conservation

The Project will be constructed in full compliance with Article 24 (Energy Conservation) of the District of Columbia Building Code. Conformance to code standards will minimize the amounts of energy needed for the heat, ventilation, hot water, electrical distribution, and lighting systems contained in the building.

7. Erosion Control

During excavation and construction, erosion on the Property will be controlled in accordance with District of Columbia law.

8. Public Schools

The Project is unlikely to have an unacceptable impact on schools in the District given the size of the Project, its mix and type of units, and the capacity for the District's nearby schools to take on additional students. Because of the nature of the Project's demographics, and the variety of school choices nearby, the Applicant expects that the school network will be able to accommodate, without any unfavorable impacts, the school-age children that may reside at the Project.

IV. PUBLIC BENEFITS AND PROJECT AMENITIES

A. Identification of Specific Public Benefits and Project Amenities

The PUD Evaluation Standards, at Subtitle X, Section 304.4(c) require the Zoning Commission to find that the proposed development “[i]ncludes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.”

Section 305.2 provides:

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.

Section 305.4 requires that a majority of the public benefits of the proposed PUD relate to the geographic area of the ANC in which the application is proposed.

A description of the Project's many public benefits and project amenities is provided below. The Project's many superior public benefits and project amenities are not inconsistent

with the Comprehensive Plan or with other adopted public policies and active programs, as described in Section V below.

This PUD will achieve the goals of the PUD process by providing high quality mixed-use development on the Property with significant public benefits to the neighborhood and the District as a whole to a greater extent than would be possible from development of the site under the matter-of-right provisions of the Zoning Regulations. The Applicant anticipates that the majority of the public benefits will relate to the geographic area of the ANC in which the Project is located.

1. Building Space for Special Uses (§ 305.5(j))

Pursuant to Subtitle X, Section 305.5(j) of the Zoning Regulations, “building space for special uses including, but not limited to, community educational or social development, promotion of the arts or similar programs and not otherwise required by the zone” are public benefits and project amenities to be evaluated by the Zoning Commission. The FEZ and children’s museum will provide a variety of innovative enrichment activities for the community. The FEZ will include free programming and entertainment for the community, and will bring an innovative arts collective to the District. The Project will have a transformative effect on the neighborhood by introducing first-class artistic and educational programming. The Applicant is strongly committed to providing services for children as well as sponsoring projects in the arts and humanities. Only an organization such as the Applicant, with its large endowment and focus on enhancing the lives of children and families in the District through arts and education, is positioned to undertake a development such as the Project. The FEZ and the children’s museum are a superior public benefit.

2. Superior urban design, architecture, and landscaping (Subtitle X § 305.5(a) and (b))

The Project's urban design and landscaping are superior public benefits. Subsections 305.5(a) and (b) of Subtitle X list urban design and landscaping as categories of public benefits and project amenities for a project proceeding under a PUD. The Project incorporates numerous urban design precepts that guide attractive urban design in the District and that represent significant improvements over the existing aesthetic and functional conditions of the existing buildings on the Property. Indeed, a primary objective of the APFT overall (and by extension the Project individually) is to address many of the urban design ills that plague the outdated Riggs Plaza Apartment complex and that contribute to crime and other social concerns in the neighborhood.

Examples of the Project's superior design and architectural elements include its strong orientation to the surrounding streets, the prioritization of pedestrians over vehicles, quality public realm and amenities, a mixture of uses, and the thoughtful site planning as part of the integrated redevelopment of the Site. Additionally, Morris Square will provide a gateway to APFT that encourages its status as a vibrant arts and cultural center. Moreover, the high quality of design, materials, and finishes proposed for the Project announces the emergence of APFT and establishes a baseline for future phases of the Site's redevelopment, signaling the Applicant's commitment to delivering high-quality housing and retail development. Ultimately, the Project will re-calibrate expectations about the quality of design and architecture for future development nearby.

3. Site planning, and efficient and economical land utilization (§ 305.5(c))

The proposed site plan is another superior benefit of the Project. Pursuant to Subtitle X, Section 305.5(c) of the Zoning Regulations, "site planning and efficient and economical land

utilization” are public benefits and project amenities to be evaluated by the Zoning Commission. The benefits of the Project’s site plan and efficient land utilization are captured in the Project’s variety of uses and number of new residential units provided.

The development of a mix of residential uses, a grocery store, retail uses, and a unique entertainment establishment at the Project will generate revenue for the District in property and sales tax as well as add vitality to the existing neighborhood and encourage additional high-quality development in the surrounding area. The fact that the Project is adjacent to the Fort Totten Metrorail station will only contribute to this effect. The Project’s site planning is a superior public benefit.

4. Housing and affordable housing (§ 305.5(f), (g))

The Project will result in the development of approximately 210-250 residential units, as well as 30 units of artist housing. The residential development of Block B, and of APFT overall will add to the total housing stock of the District as well as provide 171 affordable units, representing 18% of all units at the APFT. As with the development of Building A, the development of the Project will ensure that existing residents of the Riggs Plaza Apartment complex are not displaced, by offering relocation for tenants in good standing to income-restricted units at APFT. The Project’s provision of affordable units, market-rate units, and artist housing will provide a variety of housing types to help ease the District’s housing shortage.

5. Employment and training opportunities (§ 305.5(h))

The Project will also create employment benefits. Subtitle X, Section 305.5(h) provides that employment and training opportunities are also public benefits. The Applicant entered into a First Source Employment Agreement with DOES as part of the overall Site redevelopment. Additionally, the Project will generate a significant number of construction-related jobs during

development, and a permanent jobs in the variety of residential, retail, and cultural and artistic establishments that comprise the Project.

6. Environmental and sustainable benefits (§ 305.5(k))

Subtitle X, Section 305.5(k) provides that environmental benefits are also public benefits to the extent such environmental benefits exceed the standards required by zoning or other regulations. The Applicant is committed to pursuing sustainability certification for the entire APFT development, including the Project, under the United States Green Building Council's LEED Neighborhood Development rating system.

7. Transportation Infrastructure (§ 305.5(o))

The Project will include appropriate off-street parking and loading. Additionally, the development of Block B will include the closure of 4th Street, NE and "provision of a public easement for a pedestrian walkway that would not otherwise be required," which is specifically identified as a public benefit in Subtitle X, Section 305.5(o). Furthermore, the Applicant will commit to a robust transportation demand management plan for the Project.

8. Uses of Special Value to the Neighborhood or the District of Columbia as a Whole (§ 305.5(q))

The Project will provide a variety of uses that will serve the neighborhood, such as the grocery store, new residential uses, including artist space, and ground floor retail. The FEZ and children's museum will enhance the neighborhood, but also provide value to the District as a whole, by offering unique educational and artistic programming for all residents of the District that is easily accessible by public transportation.

9. Comprehensive Plan (§ 305.5(r))

The Project provides additional benefits through its consistency with the Comprehensive Plan. According to Section 305.5(r) of Subtitle X, public benefits and project amenities include

“other ways in which the proposed planned development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.” As described in greater detail in Section V hereof, the Project is consistent with and furthers many goals and policies of the Comprehensive Plan.

B. Requirements of Public Benefits under a PUD

Subtitle X, Section 305.4 requires that the public benefits proposed as part of a PUD application (i) benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from a matter-of-right development of the Property, (ii) be tangible, quantifiable, measurable, and able to be completed prior to issuance of a certificate of occupancy, and (iii) relate to the geographic area of the ANC(s) in which the Property is located. The public benefits proposed as part of this Application satisfy the three conditions listed above.

The Project’s public benefits and project amenities listed in Section IV.A above generally would not be required and instead would be economically infeasible under a matter-of-right development of the Property. Only a project the scale of the one proposed herein could afford the high quality urban design, and architecture, and the social, artistic, and educational benefits proposed here. A developer of matter-of-right units on the Property would have no incentive or reason to provide any of the uses of special value enumerated above.

Each of the public benefits listed in Section IV.A hereof is tangible, quantifiable, measurable, and able to be completed prior to issuance of a certificate of occupancy.

Similarly, the benefits all relate to the geographic area of the ANC. Accordingly, the proposed package of public benefits and project amenities satisfies the requirements of Subtitle X, Sections 304.4(c) and 305.

V. CONSISTENCY WITH THE COMPREHENSIVE PLAN, GENERAL PURPOSE AND INTENT OF THE ZONING REGULATIONS, AND FIRST-STAGE ORDER

In order to approve this Application, the Zoning Commission must find that the PUD is “not inconsistent with the Comprehensive Plan and with other public adopted policies . . . related to the subject site.” Subtitle X, Section 304.4(a). Likewise, as a second-stage PUD, the Zoning Commission is obligated to consider whether this Application is in “compliance with the intent and purposes of the first-stage approval, and [the Zoning Regulations].” Subtitle X, Section 302.2(b). This Section V also identifies how this Application’s plans are “in accordance with the intent and purposes of . . . the first-stage approval,” pursuant to Subtitle Z, Section 300.12(j), as modified by the modest changes to the First-Stage Order requested herein pursuant to Subtitle Z, Section 704.

A. This Application is Not Inconsistent with the Comprehensive Plan and the Zoning Regulations

The proposed second-stage PUD, including its proposed package of public benefits and project amenities, is not inconsistent with the Comprehensive Plan and meets numerous goals and policies enumerated in the Comprehensive Plan generally as well as in the Upper Northeast Area Element.

The Project is not inconsistent with the Comprehensive Plan. The purposes of the Comprehensive Plan are to: (a) define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (b) guide executive and legislative decisions and matters affecting the District and its citizens; (c) promote economic growth in jobs for District residents; (d) guide private and public development in order to achieve District and community goals; (e) maintain and enhance the natural and architectural assets of the District; and (f) assist in conservation, stabilization and improvement of each neighborhood and community in the District. *See* DC Code § 1-306.01(b). Generally, the Project advances these purposes by furthering the social and economic development of the

District through the construction of new residential units on underutilized land, offering a design that prioritizes transit and pedestrian activity over automobiles, creating significant educational and cultural establishments, and improving the urban design and landscaping, surrounding the Property. The Project will have a transformative effect on the neighborhood and introduce high-quality, innovative artistic and educational programming and institutions to the residents of the surrounding neighborhood as well as to the District as a whole.

As part of the First-Stage Order, the Zoning Commission found that the proposal for the Site, including the proposal for Block B (with which the Project hereby complies) was not inconsistent with the Comprehensive Plan. *See* First-Stage Order, Conclusions of Law ¶ 8 (“Approval of this PUD and change of zoning is not inconsistent with the Comprehensive Plan.”).

This Application is also in compliance with and not inconsistent with the general intent and purpose of the Zoning Regulations. The general intent and purpose of the Zoning Regulations is, *inter alia*, to promote the “public health, safety, morals, convenience, order, prosperity, and general welfare.” *See* Subtitle A, Section 101.1. The Project exemplifies orderly, well-planned development that is undertaken on behalf of the best interests of the residents of the District with respect to the above-cited objectives.

Pursuant to Subtitle X, Section 300.1, the purpose of the PUD process is:

to provide for higher quality development through flexibility in building controls, including building height and density, provided that a 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.

The Project achieves substantial public benefits in a manner far superior to a matter-of-right project that would not occur but for this PUD. As noted above, the Project protects and

advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan. For all of the reasons set forth herein, the Project advances these general purposes of the Zoning Regulations.

B. This Application Is in Compliance with and Not Inconsistent with the First-Stage Order

This Application is in compliance with and not inconsistent with the First-Stage Order notwithstanding the modifications to such First-Stage Order sought herein. The First-Stage order established the overall massing, development envelope, mix of uses and unit types, affordable housing requirements, policy objectives, character and appropriateness of the redevelopment of the Site, and the Project is in compliance with these elements of the First-Stage Order. Moreover, the modifications requested herein are not inconsistent with such First-Stage Order. Indeed, the modifications will allow the overall redevelopment of the Site to proceed in a more efficient manner, by more quickly establishing a central community gathering place at the Project, and will therefore better advance the objectives of the Project approved by the First-Stage Order.

VI. CONCLUSION

For the foregoing reasons, the Applicant submits that the enclosed Application meets the standards of Chapter 3 of Subtitle X and Chapter 3 of Subtitle Z of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the health, welfare, safety, and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of the included applications; provides significant public benefits; and advances important goals and policies of the District of Columbia. Therefore, this Application should be approved and adopted by the Zoning Commission.

Accordingly, the Applicant respectfully requests that the Zoning Commission set the Application down for a public hearing at the earliest possible date.

Respectfully submitted,
GOULSTON & STORRS

/s/ Paul A. Tummonds
Paul A. Tummonds, Jr.

/s/ Jennifer M. Logan
Jennifer M. Logan

APPENDIX

List of Publicly Available Information pursuant to Subtitle Z, Section 203.7:

1. Exhibits attached herewith (available via the DC IZIS Case Report upon filing)
2. Future Land Use Map and Generalized Policy Map of the District of Columbia (available at <http://planning.dc.gov/page/comprehensive-plan-future-land-use-maps> and <http://planning.dc.gov/page/comprehensive-plan-generalized-policy-maps> respectively)
3. District of Columbia Comprehensive Plan (available at <http://planning.dc.gov/page/comprehensive-plan>)
4. Metrobus and Metrorail Maps (available at <http://www.wmata.com/rail/maps/map.cfm>)
5. Orders of the District of Columbia Zoning Commission and Board of Zoning Adjustment (available at <https://app.dcoz.dc.gov/Search/GlobalSearch.aspx>)