

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Stephen Cochran, Development Review Specialist
JLS
Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: October 26, 2021

SUBJECT: Office of Planning (OP) Report on Application ZC 06-10G -- Request for a Modification of Consequence to approved PUD 06-10, Arts Place at Fort Totten

I. RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission set down Application 06-10G for a public hearing as a Modification of Significance to a Second Stage PUD.

Prior to the hearing, OP:

- Strongly encourages the applicant to provide dedicated affordable units among the 23 additional units being proposed, as discussed in Section IV of this report;
- Requests clarification of the Lot Occupancy comparisons between the approved and proposed Block B buildings. (See chart on page 4 of this report for details);
- Requests clarification of seeming inconsistencies between square footages shown for various uses in the architectural exhibits (Exhibit 2C1) and in the Updated Trip Generation Analysis (Exhibit 2E);
- Requests the applicant provide further details about the status of discussions with potential operators of the proposed Family Entertainment Zone (FEZ), the proposed children's museum, and the proposed grocery store;
- Suggests residential uses be added to the use key in Exhibit 2CA.

The Office of Planning has no objection to the waiver requests.

II. BACKGROUND

In Order 06-10, effective January 15, 2010 the Zoning Commission approved the Morris and Gwendolyn Cafritz Foundation's plans for the construction of a 2,018, 880 gross square foot (GSF), 3.08 FAR development on 16.67 acres of land between the Ft. Totten Metro station and South Dakota

Avenue, just south of Riggs Road, N.E. Approval included a related map amendment to what was then the C-2-B and FT/C-2-B zones, which are now the MU-5-A zone.

The Arts at Fort Totten is to be constructed in four phases and is to contain up to 929 residential apartments and several hundred thousand square feet of retail, cultural and entertainment uses. The site plan is illustrated below.

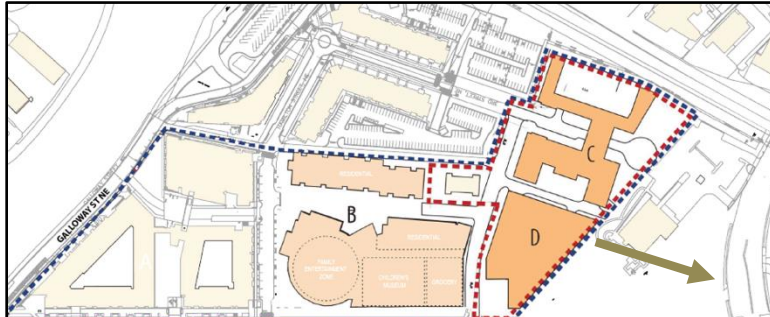


Figure 1. PUD Site Plan, with Completed Building A to Left and Current Application's 2nd Stage PUD Labelled "B"

The 214,209 square foot first phase, at the south end of the site, was a Consolidated PUD and has been completed. It contains 529 residential units, communal functions for recreation and day care, parking and space for approximately 50,000 FAR-countable square feet of retail uses, plus another 50,000 square feet that does not count towards FAR.

Orders 06-10 D and E approved a revised plan for the second phase of the PUD which will be across Ingraham Street N.E. from the completed first phase. This Second Stage PUD is labelled "B" in Figure 1 and is illustrated in more detail in Figure 2. On August 26, 2021 the applicant filed for a Modification of Consequence (ZC06-10F) to expand the Second Stage PUD's residential component, contract the retail/entertainment component and modify some parts of the architectural design. At its meeting on October 14, 2021 the Zoning Commission determined the application would more appropriately be considered as a Modification of Significance. Subtitle Z § 703.5 requires such modifications to be filed as a separate application and that a hearing be held pursuant to Subtitle Z § 704. The present case, ZC 06-10G, is the new filing for a Modification of Significance to the approved Second Stage PUD.

Since the overall PUD was first approved the Commission has approved two major changes and one minor change to the use and configuration of Block B approved in the Preliminary PUD. The Commission has also granted the PUD considerable leeway for filing and construction deadlines. The application for the last development parcel in the PUD must be filed by December 31, 2030. – 20 years after the first Order for the PUD became effective.

III. MODIFICATIONS REQUESTED IN THIS APPLICATION

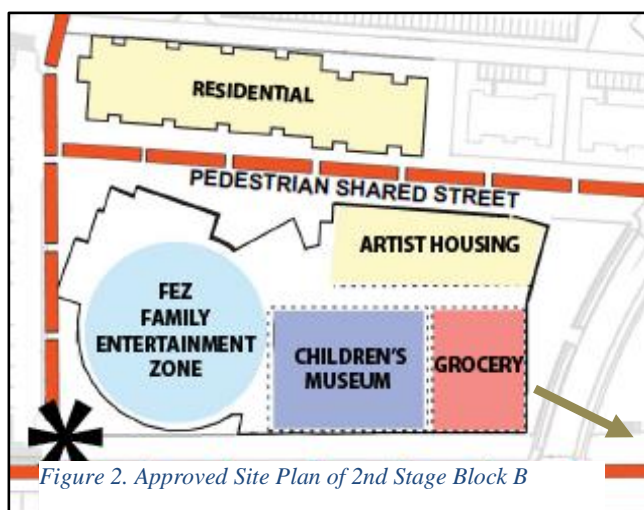


Figure 2. Approved Site Plan of 2nd Stage Block B

The multiple components of the approximately 500,000 square foot Second Stage PUD were approved to be constructed as one building with two wings bridging a pedestrianized, closed, 4th Street. Block B was to contain approximately 271 apartments, 30 of which would be subsidized for artists at 80% MFI for 20 years. The 260,235 non-residential sections were to include a grocery store, a food hall, other retail, a children's museum and a 150,000 square foot interactive entertainment zone. The non-residential uses were to be primarily in the wing adjacent to South Dakota Avenue, in what the

applicant refers to as the Family Entertainment Zone or “FEZ”.

In the current application, 06-10G, the applicant is requesting a Modification of Significance to:

- Add a northern extension to the wing on the west side of the former 4th Street, to contain an additional 23 market-rate residential units. This would be on the right side of the wing labelled “residential” in Figure 2 above (Exhibit 2C2, page 1);
- Change to more neutral colors on the façade of the western “residential” wing (Exhibit 2C2, pages 5-8, Exhibit 2C6, pages 3, 7, 11-14);
- Relocate the planned dog park to the corner of 4th and Kennedy Streets (Exhibit 2C2, page 1);
- Reduce the commercial square footage and modify the internal layouts and space allocations (Exhibit 2C2, page 9 and Exhibits 2C3 – 2C5);
- Eliminate an open-air, stone-faced gazebo (a.k.a the “fort”), expanding both the FEZ footprint and enlarging the adjacent plaza (Exhibit 2C2, page 1 and Exhibit 2C6, pages 1 and 2);
- Change the interactive entertainment provider from Meow Wolf to the Venue Group or ArtTechHouse¹ (Exhibit 2D);
- Reduce the height of the glass “drum” enclosure in the FEZ area by about 22 feet (Exhibit 2C2, pages 5-8, Exhibit 2C6, pages 7 and 8);
- Add a terrace level above the South Dakota Avenue retail uses (Exhibit 2C2, page 5);
- Reduce parking spaces from 717 to 494, a 34% reduction for this phase, consistent with what the applicant states is the changed parking demand resulting from the change in FEZ’s interactive entertainment provider (Exhibit 2C1, page 8 and Exhibit 2E);
- Add a loading berth to the east wing, accessed from of the closed 4th Street;
- Reduce FAR by 0.35.

Table 1 compares the approved and proposed Second Stage PUD in more detail.

Element	“Building B” in Approved Second Stage PUD 06-10E	Proposed Phase B Second Stage PUD 06-10G	OP Comments
Phase Site Size	225,541SF	250,908 SF. Square 3767, Lot 1 has been added in anticipation of all tenants in the former Riggs Plaza apartments having	There should be no significant impact from the proposed changes.

¹ While Meow Wolf was not mandated by a PUD Order, it was widely discussed with the Zoning Commission and the community. OP is not clear about the status of the Venue Group’s commitment and whether a specification of a particular provider would be part of a proposed Order;

		moved or been relocated. This would add 2 bays to the northern end of the west wing, using a portion of the former Riggs Plaza apartment site. The dog park would be relocated to the remainder of the former apartment building site. (Exhibit 2C1, page 11)	
Total GSF	491,777 FAR-countable sf; 560,589 total GSF	544, 477 total GSF	-----
FAR	2.52 Total <ul style="list-style-type: none"> 1.27 non-residential (includes parking FAR) 1.25 residential	2.17 Total <ul style="list-style-type: none"> 0.93 1.24	The FAR for this site (medium density in FLUM) should be considered in relation to the larger PUD's planned FAR
Lot Occ.	Approximately 77.7% (including roads & alleys), subject to clarification by public hearing; listed as 62.9% in Exhibit 2C1, p. 6)	Listed as 57.2% in Exhibit 2C1, page 7	Requires clarification of gross and net lot occupancy
No. of Towers/Wings in One Building.	Two (East wing., primarily non-residential; and West wing., primarily residential, with ground-floor retail)	Same, with expansion of west wing	-----
Height	Varies, up to 75 feet max. (Exhibit 2G4, Sheet 38)	Same overall height, but with 22'6" reduction in FEZ "drum"	May result in more compatible relationship with scale of nearby neighborhood.
Stories	East wing., 4 stories; West bldg., 7 stories	Same	-----
Non-Residential Uses	-----	-----	-----
	57,218 sf general retail, east wing (+6887 non-FAR)	58,383 general retail, east wing	-----
	152,162 sf of single-provider commercial/ entertainment/ cultural Family Entertainment Zone (FEZ) attraction, east building (+ 4,538 sf Non-FAR)	33,500 SF reduction in this space (-13%) resulting in, presumably, 118,662 sf	-----
	8,784 SF grocery, east bldg. (+non-FAR) =24,436 SF total	11,920 SF grocery, east bldg. (+non-FAR) =24,945 SF total	-----
	24,931 sf children's museum, east bldg.	Not specified, presumably the same.	-----
	No senior/recreation center	Same	-----

Residential Units	<p>218,000 SF / 240 - 280 units,</p> <ul style="list-style-type: none"> 192,287 sf / 210-250 market rate units in west building; <p>25,732 sf / 30 affordable artist live/work space units in west building at 80% MFI for 20 years</p>	<ul style="list-style-type: none"> Addition of 23 units in the west tower, for a total of 263 – 303 units for Building B, and approximately 814 units between completed Block A and proposed Block B. Artist units: same 	As with the approved 2 nd Stage PUD, the revised Building B would not introduce new affordable units into this phase of the PUD.
Roads Closed	4 th St., NE (open-air, privatized & curbsless street) and alley near So. Dakota Ave., (within east building footprint)	Same. The applicant would also be rebuilding 3 rd Street and extending it northward to Kennedy Street.	The applicant and DDOT are continuing to discuss the layout of the rebuilt and extended 3 rd Street.
Parking	<p>765 (340 required)</p> <p><u>East building</u>: below grade entered from Ingraham Street, exited from Ingraham and Kennedy Streets; <u>West building</u>: at-grade, covered, entered/exited from public alley via Ingraham or Kennedy St.</p>	<p>494, with a reduction in AM, PM and Saturday peak hour vehicle trips.</p> <p>Same general configuration, but with no below grade levels under closed 4th Street or west wing. (Exhibit 2C1, page 10)</p>	DDOT will evaluate the Trip Generation Analysis provided in Exhibit 2E to determine whether, given the reduction in non-residential space, the additional 23 units would have a substantial traffic impact
Loading	<u>East building</u> : 3 berths and 2 service/delivery spaces in east wing. <u>West building</u> : 4 berths and 4 service/delivery spaces	Same, plus one additional loading berth in east wing along closed 4 th Street. [Exhibit 2C1, pages 9-11]	-----
Major Amenities & Benefits related to Block B building	<p>Public plazas and terraces primarily along private 4th Street, secondarily at So. Dakota & Ingraham</p> <p>Space for ~ 25,000 sf children’s museum</p> <p>Space for 23,00 sf grocery</p> <p>Food court</p> <p>Major entertainment/arts/cultural attraction</p> <p>Superior Architecture</p> <p>~ 250 market rate rental units, where none previously proposed, located in west building</p> <p>30 units subsidized artist housing/maker-space, in east building</p>	<p>Same publicly accessible space, with an additional terrace on South Dakota.</p> <p>The overall benefit of providing additional housing has been augmented with 23 additional units, <i>albeit</i> without any permanent affordable units.</p> <p>Other than the size and operator of the FEZ, most other elements remain generally the same, but with changes in architectural details (e.g., colors, terraces, height of “drum”) relatively minor adjustments to the size of retail, grocery and cultural offerings.</p> <p>Dog park’s proposed location to be moved to 3rd and Kennedy Streets.</p>	<p>The addition of 23 more apartments in an expanded western wing should not have a significant visual impact and would advance the construction of some of the residential units previously approved for later stages of the overall PUD². The expansion of the wing should not have a significant visual impact</p> <p>While the increased number of residential units may contribute in a minor way to the reduction of upward pressures on nearby housing costs, it would be preferable to address affordable housing needs more directly, even though the project remains exempt from IZ at this point.</p>

² If the 23 units are approved, Blocks A and B will contain 814 of the total PUD’s approved 929 units. The existing PUD Orders would permit only 115 additional units to be built on the PUD’s two large remaining sites.

	First source agreement Other benefits and proffers as noted in Case 06-10 E, Exhibit 2, pages 22 – 26 of Exhibit 2		Changes in the architectural design and in the location of the dog park may improve the appearance and utility of the project and its compatibility with the nearby neighborhood. The additional terrace along South Dakota Avenue should help to enliven the pedestrian environment and may help to increase the performance of the retail offerings planned on that street. The elimination of the stone gazebo (“fort”) should improve the utility of the adjacent private space intended for public use.
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IV. COMPREHENSIVE PLAN ANALYSIS

A. Generalized Future Land Use and Policy Maps

The densities considered appropriate for the site were increased in the 2020 Generalized Future Land Use Map. It had been designated for moderate density residential / moderate density commercial use, and is now designated as appropriate for medium density residential / medium density commercial uses. While the proposed 2.17 FAR would not be inconsistent with the FLUM, it would be less than what would be considered medium density under the new FLUM. However, the FAR for the overall PUD would be higher and more consistent with the new designations.

The Generalized Policy Map continues to identify the site as a Land Use Change Area. The proposed development would bring significant change to the area.

B. Written Elements

The Zoning Commission, as part of the 2010 approval of the original Consolidated and Preliminary PUD, determined that the overall development would not be inconsistent with the Comprehensive Plan in effect at the time. Since the Comprehensive Plan has been update in 2012 and 2020, OP’s analysis focuses on sections of the Plan where there have been major revisions that may be germane to the proposed modifications to the approved plan for this 2nd Stage PUD.

i. Land Use Element

The element has strengthened its emphasis on the critical need for providing housing, particularly affordable housing and promoting transit-accessible, sustainable development (300.2). The proposed changes would increase the amount of housing on the Block B site, thus better utilizing nearby transit.

Other than the subsidized artist live-work space, the proposal would not contribute to affordable housing, all of the newly proposed 23 units would be market rate, whereas Land Use Policy 1-4.3 seeks to promote “permanent affordable rental and for-sale multi-family housing adjacent to Metrorail stations”. Land Use Action 1.4.C more specifically encourages developments in and around metro stations to exceed affordable units required by the Inclusionary Zoning Program. However, as noted om

later in the report, the first 929 residential units in this project have been determined to be exempt from IZ.

ii. Housing Element

The addition of 23 more apartments in this phase would advance the construction of some of the residential units previously approved for later stages of the overall PUD³. The additional residential units in the western wing would include a northern expansion of the wing and would include land in this Second Stage PUD that would have been developed in a future phase of the PUD. The expansion of the wing should not have a significant visual impact and DDOT will evaluate whether, given the reduction in non-residential space, the additional 23 units would have a substantial traffic impact.

However, similar to the land use element, the Housing Element encourages the production of not just more housing in the District, but particularly affordable housing. The proposed changes to the PUD do not reflect this strengthened emphasis on affordability. OP's concerns about the absence of affordable units in the expansion are discussed immediately below.

iii. Examination Through a Racial Equity Lens

While the additional 23 units in the revised proposal for Block B are generally positive, OP is concerned that none of them would be dedicated affordable units. Due to the history of racism, including past and present discriminatory practices and the legacy of systemic racism, Black residents of the District, on average, have considerably less household wealth than white residents, face more negative health outcomes, and incur more challenges to accessing opportunity than white residents. Beyond the indirect reduction in upward price pressure that comes from building market rate housing, OP considers it especially important for discretionary projects to contribute directly to achieving the Upper Northeast area's affordable housing goal and its associated racial equity goal.

The Zoning Commission determined in Order 06-10D that because the PUD was approved prior to the effective date of the Inclusionary Zoning (IZ) regulations, the applicant was not required to build any IZ units unless the PUD's approved 929-unit total is exceeded⁴. However, the Office of Planning State Data Center prepared a survey of affordable housing by ANC⁵ and the figures as of 2018 show that ANC 5A had only 0.2% of the District's income restricted affordable housing and that only 1.6% of the total housing in ANC 5A is considered income restricted affordable. That is a major reason why OP has strongly encouraged the applicant to voluntarily include affordable housing units within the revised Block B proposal, even though IZ is not yet required for this PUD.

The December 2030 date required for the filing of the application for the final phase of this PUD would be 24 years after the IZ regulations were approved and over 22 years since their effective date. The pressure on the affordable housing stock has only increased since The Arts at Fort Totten was first approved. The applicant is within its legal rights not to build IZ units until the 930th unit is constructed. However, the proposal would be more clearly not inconsistent with the Comprehensive Plan, as viewed through a racial equity lens if some of the additional 23 units requested in this application were permanent income-restricted units.

³ If the 23 units are approved, Blocks A and B will contain 814 of the total PUD's approved 929 units. The existing PUD Orders would permit only 115 additional units to be built on the PUD's two large remaining C-2-B sites.

⁴ Order 06-10D, Conclusion of Law No. 13 and Condition No. F.1.

⁵ <https://public.tableau.com/app/profile/travis.pate/viz/DistrictofColumbiaIncome-RestrictedAffordableHousingbyANC/AffordableHousingANC>

iv. Upper Northeast Area Element

The 2020 revisions identify Fort Totten as an area that offers both “single family housing and an emerging cluster of transit-oriented development around Metrorail stations” (UNE 2400.1). The applicant’s site is less than ¼ mile from the Fort Totten Metro station and the newest proposal would add 23 more housing units to the 240-280 already approved for this phase. The element also emphasizes locating higher-density housing near Metro is desirable (2408.1) , and Policy UNE 2.7.1 envisions the area adjacent to the Fort Totten Metro stations as a “transit village” combining the very uses that would be included in the proposed Phase 2 PUD – housing, ground-floor retail , new parkland (the former 4th Street would become a pedestrian plaza and festival space) and civic uses (while private, the children’s museum would serve a civic purpose).

v. Arts and Culture Element

The revisions to this element place greater emphasis on the importance of the arts to the well-being of District residents. The element stresses visibility, accessibility and diversifying resident engagement and participation (AC 1400.2). Policy AC-1.1.6 encourages locating arts and cultural facilities near transit. The revised Block B proposal would continue to be consistent with these objectives and policies.

V. OTHER GOVERNMENT AGENCY COMMENTS

The applicant circulated the application to the District Department of Transportation (DDOT). DDOT staff has informed OP that it has no objection to the revised Trip Generation Analysis (Exhibit 2E) at , the additional loading berth, or the proposed reduction in parking.

VI. ANC COMMENTS

The site is within the boundaries of ANC 5A. The ANC filed a letter about the proposed revisions to the case file for 06-10F. At the time OP completed this report there were no additional comments from the ANC in the 06-10G file.

The adjacent ANC 4B was also a party to the original case. It had not filed comments in Cases 06-10 D, E or F and has not filed comments on this application.

VII. COMMUNITY COMMENTS

The applicant also circulated the application to the Lamond Riggs Citizens Association (LRCA), the third original party in the case. The Citizens Association provided comments on the proposed design changes in the record for Application 06-10F, to which the applicant responded in its filing for 06-10G. (Exhibit 2, pages 7,8). At the time OP completed this report there were no additional comments from LRCA in the Application 06-10G file, or from any other community members.