

April 21, 2020

**Via IZIS**

Anthony Hood, Chairperson  
District of Columbia Zoning Commission  
441 4th Street, NW, Suite 200-S  
Washington, DC 20001

**Re: Modification of Consequence Application for the Approved Second Stage  
Planned Unit Development (“PUD”) for Block B of the Art Place at Fort  
Totten Project in Zoning Commission Order No. 06-10D**

Dear Chairperson Hood:

The Morris & Gwendolyn Cafritz Foundation (the “Applicant”) hereby requests a Modification of Consequence related to the plans that were approved for the Second Stage PUD Application in ZC Case No. 06-10D (the “Block B PUD Project”), which is located at Square 3765, Lots 1-4 and 7-9 and Square 3767 Lots 2-4 (the “Property”)<sup>1</sup>. The agent authorization letter is attached as Exhibit A. This modification request is made pursuant to Subtitle Z § 703 of the Zoning Regulations.

A. Background

In ZC Order No. 06-10, effective as of January 15, 2010, the Zoning Commission approved the consolidated and first-stage PUD application for Art Place at Fort Totten (“APFT”). The APFT project included development of four blocks, Blocks A-D, with Consolidated PUD approval for Block A, and First-Stage PUD approval for Blocks B, C, D. That approval was subsequently modified in Order 06-10A (which was a modification to shift the grocery store use from Building A to Building B) and 06-10C (which reduced the amount of parking provided in Building A), (collectively, the “First Stage Order”). The First Stage Order

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<sup>1</sup> The Property is identified in Order No. 06-10D as Square 3765, Lots 1-4 and 7-9 and Square 3767, Lots 3-4. However, the Property that is actually the subject of Order No. 06-10D also includes Lot 2 in Square 3767. As shown in the plans for the Block B PUD Project found at Exhibits 2G1-2G13 of the record in Case No. 06-10D, the Applicant’s initial plans did not include Lot 2. However, as the design and details of the Block B PUD Project were developed further, Lot 2 became part of the area of the Block B PUD Project and is shown on the approved architectural drawings at Exhibits 44A1 - 44A10 of the record in Case No. 06-10D.

also granted a PUD-related map amendment for the Property to a combination of the C-2-B and FT/C-2-B zone, which became the MU-5-A zone effective September 2016.

The Block B PUD Project, which was approved by ZC Order No. 06-10D (effective March 20, 2020), consists of a mixed-use building with two primary components – the Family Entertainment Zone (“FEZ”) and a residential component. The FEZ fronts on South Dakota Avenue and includes the following uses: retail space/food hall; theater/interactive space; gala/events space; Meow Wolf (an innovative arts collection); Explore! Children’s Museum; and an Aldi grocery store. The residential component of the Block B PUD Project, with frontage along the former 4<sup>th</sup> Street, NE (which was closed pursuant to DC Act 23-214), includes approximately 269 units (30 reserved as artist affordable units) with ground floor retail spaces and ground floor artist maker spaces.

Copies of ZC Order No. 06-10, as well as ZC Order Nos. 06-10A, 06-10C, and 06-10D are attached as Exhibit B. (ZC Case No. 06-10B was withdrawn.)

B. Modification Request and Applicant’s Satisfaction of the Standards for Approving a Modification of Consequence

The Applicant is only seeking modifications to exterior architectural elements of the residential and FEZ components and to the open space along Kennedy Street. Therefore, the Applicant believes that it is appropriate for the Zoning Commission to review this application as a Modification of Consequence. Section 703 of Subtitle Z of the Zoning Regulations establishes the standards and requirements for approval of modifications of consequence, without a public hearing. Section 703.4 notes that examples of modifications of consequence:

[i]nclude, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or **a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission**. (emphasis added in bold).

Specific revisions to the Block B PUD Project, as shown in the plans and materials attached as Exhibit C, include:

Residential Component – (See pages 3-5, 7-9, 11-15, 18-19 of Exhibit C)

- Modifications to the façade and fenestration treatment of the residential structure along the former 4<sup>th</sup> Street and Ingraham Street;
- Raising the proposed pedestrian bridge across the closed 4<sup>th</sup> Street one level – to the third floor;
- Creation of a central lobby for the residential building;

- Grouping of the 30 artist affordable units in the northern tower; and
- Creation of separate loading areas for each portion of the residential building.

The modifications to the residential façade include changes to the fenestration and the articulation of the mass and use of materials, to create a more contemporary expression in keeping with Building A, the Modern. The fenestration is more varied with fewer, larger openings and the introduction of corner windows. The window systems have all been updated to aluminum or vinyl clad metal. A balcony story has been introduced above the retail story and the top story of the structure is now further differentiated from the lower levels through the use of different colors and materials. Consistent with the entire Block B PUD Project's intention of being an urban place to experience art, color has been introduced into the façade of the residential component. In addition, the brick palette has been simplified and consists of two colors instead of four.

The Applicant proposes to group all of the 30 artist affordable housing units together in the northern tower of the residential building, above the artist studio spaces, as shown on pages 5, 8, 12, and 19 of Exhibit C. The Applicant believes that the concentrated grouping of these units will better foster a more synergistic artistic environment within the project. Since these units are not subject to the IZ requirements, there is no need to seek relief from Subtitle C, Section 1005.

FEZ Component – (See pages 2-5, 10, 14-16 of Exhibit C)

- Increase in height of the drum and fins by eighteen inches;
- Reduction in the massing of the structure above the Aldi grocery store along South Dakota Avenue; and
- Internal modifications that result in slightly modified square footage for the various uses.

The proposed de minimus increase in the height of the drum and the fins is intended to better screen the roof structure of the building. The proposed reduction in the massing of the structure along South Dakota Avenue is related to the internal reconfiguration of certain uses.

Condition No. A.1 of ZC Order No. 06-10D lists square footages of various uses (retail – which includes food hall, grocery, children's museum, cultural – which includes gala event/interactive theater, Meow Wolf, and residential) for the FEZ component. As the Applicant has engaged in additional design and coordination with potential tenants and users of those spaces, it has become apparent that it will need flexibility with the final square footages that are proposed for the uses within the FEZ component. As a result, the Applicant is now proposing that the internal square footage of the FEZ component be grouped in the following manner:

- Cultural – which includes Meow Wolf, gala event/interactive theater, and children's museum space;
- Retail – which includes retail and food hall uses;

- Parking;
- Grocery; and
- Residential.

Pages 24 and 25 of Exhibit C provide more detailed information on the square footage of those uses. Please note that the proposed modified project includes an additional 10,593 square feet of gross floor area. This increase, which is an increase of 1.9% for the total Block B PUD Project, is largely the result of the introduction of a mezzanine level in the food hall area and does not result in any discernable visual impacts to the exterior of the structure.

The Applicant believes that approving the minor increase in GFA and the minor changes to allocations of square footage for the previously approved uses is entirely appropriate in the Modification of Consequence process. Moreover, the Applicant believes that the modifications are also consistent with the internal design flexibility that was granted in Condition B.2.a of ZC Order No. 06-10D, as noted below:

To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, signage, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;

Once these modifications are approved, Condition No. A.1. will be revised accordingly.

Landscape Component - (See pages 18-23 of Exhibit C)

- Redesign of the Kennedy Street Plaza – removing the previously approved circular drive and vehicular drop-off area; and
- Relocation of the dog park to property adjacent to Block B on the west side of former 4<sup>th</sup> Street.

Upon further review, the Applicant's design team has determined that the Kennedy Plaza area should be restricted to pedestrian use only. The previously approved circular drive and vehicular drop-off area has been replaced with terrace landscape elements and a private outdoor area with pedestrian access to the public right of way for egress purposes.

Similarly, the Applicant has determined that the dog park located at the intersection of the former 4<sup>th</sup> Street and Kennedy Street is better utilized as an open landscaped area. The landscaped area is a sloped planting area with low walls to address the steep grade change along Kennedy Street. The Applicant will relocate the dog park to the property adjacent to Block B on the west side of

the former 4<sup>th</sup> Street, with the completion of the construction of the dog park being required for the issuance of the final Certificate of Occupancy for the Block B PUD Project.<sup>2</sup>

C. Service on Party

The parties in Zoning Commission Case No. 06-10D were ANC 5A and the Lamond Riggs Citizens Association (“LRCA”). ANC 5A submitted a resolution in support of the Block B PUD Project and the LRCA was a party in support in Case No. 06-10D. The boundaries of ANC 4B are located across the street from a portion of the Property. ANC 4B did not participate in Zoning Commission Case No. 06-10D. Therefore (in satisfaction of § 703.13 of Subtitle Z), ANC 5A, the LRCA and ANC 4B are being served with this application. (See attached Certificate of Service). The Applicant intends to make a presentation to ANC 5A at its virtual public meeting on April 22, 2020.

D. Conclusion

The proposed modifications are entirely consistent with the Zoning Commission’s previous approval of the Block B PUD Project. The Applicant believes that these proposed modifications are entirely consistent with the Commission’s intent of approving a high-quality mixed-use project and the proposed modifications do not diminish the caliber and quality of the architectural materials that were previously proposed. The use of the Modification of Consequence process outlined in § 703 of Subtitle Z of the Zoning Regulations is entirely appropriate for this application.

Please feel free to contact the undersigned if you have any questions or comments regarding this application.

Respectfully Submitted,

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

\_\_\_\_\_/s/\_\_\_\_\_  
Jennifer Logan

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<sup>2</sup> The building that was previously shown in this location is now vacant and is no longer necessary for tenant relocation purposes, as the remaining Riggs Plaza Apartments tenant has been provided relocation opportunities.

**Certificate of Service**

I hereby certify that I sent the foregoing document to the addresses below on April 21, 2020 by e-mail.

\_\_\_\_\_/s/\_\_\_\_\_  
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