

May 2, 2019

VIA IZIS AND HAND DELIVERY

Chairman Anthony Hood
District of Columbia Zoning Commission
441 4th Street N.W., Suite 200S
Washington, DC 20001

Re: Zoning Commission Case No. 06-10D – Post-Hearing Submission

Dear Chairman Hood and Members of the Commission:

At the April 4, 2019 public hearing for the above referenced case, the Zoning Commission requested that the Applicant provide additional information with respect to numerous aspects of the proposed project. The Applicant's response to these requests from the Commission, as well as to the requests for additional information from the Office of Planning, District Department of Transportation and to the testimony of the Lamond-Riggs Citizens Association ("LRCA"), Deborah Grimstead, Gavin Baker, and Casey Trees is provided below and in the attached Exhibits.

In addition, for the Zoning Commission's convenience, Exhibit A includes a complete set of the plans/materials that the Applicant intends to be the approved plans that will be reviewed by the Zoning Review Branch of the Department of Consumer and Regulatory Affairs.

I. Information Requested by the Zoning Commission

1. Zoning Commission Request: Refine building facades and color palette to create a more coherent façade throughout the residential building.

Applicant Response: The Applicant has modified the residential building facades, as shown primarily on sheet 7 of the revised plans attached hereto as Exhibit A and generally in the various views in the *Modifications Since Public Hearing and Architecture Exhibits* sections of Exhibit A. The modifications include: a refined material palette that presents the ensemble as coordinated in color and materials but also designed so that the supporting residential buildings along Ingraham, 4th Street and Kennedy Streets provide the proper backdrop for the FEZ to make an authentic and varied streetscape and avoid a "project" experience.

In response to concerns raised by members of the Zoning Commission, the Applicant has also modified the color palette of the residential building. The updated color palette is attached as sheet 28 of Exhibit A.

2. Zoning Commission Request: Clarification of proposed materials to be used on the buildings and at the ground floor retail storefronts.

Applicant's Response: Sheets 27 and 28 of Exhibit A provide an updated materials board which depict the proposed materials the Applicant intends to use for Block B. For certain facades for which the exact material has not yet been determined, the Applicant has included materials showing the range of colors that are under consideration.

3. Zoning Commission Request: Refine the location and details of the residential building balconies.

Applicant's Response: The residential building will include balconies as shown on sheets 7-12 of Exhibit A. The balconies have been added to three sides of the south tower and the north tower on 4th Street. The central building has the addition of bay windows to further articulate contours of the façade and enliven the ground plane of 4th Street. The balconies are strategically located to provide interesting relief to the facades and suggest a more vertical proportion to each of the residential elevations.

4. Zoning Commission Request: Simplify appearance of the Family Entertainment Zone ("FEZ") building.

Applicant's Response: The Applicant has further refined the exterior appearance of the FEZ Building to reflect the various uses that will occur inside. In order to accomplish this, the Applicant has revisited the appearance of the FEZ building, and removed several of the angled façade embellishments as well as the kinetic façade and the tri-vision panels, as shown in the *Modifications Since Public Hearing* section of Exhibit A and the elevations in the *Architecture Exhibits* section of Exhibit A.

5. Zoning Commission Request: Provide design guidelines for ground floor tenants.

Applicant's Response: As shown on sheets 33-36 of Exhibit A, the Applicant has proposed a series of design guidelines for ground floor retail tenants. The design guidelines will enable the retail tenants to display brand-specific design elements while maintaining overall design cohesion throughout the ground floor façade and retail spaces.

6. Zoning Commission Request: Revisit design of pedestrian bridge.

Applicant's Response: As shown on sheets 8, 9, and 12 of Exhibit A, the Applicant has modified the design of the pedestrian bridge. The bridge has been redesigned to make a

more simple form of a box truss, eliminating the arch and in detail will provide an interesting element to the streetscape.

7. Zoning Commission Request: Provide enhanced rendering of 7-sided structure in front of FEZ hub.

Applicant's Response: Sheet 5 of Exhibit A includes an enhanced rendering of the 7-sided structure in front of the FEZ hub which includes greater clarity about the roof and materials.

8. Zoning Commission Request: Provide additional information on kinetic façade.

Applicant's Response: In response to questions from the Commission as well as concerns from the LRCA regarding potential disturbance to the residences across the street from the FEZ, the Applicant has removed the kinetic façade from the design of the FEZ.

9. Zoning Commission Request: Provide information regarding the ability to provide solar panels in the project.

Applicant's Response: The Applicant is committed to delivering a project that meets the District's goals for Sustainable development. The Applicant's design team has confirmed that solar panels can be installed on the roofs of the building without significant detrimental impact to the project's ability to satisfy GAR and stormwater management requirements. However, the Applicant continues to work with its sustainability consultant to determine the economic viability of providing solar panels in this project. Therefore, the Applicant requests that the Zoning Commission provide the Applicant flexibility to include solar panels on the roof of the building if it is economically feasible. If solar panels are provided, they will be set-back from all building walls at a 1:1 ratio to minimize any appearance from adjacent public spaces. Sheet 30 of Exhibit A depicts the potential location of the solar panels.

10. Zoning Commission Request: Consider marketing project in a manner that is inclusive for seniors.

Applicant's Response: The Applicant has designed Block B to be accessible to seniors, including providing access points that avoid stairs or steps. Block B will feature many public gathering spaces, including along the pedestrian-oriented 4th Street, which will be open to all, including seniors. The retail offerings, including the food hall, will also be open to visitors of all ages. Furthermore, the Children's Museum is intended to welcome all families, including grandparents visiting with grandchildren. Finally, Meow Wolf will have a reduced entrance fee for seniors.

11. Zoning Commission Request: Provide additional information on working of artist studios and comparison to Brookland Arts Walk (and comparison of MFI level offered there, if applicable).

Applicant's Response: As noted in the Applicant's Benefits Proffer dated as of April 22, 2019 and located at Exhibit 42 of the record in this case (the "Benefits Proffer"), the Applicant will enter into a contract with an arts organization that will interview and select the artists for the studio and maker spaces. The Applicant will rent these spaces to artists at a dollar/sf net monthly lease rate not to exceed 50% of the average dollar/sf net monthly lease rate charged to the other retail tenants in Block B. In the Brookland Arts Walk PUD project (ZC Case No. 08-24), the Zoning Commission approved an identical condition.

12. Zoning Commission Comment: Demonstrate that the dog run will be relocated once it is removed for street realignment.

Applicant's Response: As noted in the Benefits Proffer, the Applicant will relocate the dog-run in the development of Block C or Block D to accommodate the realignment of Kennedy Street.

13. Zoning Commission Comment: Provide information on ticket prices for the Children's Museum and Meow Wolf and specify discounts or other ticket concessions that will be offered to community members and/or children.

Applicant's Response: As noted in the Benefits Proffer, the Applicant will offer a Neighborhood Appreciation Day on a quarterly basis, during which the Explore! Children's Museum will offer discounted admission of 25% off of then-prevailing ticket prices for residents of Ward 4 and Ward 5. Meow Wolf will establish separate admissions prices for adults, children, and seniors/military members and will provide a discounted admission fee for District residents of 15% less than the admissions fees charged for similar non-District residents.

14. Zoning Commission Comment: Consider deeper affordability level and longer duration of affordability for the artist units.

Applicant's Response: As noted in the Benefits Proffer, the Applicant has agreed to lower the affordability level of the 30 artist units from 80% MFI to 60% MFI. As noted in the January 25, 2019 submission (Exhibit 11), the Applicant continues to believe that the principal benefits and amenities of this case are the arts and cultural uses that are provided in the FEZ building and the artist studio/maker spaces. These arts and cultural uses can only be achieved through significant financial subsidy from the Applicant.

15. Zoning Commission Comments: Confirm that affordable units will be provided in the same ratio as the market rate units.

Applicant's Response: As noted in the Benefits Proffer, the artist affordable units will be distributed throughout the residential building in Block B (but not on the upper two floors) at a ratio of unit types that is consistent with the market-rate unit types.

16. *Zoning Commission Comment:* Confirm LEED certification of Building A.

Applicant's Response: Attached as Exhibit B is the LEED Certification for Block A. The Applicant will pursue sustainability certification for the entire PUD under the US Green Building Council's LEED Neighborhood Development (ND) rating system.

17. *Zoning Commission Comment:* Provide view of Building A from the pedestrian/flex portion of 4th Street.

Applicant's Response: A view of Building A from the pedestrian/flex portion of 4th Street is provided on sheet 11 of Exhibit A.

18. *Zoning Commission Comment:* Provide detailed plan of how the Applicant will coordinate with LRCA and Advisory Neighborhood Commission to ensure that local businesses are featured in the FEZ food hall.

Applicant's Response: The Applicant will provide the LRCA, ANC 5A, and ANC 4B with regular updates as to the status of the retail plans and food hall development at Block B. As the food hall development progresses, the Applicant will provide the LRCA, ANC 5A, and ANC 4B with detailed information regarding the leasing and tenant selection process for the food hall. The Applicant will also make presentations, as appropriate, at ANC and LRCA meetings to further explain the tenant selection process to interested retailers for the food hall.

19. *Zoning Commission Comment:* Address how the height of Block B is compatible with the Future Land Use Map Comprehensive Plan Designation, and underlying zoning of the First-Stage PUD.

Applicant's Response: The development of Block B is compatible with the Future Land Use Map ("FLUM") and underlying zoning of the First-Stage PUD approval. In fact, the proposed residential building in Block B is shorter than buildings that were approved in the First-Stage PUD. Pursuant to the First-Stage PUD order (ZC Order 06-10), the Art Place at Fort Totten site was rezoned to the C-2-B zone. The First-Stage PUD order approved heights up to 90 feet, consistent with the PUD standards in the C-2-B zone. The site is designated as Medium Density Commercial/Medium Density Residential on the FLUM.

As discussed in the First-Stage Order, the Medium-Density Residential designation defines areas where mid-rise (four to seven stories) apartment buildings are the predominant use, but also applies to taller residential buildings. Buildings in Medium-Density Commercial areas

are generally eight stories in height. The First-Stage PUD order found that residential buildings of up to 90 feet were appropriate for this site and approved an eight-story, 90-foot-tall residential building to be located in Block C (see Order 06-10, Findings of Fact # 36 and #49(a,j)). The residential buildings proposed for Block B range between 5-7 floors, with a maximum height of 80', and the FEZ building is proposed to reach a maximum height of 77'6". These heights are in line with the number of stories that typically characterize Medium Density Residential/Medium Density Commercial and in fact are smaller in scale than the 90' height that was approved as appropriate for the site in the First-Stage PUD order.

Furthermore, as noted by the District of Columbia Court of Appeals in *Friends of McMillan Park v. District of Columbia Zoning Commission*, more intensive development than is otherwise reflected in the FLUM may be permissible, specifically "a larger development that as a whole is consistent with the FLUM designation may contain individual buildings with greater height or density". (*Friends of McMillan Park v. District of Columbia Zoning Commission*, 149 A.3d 1027 (D.C. 2016)). In this case, the varying heights of the residential and FEZ buildings are appropriate under the FLUM, particularly when the Block B site is taken as a whole.

II. Information Requested by the Office of Planning

1. **Office of Planning Comment:** Clarify whether the residential component of the Art Place at Fort Totten project not subject to Inclusionary Zoning is based on unit count or square footage.

Applicant's Response: The residential component of the total Art Place at Fort Totten project that is not subject to Inclusionary Zoning is based on the total number of units, 929, approved by the Zoning Commission in the First Stage PUD.

2. **Office of Planning Comment:** Clarify that amenities provided in Block A will be available to residents of Block B.

Applicant's Response: As noted in Exhibit 34, which was presented to the Zoning Commission on April 4, 2019, the amenities provided in Block A will be available to residents of Block B. Sheet 29 of Exhibit A shows the routes that residents of Block B may use to access the amenities in Block A.

III. Information Requested by the District Department of Transportation ("DDOT")

The Applicant has been engaged with DDOT throughout the planning process and has previously agreed to the Transportation Demand Management ("TDM") measures outlined in Exhibit 31 of the record in this case and the Loading Management Plan outlined in Exhibit 20A1 of the record in this case.

Attached hereto as Exhibit C is a response to additional transportation-related questions raised by the Zoning Commission, DDOT and the LRCA at the April 4, 2019 public hearing, prepared by Wells + Associates. Attached hereto as Exhibit D is an updated list of the Applicant's proposed TDM measures, which takes into account requests from DDOT, the LRCA, Gavin Baker, and Deborah Grimstead raised at the April 4, 2019 public hearing.

In addition to the information addressed in Exhibits C and D, the Applicant has evaluated the costs necessary to create the pedestrian sidewalk and bike trail connection at 3rd Street NE (which is located outside of the Block B development). Attached as Exhibit E is a plan showing a new concrete 6' DDOT standard sidewalk as well as an 8' wide asphalt bike lane. Based on the Applicant's preliminary analysis, attached as Exhibit F, the approximate cost of these improvements would be a minimum of \$50,000.

The Applicant is committed to creating a safe and accessible circulation path for both pedestrians and vehicles as part of the Block B development and is making substantial improvements to the pedestrian infrastructure on the Block B site and immediately adjacent to the site. However, the Applicant believes that upgrading the pedestrian path on 3rd Street NE falls outside the scope of the Block B development and does not believe that it is a required mitigation in order for the Zoning Commission to approve this project.

IV. Response to LRCA Testimony and to Testimony of D. Grimstead and G. Baker

1. LRCA Comment: Modify the construction management plan to limit staging of construction equipment and trucks to the project site for Block B and outside of public space. Keep at least one sidewalk open at all times for pedestrians to access the site and the Fort Totten Metrorail station and require that trucks follow designated truck routes. Ensure that construction debris is kept off the street.

Applicant's Response: As discussed in the Applicant's initial Construction Management Plan, located in the record for this case at Exhibit 22B, and in the Applicant's updated Construction Management Plan, attached hereto as Exhibit G, a flag person will be assigned to expedite movement of construction related traffic and the Applicant will remove rubbish and construction debris as needed during the construction period during the normal construction workday. The updated Construction Management Plan also specifies that at least one sidewalk will be open at all times for pedestrians to access the site and the Fort Totten Metrorail station.

2. LRCA Comment: Consider providing Zipcar or other car-sharing service spaces, SmarTrip cards and one-time payment of car-sharing membership fees.

Applicant's Response. As detailed in the Applicant's initial Transportation Demand Management measures, located in the record for this case as Exhibit 31, the Applicant will

provide a move-in kit to new residents that includes a carshare membership at a value of \$85.00 and two spaces will be designated in the garage for car-sharing vehicles. Additionally, the Applicant will provide new residents with a SmarTrip card preloaded with \$20.00.

3. *LRCA Comment:* Install pedestrian-oriented lighting for all pedestrian areas, sidewalks, and shared 4th Street.

Applicant's Response: The Applicant is committed to creating a safe and enjoyable environment at Block B, as discussed in the Applicant's Proposed Security Policies and Procedures at APFT, found at Exhibit 22C of the record in this case. To that end, the Applicant will install pedestrian oriented lighting for all pedestrian areas, sidewalks, and the shared 4th Street.

4. *LRCA Comment.* Ensure Block B will not increase flooding problems and install landscaping features similar to those installed for Block A.

Applicant Response: The Applicant will monitor inlets during construction to ensure that they are not blocked and will not increase flooding problems. As detailed in the Applicant's initial Construction Management Plan, located in the record for this case at Exhibit 22B, and the Applicant's updated Construction Management Plan, attached hereto as Exhibit G, the Applicant will work with DCRA to maintain temporary stormwater management systems throughout the construction of Block B so as to avoid any adverse water impacts to the adjacent neighborhood.

As shown on sheets L1-L7 of Exhibit A, Block B will include robust landscaping features that are complementary to those in Block A. Please note that the modifications to the FEZ building design, while not depicted in the landscape plans, do not impact the landscape plans that were presented to the Zoning Commission on April 4, 2019.

5. *LRCA Comment:* Explore possibility of establishing a dedicated security center with dedicated security personnel.

Applicant's Response: As noted in the Applicant's previous filings, the Applicant is committed to creating a safe and enjoyable atmosphere at Block B. To this end, the Applicant has developed Proposed Security Policies and Procedures at APFT, found at Exhibit 22C of the record in this case. Such policies and procedures include surveillance measures, generous lighting, motion sensor lighting, night vision cameras, and coordination with the Metropolitan Police Department. The Applicant believes that these measures will adequately promote a safe environment at Block B.

6. *LRCA Comment:* Attract retail that is in line with retail needs of residents and solicit input from residents of all ages and those without computer access on retail plans. Work with

South Dakota Avenue/Riggs Road Main Street to assess these retail needs and support this new community organization.

Applicant's Response: The Applicant is pleased to have enjoyed a collaborative and productive relationship with the LRCA, Advisory Neighborhood Commission 5A and Advisory Neighborhood Commission 4B during the planning process for Block B. The Applicant will continue to regularly engage with the LRCA and the ANCs to facilitate coordination of input from residents. Throughout the PUD process, the Applicant has made various materials filed with the Zoning Commission available for review by neighborhood residents in hard copy at the Lamond Riggs library. The Applicant will continue to make information on retail plans available at the Lamond Riggs library for individuals without computer access and will continue to engage with the LRCA and the ANC to hear community feedback on the retail plans.

7. *LRCA Comment:* Evaluate operation of kinetic façade to ensure it is not disruptive to the community.

Applicant Response: As discussed above, the Applicant has removed the kinetic façade from the Block B design.

8. *LRCA Comment:* Consider promotions, admissions, discounts or reduced admissions days for community residents.

Applicant Response: As discussed above, both the Explore! Children's Museum and Meow Wolf will provide discounted admission to residents of Ward 4 and Ward 5, and to District residents, respectively.

9. *LRCA Comment:* Ensure that Block B is accessible and welcoming to seniors.

Applicant Response: As discussed above, Block B will introduce several public gathering spaces, particularly along the 4th Street pedestrian/flex area, that will be open to visitors of all ages. Block B will also include a variety of retail offerings and a food hall that will appeal to adults and seniors.

10. *LRCA Comment:* Implement policies and procedures to promote neighborhood-based hiring.

Applicant Response: As discussed in the Benefits Proffer, the Applicant will continue to abide by the terms of the First Source Employment Agreement that were followed during the development of Block A. Furthermore, the grocery store operator will hold at least three-monthly hiring open houses in the four months prior to the opening of the Aldi store. The open houses will provide local job candidates with information about employment opportunities with the grocery store operator.

11. LRCA Comment: If additional housing is provided in future phases, such housing should be consistent with Inclusionary Zoning guidelines.

Applicant Response: The First-Stage PUD order approved an affordable housing requirement of 171 affordable housing units. Block A included 141 affordable units and the remaining 30 affordable units will be provided in Block B. Upon the delivery of the Block B residential units, the affordable units in Block A and Block B will fulfill the affordable housing requirement set forth in the approved First-Stage PUD order. To the extent that additional housing units above the 929 approved in the First-Stage PUD Order are provided in future phases, such additional housing will be subject to Inclusionary Zoning.

12. LRCA Comment: Ensure that relocation plan for remaining Riggs Plaza tenants is respectful.

Applicant's Response: As part of the relocation process for Riggs Plaza residents, the Applicant has relocated all but four of the original Riggs Plaza tenants. The Applicant will continue to work with the few remaining Riggs Plaza tenants to ensure a smooth and respectful relocation.

13. LRCA Comment: Provide more information on proposed school use of existing warehouse buildings near 3rd Street and Kennedy Street.

Applicant's Response: The Applicant envisions that the charter school will begin operations in the fall of 2020. The potential impacts of the charter school's operations on the amount of vehicular traffic that will occur in the immediate area was included in the Comprehensive Transportation Review prepared by Wells & Associates.

14. LRCA Comment: Develop robust waste and rodent management plan for the site during construction and as the site is activated.

Applicant's Response: As discussed in the Applicant's initial Construction Management Plan, located in the record for this case at Exhibit 22B, and in the Applicant's updated Construction Management Plan, attached hereto as Exhibit G, the Applicant will undertake a program of pest control to ensure that no increase in pest activity occurs during the construction period. The Applicant's trash management plans, discussed below, are also aimed at reducing pest activity.

15. LRCA: Keep trash enclosed at all times, promote policies to minimize trash production and ensure prompt trash pick-up from public spaces and sidewalks on or adjacent to the Block B site.

Applicant's Response: The Applicant will keep trash enclosed at all times. As detailed in the Construction Management Plan attached as Exhibit G, during construction, the Applicant will remove rubbish and construction debris as needed during the construction period and

will monitor and police the construction site daily or more often as required to ensure cleanliness.

16. LRCA Comment: Provide pet waste bags and receptacles.

Applicant Response: The Applicant will provide pet waste bags and receptacles in the proposed dog park.

17. LRCA and Gavin Baker Comment: Explore using shared parking, particularly with respect to the Lamond-Riggs library, and providing validated parking in Block B for visitors to the Lamond-Riggs library.

Applicant Response: The Lamond-Riggs library is an institution that primarily serves its immediately surrounding neighborhood. Due to the close proximity to its primary patrons' residences, library patrons may walk or bike to the library and the need to drive and vehicular parking is less necessary. Additionally, it would be difficult for the Applicant and the library to develop and coordinate a parking validation system. Furthermore, the Applicant is concerned that commuters using the Fort Totten Metrorail station will utilize the parking at Block B as commuter parking and stop by the library simply for validation at the end of the day, placing a significant burden on library staff to manage a parking validation system. Therefore, the Applicant believes that shared library parking is not appropriate for Block B.

18. Gavin Baker Comment: Provide a 1:1 ratio of bedrooms to long-term bicycle parking in the residential portion of Block B.

Applicant's Response: The Applicant will provide the amount of bicycle parking required by the Zoning Regulations. The Applicant wants to ensure that space is used optimally and efficiently at Art Place at Fort Totten and that excess bicycle storage does not go unused. Currently, at Block A, 232 long-term bicycle storage spaces are offered, but only approximately 75 are regularly used. There are 18 retail bicycle storage spaces offered in Block A, and they are also rarely used and often empty.

V. Response to Casey Trees Testimony

1. Casey Trees Comment: Protect 7 of the existing street trees along 4th Street, NE.

Applicant Response: 6 of the 7 trees identified by Casey Trees are in the proposed excavation area of Block B and therefore cannot be preserved. However, the Applicant will preserve one of these 7 trees, as indicated in the updated tree removal plan and tree removal inventory, attached hereto as Exhibit H. While this tree will be preserved during the construction of Block B, the future realignment of Kennedy Street will require the removal of this tree.

2. Casey Trees Comment: Protect 3 trees that are on the perimeter of the future Art Place building and one tree beside the residential buildings on the West side.

Applicant Response: One of the trees identified by Casey Trees along the perimeter of the Art Place building no longer exists. The two other trees identified along the perimeter of the future Art Place building cannot be preserved as they are located within the limits of the project's excavation and disturbance area. The tree identified on the north side of the residential building can be preserved. While this tree will be preserved during the construction of Block B, the future realignment of Kennedy Street will require the removal of this tree.

3. Casey Trees Comment: Adopt a 3:1 planting ratio.

Applicant's Response: A 3:1 planting ratio cannot be met. As an urban project, Block B is limited in the ability to introduce new plantings. However, Block B is designed as an environmentally sensitive project, including its proximity to mass transit, provision of bikeshare facilities, and robust landscaping and planting plans. Block B will fulfill the required Green Area Ratio as well as the applicable stormwater management requirements.

VI. Conclusion

The Applicant appreciates the Commission's consideration of this application and the updates provided herein and looks forward to the Zoning Commission taking action on this case at the May 20, 2019 public meeting.

Sincerely,



Paul A. Tummonds



Jennifer Logan

Enclosures

Certificate of Service

The undersigned hereby certifies that copies of the foregoing document will be delivered by e-mail, first-class mail or hand delivery to the following agencies and Parties on May 2, 2019.

Stephen Cochran
Jennifer Steingasser
Office of Planning
1100 4th Street, SW, Suite 650 East
Washington, DC 20024

Jonathan Rogers
Theodore VanHouten
District Department of Transportation
55 M Street, SE, Fourth Floor
Washington, DC 20003

ANC 5A
5171 South Dakota Avenue, NE
Washington, DC 20017

Commissioner Gordon-Andrew Fletcher
ANC SMD 5A08
350 Galloway Street, NE
Apt 301
Washington, DC 20011

ANC 4B
6856 Eastern Avenue, NE
Suite #314
Washington, DC 20012

Commissioner LaRoya Huff
ANC SMD 4B09
527 Oglethorpe Street, NE
Washington, DC 20011

Lamond Riggs Citizens Association
Uchenna Evans, President
915 Hamilton Street, NE
Washington, DC 20011


Paul A. Tummonds, Jr.