



MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *[Signature]* Joel Lawson, Associate Director, Development Review

DATE: January 17, 2025

SUBJECT: ZC Case 06-10I – Request for a Second Time Extension for a Consolidated Planned Unit, Art Place at Fort Totten, South Dakota Avenue NE.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the applicant's request for a second extension of the approved PUD for a period of two years, to December 31, 2026. OP raised with the applicant that a waiver from Subtitle Z §705.5, which limits a second extension to one year, may be required. This was not resolved prior to OP filing this report; if it is determined that this waiver is required, OP has no concerns and recommends approval.

II. PROJECT SUMMARY

Applicant:	Goulston&Storrs for the Morris and Gwendolyn Cafritz Foundation
Address:	Arts Place at Fort Totten, South Dakota Avenue NE (Squares 3766 and 3767)
Ward / ANC	Ward 5, ANC 5A
Zoning	R-3 base zone, with C-2-B and FT/C-2-B (now MU-5A and MU-5A/FT) PUD zoning.
Project Summary:	Large-scale mixed-use development, including both market rate and affordable residential, commercial, arts and entertainment uses, close to the Ft. Totten Metro Station. There have been multiple modifications since the original approval, and portions of the development have been constructed.
Original Order Effective Date:	January 15, 2010
Previous Extension – 06-10D:	As part of Case 06-10D (Modification to First Stage PUD and Approval of Second Stage PUD), Condition G.3 established that “The Applicant shall file a second-stage PUD application for either Block C or Block D by <u>December 31, 2024</u> , and the second-stage PUD application for the other final development parcel included in the Overall PUD will occur by <u>December 31, 2030</u> .”
Requested Extension	2 years, to December 31, 2026.

III. EVALUATION OF THIS EXTENSION REQUEST

Subtitle Z § 705.2 allows for the extension of a PUD for “good cause” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the Zoning Commission determines that the following requirements are met:

(a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.

The application submitted to the Zoning Commission is dated December 20, 2024 and has been in the public record since filing. The application contains a statement that it was served on ANCs 5A and 4B, as well as the Lamond Riggs Citizens Association.

(b) There is no substantial change in any of the material facts upon which the Zoning Commission based its original approval of the planned unit development that would undermine the Commission’s justification for approving the original PUD.

Comprehensive Plan:

There have been changes to the Comprehensive Plan since the PUD approval in 2010, but none that would appear to negatively affect the material facts upon which the project was approved. The Future Land Use Map (FLUM) continues to designate the site for mixed Medium Density Commercial / Residential, and the Generalized Policy Map (GPM) continues to indicate the site as within a Neighborhood Conservation Area and a Land Use Change area. Development of any future portion of the project would require Zoning Commission review of a Stage 2 application, which will require review against updated Comp Plan policies, and a racial equity lens review.

Zoning Regulations:

The PUD application was originally considered under ZR-58 regulations. Although the current ZR-16 regulations were adopted subsequent to the original approval, this did not result in changes that should substantively impact the approved project.

Surrounding Development:

There have been some new developments in the general area, although none that would be considered to substantially impact the material facts upon which the Zoning Commission based its original approval.

(c) The applicant demonstrates with substantial evidence one (1) or more of the following criteria:

- (1) An inability to obtain sufficient project financing for the development, following an applicant’s diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant’s reasonable control;**
- (2) An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant’s reasonable control; or**

(3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.

The application indicates that the nature of the project and forces beyond their control made meeting intended deadlines for development not possible. The applicant has made considerable economic investment in the project and completed phases of the development, including the recent opening of a grocery store. However, pandemic delays, increased construction costs, higher interest rates and tougher lending conditions have impacted timing of the development such that previously intended deadlines for later phases of development could not be met. The extension is intended to allow these phases of development to proceed in a timely manner.

IV. OTHER DISTRICT AGENCY COMMENTS:

As of the date of this report, comments from other Agencies had not been filed to the record.

V. ANC COMMENTS:

As of the date of this report, comments from the ANCs have not been filed to the record.

VI. PUBLIC COMMENTS:

There were none in the file when OP completed this report.