GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION

[District of Columbia flag]

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER 06-10J
Z.C. Case No. 06-10J
The Morris and Gwendolyn Cafritz Foundation
Two-Year Time Extension for
Approved First-Stage Planned Unit Development and Related Map Amendment
Block C (Lots 6 and 800 in Square 3766 and Lot 5 in Square 3767) and
Block D (Lots 3 and 4 in Square 3766)
September 10, 2026

Pursuant to notice, at its public meeting on September 10, 2026, the Zoning Commission for the District of Columbia (the "Commission") considered the application (the "Application") of the Morris and Gwendolyn Cafritz Foundation (the "Applicant") requesting a two-year extension of the first-stage planned unit development ("PUD") approval for Block C (Lots 6 and 800 in Square 3766 and Lot 5 in Square 3767) and Block D (Lots 3 and 4 in Square 3766) (collectively, the "Property") of the overall PUD known as Art Place at Fort Totten.

The PUD was originally granted first-stage approval pursuant to Z.C. Order No. 06-10, effective January 15, 2010, subsequently modified by Z.C. Order No. 06-10D, effective March 20, 2020, and most recently extended by Z.C. Order No. 06-10I, effective May 9, 2025 (the "Extension Order"). The Application sought to extend the deadlines established by the Extension Order by two years. Pursuant to Subtitle Z § 101.9, the Application also requested a waiver of the limitations set forth in Subtitle Z § 705.5.[1]

The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedure, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

The Property

1. The Art Place at Fort Totten ("APFT") PUD site is located in Northeast Washington, near the Fort Totten Metrorail Station serving the Red, Green, and Yellow lines. The site comprises lots in Squares 3765–3769 and is roughly L-shaped, generally bounded by Galloway Street to the south, South Dakota Avenue to the east, Riggs Road to the north, and a public alley and WMATA right-of-way to the west. Fort Totten Park lies immediately south of the PUD site, and South Dakota Avenue separates the site from nearby

[1] The Commission previously extended the applicable second-stage PUD filing deadlines through Z.C. Order Nos. 06-10D and 06-10I, therefore the Application constitutes the third extension request of the first-stage PUD approvals for Blocks C and D.

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institutional, residential, and neighborhood-serving uses, including the Lamond-Riggs Branch Library.

2. As approved, the overall PUD site encompasses approximately 656,298 square feet (±15 acres), excluding public rights-of-way proposed for closure and including new public street dedications, and is divided into four blocks: Blocks A, B, C, and D.

3. A portion of the Property that comprises Block C currently accommodates interim educational uses. Charter schools, including the Rocketship Infinity Community Prep Charter School and the Social Justice Public Charter School, have operated on a portion of Block C since 2021. Both schools remain active today and are highly successful.

4. There are presently no active uses on Block D, which remains vacant land.

5. The PUD Site is located within the boundaries of Ward 5 and Advisory Neighborhood Commission ("ANC") 5A.

APFT PUD Approval History, Status of Delivery, and First-Stage PUD Validity

6. Pursuant to Z.C. Order No. 06-10, effective January 15, 2010, the Commission approved consolidated and first-stage PUDs for Blocks A through D, together with a PUD-related Zoning Map amendment rezoning the overall PUD site to a combination of the C-2-B and FT/C-2-B zones, now the MU-5A and MU-7B/FT zones.[2]

7. As originally approved, Block A was planned as a mixed-use residential building with neighborhood-serving retail and community amenities; Block B as a mixed-use arts, cultural, and retail destination; Block C as a high-density residential building; and Block D as a non-residential civic and cultural facility. In the aggregate, the Art Place at Fort Totten PUD contemplated approximately 929 residential units, a full-service grocery store, substantial community-serving retail and cultural uses, a children's museum, and related public amenities and community benefits.

8. Since the original approval, the APFT PUD has evolved through a series of subsequent Commission actions. Portions of the APFT PUD have also been delivered. Block A has been constructed and is occupied by a mixed-use residential building with ground-floor neighborhood-serving retail known as The Modern at Art Place. Construction of the mixed-use development approved for Block B is ongoing pursuant to the construction and occupancy sequencing approved by the Commission in Z.C. Order No. 06-10H, effective September 29, 2023.

9. Pursuant to Z.C. Order No. 06-10D, effective March 20, 2020, the Commission modified the first-stage PUD by reallocating density and uses among the PUD blocks, revising the deadlines for filing the second-stage PUD applications for Blocks C and D, and granting

[2] As the PUD-related zoning applies to the Property, Block C is split-zoned. Lot 800 in Square 3766 is zoned MU-5A, while Lot 5 in Square 3767 and Lot 6 in Square 3766 are zoned MU-7B/FT. Block D, consisting of Lots 3 and 4 in Square 3766, is zoned MU-5A.

flexibility under Condition No. A.7(e) to modify the mix of residential and non-residential uses on Blocks C and D at second-stage review.

10. As established by Z.C. Order No. 06-10D, the Applicant was required to file a second-stage PUD application for either Block C or Block D by December 31, 2024, and the second-stage PUD application for the remaining block by December 31, 2030.

11. Pursuant to the Extension Order (06-10I), effective May 9, 2025, the Commission extended the deadline to file the first second-stage PUD application for either Block C or Block D from December 31, 2024, to December 31, 2026. The deadline to file the second-stage PUD application for the remaining block remained December 31, 2030.

Parties and Notice

12. In addition to the Applicant, ANC 5A, ANC 4B, and the Lamond-Riggs Citizens Association ("LRCA") were parties to Z.C. Case No. 06-10 and remained parties to Z.C. Case No. 06-10D, which modified the first-stage PUD approvals for Block C and Block D.

13. On July 1, 2026, the Applicant served the Application on ANC 5A, ANC 4B, and the Lamond-Riggs Citizens Association ("LRCA"), including the relevant ANC chairs and Single-Member District representatives, as well as the Office of Planning ("OP") and the District Department of Transportation ("DDOT"), as evidenced by the Certificate of Service submitted with the Application. (Exhibit ["Ex."] 2 at 11.)

II. THE APPLICATION

14. On July 1, 2026, the Applicant timely filed the Application requesting a two-year extension of the deadlines established by the Extension Order, such that the deadline to file a second-stage PUD application for either Block C or Block D would be extended to December 31, 2028, and the deadline to file a second-stage PUD application for the remaining block would be extended to December 31, 2032. (Ex. 1-2F.)

15. The Application asserted that it met the requirements of Subtitle Z § 705.2 for the proposed two-year extension because:
    - The Applicant served the Application on all parties to the underlying proceedings and afforded those parties 30 days to respond;
    - There has been no substantial change in any material fact upon which the Commission based its approval of the first-stage PUD, including the approved public benefits and amenities, the redevelopment objectives for APFT, or the continued appropriateness of the approved first-stage framework for Blocks C and D; and
    - Good cause exists under Subtitle Z § 705.2(c)(1) because the Applicant has been unable to advance second-stage PUD applications for Blocks C and D due to economic and market conditions beyond its reasonable control, including elevated interest rates, increased construction and financing costs, constrained capital markets, and continued lender and investor caution toward new multifamily development in the District;
    - Despite these economic challenges, the Applicant has continued to advance the overall APFT redevelopment, including completing and operating Block A, continuing

construction of Block B, delivering the Aldi grocery store, activating a portion of Block C with interim educational uses, implementing site improvements and community commitments, and evaluating financing, phasing, and development strategies for Blocks C and D; and

- The Application asserted that the requested extension would provide additional time for Block B to stabilize, for market conditions to improve, and for the Applicant to pursue financing and prepare future second-stage PUD applications for Blocks C and D.

(Ex. 2)

16. The Application described the Applicant's ongoing engagement with ANC 5A, the LRCA, and surrounding community members, including presentations before ANC 5A regarding the Application and regular project updates through a community newsletter. The Application further described the Applicant's continued maintenance of the Property and completion of commitments made in connection with the prior time extension approval. (*Id.*)

17. The Applicant also submitted the affidavit of Jane L. Cafritz, President and Chief Executive Officer of the Applicant, attesting to the economic and financing challenges affecting development in the District and the Applicant's ability to achieve financial stability with the overall PUD. The affidavit further describes the Applicant's continued investment in the Property, including enhanced site maintenance, new fencing and signage, and additional trash receptacles, and states that the requested extension will allow the Applicant to deliver the latter phases of the APFT PUD. (Ex. 2A.)

18. The Application also requested a waiver of the limits on extending PUD approvals more than twice and for longer than one year. The Application asserted that good cause exists for the waiver because the APFT PUD is a large, multi-phase redevelopment project. The Applicant has substantially advanced earlier phases of the PUD, while economic conditions have hindered advancement of Blocks C and D. An additional extension of two years will permit thoughtful planning and community engagement regarding the ultimate development programs for those blocks and the delivery of the remaining PUD benefits. (Ex. 2.)

III. RESPONSES TO THE APPLICATION

19. OP submitted a report dated August 25, 2026 (Ex. 4) (the "OP Report") recommending approval of the Application and the requested waiver. OP concluded that (i) the Application was properly served on ANC 5A, ANC 4B, and the LRCA, each of which was afforded 30 days to respond; (ii) there had been no substantial change in any material fact upon which the Commission based its approval of the first-stage PUD that would undermine the Commission's justification for that approval; and (iii) the Applicant presented substantial evidence that it was unable to advance second-stage PUD applications for Blocks C and D despite diligent, good-faith efforts due to economic and market conditions beyond its reasonable control, including elevated interest rates, rising construction costs, constrained capital markets, and delays in the stabilization of Block B. OP further acknowledged the

Applicant's continued investment in the APFT PUD, including infrastructure improvements, ongoing evaluation of financing and phasing strategies, and continued progress on earlier phases of the redevelopment. (Ex. 4.)

20. Neither ANC 5A nor ANC 4B submitted a written report commenting on the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6.

2. The Commission concludes that the Applicant has satisfied Subtitle Z § 705.2(a) by demonstrating that it served the Application on all parties to the underlying proceedings, including ANC 5A, ANC 4B, and the LRCA, and afforded those parties the required 30-day period to respond.

3. The Commission concludes that the Application satisfies Subtitle Z § 705.2(b), and that no substantial change has occurred to any of the material facts upon which the Commission based its original approval of the application that would undermine the Commission's justification for approving the original application.

4. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
   a. *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;*
   b. *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*
   c. *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.*

5. Based on the evidence in the record, the Commission concludes that the Application satisfies Subtitle Z § 705.2(c)(1). The Applicant has been unable to advance second-stage PUD applications for Blocks C and D due to economic and market conditions beyond its reasonable control, including elevated interest rates, increased construction and financing costs, constrained capital markets, and delays in stabilizing Block B. Despite these challenges, the Applicant has continued to advance the APFT redevelopment and implement commitments associated with the approved PUD. The Commission finds that the requested extension will provide the time needed for Block B to stabilize and for the Applicant to secure financing for the development of Blocks C and D. Accordingly, the Commission finds that good cause exists to grant a time extension in this case.

6. Subtitle Z § 101.9 authorizes the Commission, for good cause shown, to waive any provision of Subtitle Z where the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

7. The Commission finds that good cause exists to waive the limitations of Subtitle Z § 705.5. Given the scale and phased nature of the APFT PUD, additional time is appropriate to permit continued planning for Blocks C and D in light of evolving market conditions and community needs. The Commission further finds that the requested waiver will not prejudice the rights of any party because the additional time will facilitate continued community outreach and stakeholder engagement regarding the ultimate development of Blocks C and D. Accordingly, the Commission finds it appropriate to exercise its authority under Subtitle Z § 101.9.

"Great Weight" to the Recommendation of OP

8. The Commission is required to give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.9 (*Metropole Condo. Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

9. The Commission finds OP's recommendation to approve the Application persuasive and concurs in that judgment.

"Great Weight" to the Written Report of the ANC

10. The Commission must give "great weight" to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole*, 141 A.3d 1087). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)).

11. As previously noted, neither ANC 5A nor ANC 4B filed a response to the Application.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** a waiver of Subtitle Z § 705.5 and thus another two-year extension of Z.C. Order No. 06-10, as modified by Z.C. Order No. 06-10D and subsequently extended by Z.C. Order No. 06-10I, as follows:

- File a Second-Stage PUD application for the development of either Block C or Block D by **December 31, 2028**.
- File the Second-Stage PUD application for the remaining block by **December 31, 2032**.

Final Action
VOTE (September 10, 2026): **5-0-0** (Joseph S. Imamura, Anthony J. Hood, Robert E. Miller, Gwen Wright, and Christine Bruins, to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 06-10J shall become final and effective upon publication in the District of Columbia Register, that is, on _____, 2026.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

ANTHONY HOOD	**SARA A. BARDIN**
CHAIRMAN	**DIRECTOR**
ZONING COMMISSION	**OFFICE OF ZONING**

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENT OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.