

April 24, 2020

Via IZIS and Hand Delivery

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

Re: **Zoning Commission Case No. 17-05C: Modification of Order No. 17-05 and 17-05A for 2121 First Street SW (Square 613, Lot 10) (“Property”)**

Dear Chairperson Hood:

2100 2nd Street SW LLC (the “**Owner**” or “**Applicant**”), hereby requests a modification of Order Nos. 17-05 and 17-05A (together, the “**Orders**”). In Case No. 17-05, the Zoning Commission approved a multifamily building with ground floor retail in the former headquarters for the Coast Guard at 2121 First Street, SW (the “**Building**” or “**RiverPoint**”). In Case No. 17-05A, the Zoning Commission approved a modification of consequence to make modest modifications to the approved plans (collectively, the approvals granted in the Orders reflect the “**Project**”).¹ The Project was reviewed and approved by the Zoning Commission pursuant to its design review authority of Subtitle K, Section 512.

The Applicant secured its building permit for the Project on November 13, 2018, and started construction shortly thereafter. The Applicant anticipates delivering the building in the summer of 2020. The ground floor is currently planned with three restaurants along the waterfront and a market on V Street. However, the last 20,000 square feet of the ground floor in the northwest corner of the building remains vacant. This space presents the ideal opportunity for DC Central Kitchen (“**DCCK**”) to consolidate its operation in the District. DCCK proposes to occupy the remaining approximately 20,000 square feet on the ground floor and construct an approximately 15,000 square foot partial second floor over the same space to create a new headquarters to support its vital mission in the District (the “**Modification**”).

This modification request is made pursuant to Subtitle Z, Section 703 of the 2016 Zoning Regulations.² While 11-Z DCMR § 703.6 includes “change in use” as an example of a

¹ There is a pending Modification of Significance case for the Property to add a temporary lodging use, which, at this time, is still pending before the Zoning Commission as Case 17-05B.

² This filing meets the requirements of Subtitle Z, Section 704 should the Commission deem this application a Modification of Significance; however, the Applicant is requesting that the Zoning Commission consider this case as a Modification of Consequence.

Modification of Significance, the Applicant believes this application is more appropriately characterized as a Modification of Consequence. A Modification of Consequence is appropriate in this case where (1) a use is being substituted that is substantially similar to a previous use, (2) there are minor changes to the architectural plans approved by the Orders, and (3) there is collective support for the Modification and a time sensitivity for the use. The Commission approved the DCCK space for retail use in Case No. 17-05. DCCK is proposing a service use, which is a permitted use and similar to the retail use already approved. Additionally, the minor architectural changes to the interior of the Building do not change the exterior of the Building or require any additional zoning relief. Finally, there are extenuating timing circumstances that support the Applicant's request to pursue the application as a Modification of Consequence. The ANC voted unanimously on April 13, 2020 to support the Modification as a Modification of Consequence. Therefore, the Applicant respectfully requests that the Commission consider this application as a Modification of Consequence.

A. The Modification

The Modification consists of two components: (1) the addition of DCCK's service use to the Project, and (2) the addition of approximately 15,000 square feet of a partial second floor.³ This Modification will allow DCCK, which currently operates in various locations around the District, to consolidate its headquarters in one critical location. DCCK will be able to operate more efficiently and better serve its mission with this consolidated headquarters. Timing is important because some of DCCK's current operating locations are temporary and are at risk of closing; therefore, DCCK's ability to quickly move to the Project will allow its operation to continue seamlessly. Additionally, some of DCCK's existing operation locations have structural problems that interrupt DCCK's operation, disrupting its benefit to the District.

1. Project Background

The Property is located at the southern tip of Buzzard Point on the Anacostia riverfront. The Property is largely surrounded by undeveloped property at this time, though many projects are slated for development in the near future. To the west of the Property is the James Creek Marina and the National Defense University on Fort McNair. To the east is property owned by the National Park Service, as well as Peninsula 88, a residential project approved in Case No. 10-21 and currently under construction. Audi Field is located approximately three blocks to the north of the Property. There are other proposed new developments further out from the Property in Southwest, including new hotels and restaurants, increasing the presence of the hospitality industry in Ward 6.

The Commission approved the Project to redevelop and repurpose the former Coast Guard headquarters as a multifamily building with ground floor retail. The Project was approved to create approximately 480 residential units and 71,120 square feet of ground floor retail. The Project also includes significant improvements between the Building and the Anacostia River, including a pivotal link in the Anacostia Riverwalk Trail. The majority of the ground floor will continue to be filled with retail uses – three restaurants will occupy the ground floor on the

³ DCCK will occupy a total of 35,000 square feet: 20,000 square feet on the ground floor and 15,000 square feet in the proposed partial second floor.

Anacostia Riverfront and a community market will occupy the northeast corner of retail along V Street.

2. DCCK Use

In place of the initially proposed retail in the northwest corner of the Building, the Applicant proposes to partner with DCCK to bring its headquarters to the Project. DCCK is a nonprofit and social enterprise that combats hunger and poverty through job training and job creation. The organization provides hands-on culinary job training for individuals facing high barriers to employment while creating living wage jobs and bringing nutritious, dignified food where it is most needed. DCCK's social ventures include serving scratch-cooked farm-to-school meals in DC schools, delivering fresh, affordable produce to corner stores in neighborhoods without supermarkets, and operating a fast-casual cafe. RiverPoint will serve as a consolidated headquarters for DCCK, allowing it to bring together its various operations at temporary locations around the city and have a modern, state-of-the-art headquarters to better serve the District and its residents.

Founded 31 years ago, DCCK has served more than 39 million meals to schools, shelters, and nonprofits since its beginning. DCCK today creates approximately 10,000 healthy meals each day. DCCK has trained over 1,900 people with histories of incarceration, addiction, and homelessness, and DCCK has an 87% job placement rate. DCCK's newest program, Opportunity Youth, which helps young adults disconnected from work or school receive job training, has experienced a 93% graduation rate and a 91% job placement rate. All of these programs created \$79.9 million in measurable social, economic, and environmental impact in the District in 2019.

DCCK's operation at RiverPoint will benefit the community and the District through increased local economic development, including partnering with the three on-site restaurants to form a career pipeline. Additionally, DCCK provides meaningful volunteer opportunities for 25,000 people annually. In this time of the Covid 19 crisis, DCCK is operating to-go meal sites for 5 DC public schools and 9 mobile feeding stations, increasing meal deliveries to shelters and non-profit agencies, distributing fresh groceries at each of its mail sites, delivering fresh produce and healthy snacks to corner stores at discounted prices, and delivering meals to health care workers and first responders. A consolidated headquarters at RiverPoint will allow DCCK to create more jobs, expand enrollment, and increase the financial impact on the District. Therefore, the Modification presents a unique and exciting opportunity to improve the Project, the Buzzard Point community, and the District as a whole.

DCCK's service use, providing training to individuals, is similar to the retail use initially approved. Under the Zoning Regulations, both uses have the same parking and loading requirements. Additionally, as shown in the Transportation Statement attached as Exhibit E, the use will generate similar traffic to the retail uses initially proposed. Finally, DCCK's service use will provide similar pedestrian interaction with an active ground-floor use that is visual from the street. Therefore, while a new use, DCCK's use is analogous to the retail use initially approved in many respects.

Finally, there is a time sensitivity to DCCK's move to the Project. DCCK currently operates in several locations around the District. Many of these locations are less than ideal and

have significant physical limitations for DCCK to grow its operations. Further, DCCK is at risk of being forced to leave some of the spaces. DCCK's primary school food production facility is a leased space in Northeast DC and that lease term ends in October 2020. Additionally, that space flooded as recently as April 2020, presenting a serious operational disruption. DCCK's administrative annex is a sub-leased space in Northwest DC and that favorably structured sub-lease term also expires in October 2020. Finally, DCCK's headquarters is in the basement of the Federal City Shelter in Northwest DC, where DCCK has been able to operate without a formal lease for 28 years. This facility is being considered for redevelopment and potentially demolition over the next three to five years. Between the uncertainty surrounding DCCK's occupancy and current working conditions in this aging building, which included flooding as recently as April 2020, continued occupancy of this space has become increasingly untenable. In addition to DCCK's long-standing role providing essential services to the community, DCCK is now also instrumental in the District's emergency response to COVID-19, making disruptions such as floods, collapsed pipes, and outbreaks of infectious diseases in the buildings DCCK shares especially problematic for the organization and the residents it serves. Therefore, DCCK's move to RiverPoint will not only allow it to grow its operations, but it is critical that the move be authorized soon to avoid disruption to DCCK's service to the community.

3. DCCK Architectural Plans

In addition to occupying approximately 20,000 square feet of ground floor space, DCCK also proposes to construct approximately 15,000 square feet of space as a partial second floor above this ground floor area. Because the initial approval included a double-height ground floor to accommodate retail use, there will still be ample floor-to-ceiling height for each the ground and second floor levels⁴. The ground floor will provide space for the training areas, production kitchen, food storage, volunteer assembly, and meeting space. The second-floor space will provide office space for full-time employees supporting DCCK and other general space to support DCCK's mission. As shown on the plans attached as Exhibit H, the floor plan still allows for activated use of the ground floor and attractive interior views from the street. Further, the revised plans do not have a material impact on the exterior of the Building, as shown on the plans on Exhibit H.

The Building was originally constructed with a 6.0 FAR when it served as the headquarters for the Coast Guard (approximately 692,873 square feet), which is above the amount now permitted as a matter-of-right in the CG-5 Zone. The Project decreased that non-conforming FAR and was approved with an FAR of 4.45 (approximately 514,010 square feet). The Modification would propose an increase of 0.01 FAR to 4.46 (approximately 529,696 square feet) to accommodate the new second floor space. In the CG-5 Zone, the maximum FAR is 4.0, yet the Commission has the discretionary authority to approve an FAR of up to 5.0 for a majority-residential project (11-K DCMR §505.3(c)), like the Project here. Therefore, as part of the Modification, the Applicant requests approval of this slight increase in FAR with the addition of the second-floor space.

⁴ The ground floor will maintain an 8.5-foot floor-to-ceiling height and the second floor will also have an 8.5-foot floor-to-ceiling height.

B. The Modification Satisfies the Burden of Proof for Zoning Commission Review of Buildings, Structures, and Uses in the CG-5 Zone District

The Modification satisfies all of the standards for Zoning Commission review of a project in the CG-5 Zone District and does not disturb the Commission's initial findings that the Project overall satisfied these standards.

1. The Modification Satisfies the Standards with Regard to Zoning Commission Review Under the CG-5 Design Review Regulations

The regulations identify several standards for Design Review projects in the CG-5 Zone District, and the Commission found that the Project met all of these standards as required by the Regulations. These standards are as follows:

- a. *The proposed building will achieve the objectives of the Capital Gateway as defined in Subtitle K, §500.1 (11-K DCMR § 512.3(a)).*
- b. *The proposed building will help achieve the desired use mix, with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail or service uses (11-K DCMR § 512.3(b)).*
- c. *The proposed building will be in context with the surrounding neighborhood and street patterns. (11-K DCMR § 512.3(c))*
- d. *The proposed building will minimize conflict between vehicles and pedestrians. (11-K DCMR § 512.3(d))*
- e. *The proposed building will minimize unarticulated blank walls adjacent to public spaces through facade articulation. (11-K DCMR § 512.3(e))*
- f. *The proposed building will minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards. (11-K DCMR § 512.3(f))*
- g. *The building or structure shall provide suitably designed public open space along the waterfront. (11-K DCMR § 512.4(a))*
- h. *The plans for the project include suitable open space treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and assure private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront. (11-K DCMR §512.4(b))*
- i. *The application includes a view analysis that assesses openness of waterfront views and vistas around, and views and vistas toward the Capitol Dome, other federal monumental buildings, existing neighborhoods, South Capitol Street, and the Frederick Douglass Bridge. (11-K DCMR §512.4(c))*

The Project furthers the objectives of the Capitol Gateway and encourages the use mix desired through the introduction of a service use that will provide food for the District, including DC Public Schools, will provide job training for underserved populations in the District, and will graduate a strongly trained work force to join the District's hospitality industry. Additionally, as detailed above, the Modification will not impact the Building's exterior design, its situation within the neighborhood, or the overall site design. Therefore, the Modification does not change the Commission's initial conclusion that the Project is consistent with the standards for Design Review in the CG-5 Zone. Further, the new use will serve the neighborhood and District communities by encouraging social diversity in Buzzard Point and increase employment opportunities in this critical area of the District.

2. The Modification Satisfies the Standards with Regard to Zoning Commission Design Review Under the Design Review Regulations

The Modification also satisfies the general Design Review standards. Subtitle X, Section 604.7 sets forth the following standards for the Commission to consider in a Design Review case:

- a. *Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including: (1) Multiple pedestrian entrances for large developments; (2) Direct driveway or garage access to the street is discouraged; (3) Commercial ground floors contain active uses with clear, inviting windows; (4) Blank facades are prevented or minimized; and (5) Wide sidewalks are provided.*
- b. *Public gathering spaces and open spaces are encouraged, especially in the following situations: (1) Where neighborhood open space is lacking; (2) Near transit stations or hubs; and (3) When they can enhance existing parks and the waterfront.*
- c. *New development respects the historic character of Washington's neighborhoods, including: (1) Developments near the District's major boulevards and public spaces should reinforce the existing urban form; (2) Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and (3) Development should respect and protect key landscape vistas and axial views of landmarks and important places.*
- d. *Buildings strive for attractive and inspired façade design, including: (1) Reinforce the pedestrian realm with elevated detailing and design of first (1st) and second (2nd) stories; and (2) Incorporate contextual and quality building materials and fenestration.*
- e. *Sites are designed with sustainable landscaping.*
- f. *Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including: (1) Pedestrian pathways through developments increase mobility and link neighborhoods to transit; (2) The*

development incorporates transit and bicycle facilities and amenities; (3) Streets, easements, and open spaces are designed to be safe and pedestrian friendly; (4) Large sites are integrated into the surrounding community through street and pedestrian connections; and (5) Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.

As detailed above and in the attached exhibits, the Modification does not materially affect the Building's exterior design, the design of any of the surrounding open space, Riverwalk trail, or public space improvements. Therefore, the Modification does not impact the Commission's initial conclusion that the Project satisfied the standards for Design Review.

In addition to the specific standards noted above, the Design Review standards also require that the project not be inconsistent with the Comprehensive Plan. 11-X DCMR § 604.5. The Modification does not change the Commission's initial analysis concluding that the overall Project is not inconsistent with the Comprehensive Plan. The Commission initially concluded that the Project furthered several policies of the Comprehensive Plan regarding land use, urban design, transportation, environmental protection, and housing. The Modification continues to support those policies by complementing the existing ground floor uses and providing a new, needed use in the community. The Modification itself serves policies of the Comprehensive Plan by "growing the hospitality industry" through helping "develop an increasingly robust tourism and convention industry." (Policy ED-2.3.1: Growing the Hospitality Industry) Further, the Project directly furthers the Comprehensive Plan's goal to "recognize the potential for the hospitality sector to generate entry level jobs and opportunities for upward mobility for District residents by promoting vocational, job training, and job placement initiatives in [the hospitality] sector." (Policy ED-2.3.9: Hospitality Workforce Development).

The Project and Modification also further the goals of the Lower Anacostia Waterfront and Near Southwest Area Element of the Comprehensive Plan by "leverage[ing] new development in the Waterfront Planning area to create amenities and benefits that serve existing and new residents . . . includ[ing]. . . job training and educational opportunities, new community services." (Policy AW-1.1.4: Waterfront Development Amenities). The Modification presents an opportunity to keep social diversity in Buzzard Point, provide job training and employment opportunities for Southwest area residents, and create a strong workforce to serve the growing hospitality industry in the community.

3. The Modification Satisfies the Special Exception Requirements with Regarding to Zoning Commission Review

Pursuant to 11-X DCMR Section 604.6, the Zoning Commission must find the Project meets the general special exception requirements of the Zoning Regulations. There is a two-pronged test to justify the request for special exception relief: an applicant must demonstrate that the project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and that it will not affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The Modification is consistent with the Zoning Regulations and Zoning Map applicable to the Property as it will help complement the existing uses approved at the Project and will increase the benefit to the community.

Additionally, the Modification will not adversely affect the use of neighboring properties. First, the use proposed in the Modification is unique and will serve as a complement to nearby uses, including restaurants. Additionally, as detailed in the Transportation Statement included as Exhibit E, the use will not have a negative impact from a traffic perspective on neighboring properties. Therefore, the Modification satisfies the special exception requirements.

C. Outreach and Support

The Applicant has been in communication with Advisory Neighborhood Commission (“ANC”) 6D, the District Office of Planning (“OP”), and the District Department of Transportation (“DDOT”) regarding the Modification. The ANC voted unanimously on April 13, 2020 to support the Modification and to support it as a Modification of Consequence. Finally, DCCK’s plans to consolidate its operation in the new headquarters at Riverpoint have received financial support from the DC Workforce Investment Council via a \$1,000,000 grant, as well as statements of affirmation and support from DC Public Schools, DC Food Policy Council, the J. Willard and Alice S. Marriott Foundation, and Chef José Andrés.

D. Exhibits

Set forth below are the exhibits included herewith supporting this Modification. Also included in the hard copy application will be two sets of labels of the surrounding property owners and a check for \$520.00, which represents the application fee in this matter.

- A. Agent Authorization Letter and Signature Page
- B. Orders
- C. List of Owners within 200’ of the Property
- D. Certificate of Notice
- E. Transportation Statement
- F. Draft Order
- G. Surveyor’s Plat
- H. Plans showing DCCK Space

E. Conclusion

The Modification is consistent with the Zoning Commission’s previous Design Modification approval and promotes the goals of the Capitol Gateway Zones. Additionally, the use complements the existing ground-floor uses and provides a benefit to the community and the District. All other conditions of Order No. 17-05 and 17-05A will remain as approved.

While the Modification is for a change in use, which may, at times, be considered a Modification of Significance, the Applicant believes this case is most appropriately considered a

Modification of Consequence. First, the proposed use is similar to a retail use and does not substantially change the overall planned use at the Project. Second, the ANC is in support of the Modification. Finally, given the importance of the service DCCK provides and the closure of its offices elsewhere in the District a decision by the Commission at a public meeting in the near future would ensure that DCCK's operations are not interrupted. Therefore, the Applicant requests the Commission consider and approve this Modification at a public meeting as soon as feasible.

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

Respectfully Submitted,

/s/
Christine Roddy

/s/
Meghan Hottel-Cox

Certificate of Service

I hereby certify that I sent the foregoing document to the addresses below on April 24, 2020, by electronic mail.

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_____/s/
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