

**CONSISTENCY OF THE PROJECT WITH THE COMPREHENSIVE PLAN AND  
SOUTHWEST NEIGHBORHOOD PLAN**

The Comprehensive Plan is the centerpiece of a family of plans that guide public policy in the District, and as such has special importance in that it provides overall direction and shapes all other physical plans that are adopted by the District government. In fact, all plans relating to the city’s physical development take their lead from the Comprehensive Plan. The Comprehensive Plan is not intended to be a substitute for more detailed plans nor dictate precisely what other plans must cover. Rather, the broad direction provided by the Comprehensive Plan is implemented through agency strategic plans, long-range plans on specific topics such as parks or housing, and most notably small area plans that are prepared for defined geographic areas of the city. 10-A DCMR § 103 *et seq.*

The Comprehensive Plan is comprised of numerous objectives, policies, and actions that apply to the District as a whole or to a specific defined planning area. The policies that apply citywide are contained within the Citywide Elements of the Comprehensive Plan, which address topics such as land use, transportation, urban design, environmental protection, and community services, among others. The policies that apply to a specific geographic area in the District are contained within the Area Elements of the Comprehensive Plan. In this case, the Site is located within the Lower Anacostia Waterfront/Near Southwest Area Element. The Comprehensive Plan also includes a Generalized Policy Map (“GPM”) and Future Land Use Map (“FLUM”).

As demonstrated by the analysis provided below, the proposed PUD and related Zoning Map amendment are not inconsistent with the Comprehensive Plan for the National Capital, including the Site’s land use designation on the FLUM and GPM, as supplemented by the Southwest Neighborhood Small Area Plan (“SW Plan”), which was adopted by the D.C. Council on July 14, 2015 pursuant to Resolution PR21-0127. The SW Plan specifically recommends that the Westminster development site is used for medium-density development.

**A. Purposes of the Comprehensive Plan**

The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. (D.C. Code §1-306.01(b)).

The proposed PUD and Zoning Map amendment will significantly advance these purposes by promoting the social, physical and economic development of the District through the provision of a high-quality, mixed-use building on the Site without generating any unacceptable adverse impacts. The Project will help to improve the surrounding neighborhood by providing a new space for the Westminster Presbyterian Church (the “Church”), and housing, including significant new affordable housing reserved for seniors.

## **B. Comprehensive Plan Guiding Principles**

The Comprehensive Plan is a broad policy document that is grounded in a series guiding principles that collectively address:

- Managing growth and change,
- Creating successful neighborhoods,
- Increasing access to education and employment,
- Connecting the city, and
- Building green and healthy communities.

These principles describe the District’s expectations for how the city must grow in order to be successful, and provide the foundation for the policies in each Element of the Comprehensive Plan. As thoroughly demonstrated in the following analysis, the Project is closely aligned with these guiding principles, and in particular those related to managing growth and change, creating successful neighborhoods, connecting the city, and building green and healthy communities.

## **C. Future Land Use Map**

The Proposed PUD and related Zoning Map amendment to MU-2 are not inconsistent with the FLUM. According to the Comprehensive Plan’s Framework Element (“Framework Element”), the FLUM shows the general character and distribution of recommended and planned uses across the city. 10-A DCMR § 200.5. The FLUM “carries the same legal weight as the text of the Comprehensive Plan” and should be “interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans.” *Id.* at §§ 200.5 and 226.1(d).

The FLUM is intended to represent the land use policies set forth in the Land Use Element. As stated in the Framework Element, the FLUM is not a zoning map. *Id.* at § 226.1(a). Whereas zoning maps are parcel-specific and establish detailed requirements for setback, height, use, parking, and other attributes, the FLUM does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. By definition, the FLUM is to be interpreted broadly. Decisions on requests for rezoning shall be guided by the FLUM and read in conjunction with the text of the Comprehensive Plan, including the Citywide and Area Elements. Decisions shall also be further informed by any supplemental guidance provided in adopted small area plans, which in this case includes the SW Plan.

The land use category definitions of the FLUM describe the general character of development in each area, citing typical building heights as appropriate. The granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited. *Id.* at § 226.1(c). Each land use category on the FLUM identifies representative zoning districts and states that other zoning districts may apply. If a zone is not identified in a category, this does not automatically preclude the Commission from determining that the zone is not inconsistent with the Comprehensive Plan. Rather, in selecting a zone district the Commission must determine that the proposed zone is not inconsistent with the Comprehensive Plan as a whole. In making this determination, the Commission must consider and balance the

competing and sometimes conflicting aspects of the Comprehensive Plan, including the policies and text; the intent of the FLUM land use category; and the FLUM and GPM designations for a site. In addition, as is the case in this Project, the Commission must give consideration to the supplemental guidance provided in adopted Small Area Plans that are applicable to a site, which provide more detailed planning guidance that may not be possible within the broader scope of the Comprehensive Plan. Under the Zoning Regulations, a proposed PUD should not result in unacceptable impacts on the surrounding area.

The existing FLUM, which was last adopted in 2013, designates the Site as Moderate Density Residential (Exhibit C). According to the Framework Element, the Moderate Density Residential designation is:

“used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations.” 10-A DCMR 225.4.<sup>1</sup>

An evaluation of surrounding development shows that the Project is located on a transitional site situated between high-density mixed-use development to the south of the I Street corridor and primarily residential development to the north that is quite varied in density. As shown in Exhibit C, the FLUM designations surrounding the Site currently depict this development pattern. The transitional role of the I Street corridor is reinforced in the SW Plan’s land use guidance for specific sites along the corridor, including the recommendation that the Site is appropriate for medium density mixed-use development. Specifically, the SW Plan states “[c]hange the future land use designation of Westminster Presbyterian Church from Moderate Density Residential to Medium Density Residential with Low Density Commercial” (emphasis added). See SW Plan at 104. The SW Plan also recommends denser residential or mixed-use development at several other sites along the I Street corridor including Riverside Baptist Church, Christ United Methodist Church, the former Southeastern University site, and the Greenleaf public

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<sup>1</sup> On October 8, 2019, the D.C. Council adopted amendments to the Comprehensive Plan Framework Element pursuant to the Comprehensive Plan Amendment Act of 2017 (D.C. Act 23-217), which was published in the D.C. Register on February 14, 2020 (DCR Vol. 67, Page 1360) (the “2019 Framework Element”). However, as of the date of this filing, the 2019 Framework Element has not been referred to Congress for review and thus is not yet enacted. Section 227.6 of the 2019 Framework Element provides that the Moderate Density Residential designation is “used to define neighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). Density in moderate density areas is typically calculated either as the number of dwelling units per minimum lot area, or as a FAR up to 1.8, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The R-3, RF, and RA-2 Zone Districts are consistent with the Moderate Density Residential category, and other zones may also apply.”

housing development. As discussed further below, some of these sites have already been developed or approved to be developed in accordance the SW Plan land use guidance.

According to the Framework Element, mixed land use designations are generally assigned to, among other types of areas, established, pedestrian-oriented commercial areas that also include substantial amounts of housing, typically on the upper stories of buildings with ground-floor retail or office uses. 10-A DCMR § 225.18(a). Such is the circumstance presented in this case where the Site is located at the northern edge of the Waterfront Station development and within the area of the Southwest neighborhood town center. Typically, the general density and intensity of development in mixed use areas are determined by the specific mix of uses shown. If there is a desired development outcome for an area that emphasizes one use over another, the dominant use may be shown at a slightly higher density than the other use or uses. The Comprehensive Plan Area Elements may also provide detail on the specific mix of uses envisioned. *Id* at § 225.19. Applying this to the SW Plan’s land use recommendation for the Site suggests that the District currently envisions medium density mixed use development with an emphasis on residential use.

Based on the foregoing, the proposed PUD and related Zoning Map amendment to MU-2 are not inconsistent with the Comprehensive Plan as a whole. As noted above, the Site is situated in a transitional location along the I Street corridor. To the south, the area contains several high-density buildings with heights ranging between 94 – 130 that were constructed pursuant to approved PUDs (Z.C. Order Nos 02-38 *et seq* (Waterfront Station PUD), Z.C. Order No. 05-38 *et seq*, and Z.C. Order No. 12-14 *et seq*). To the north, across I Street, a portion of the area has been designated as medium density. The remaining area is characterized primarily by residential development consisting of moderate-density row homes and multi-family apartments interspersed with a scattering of taller, high-density residential towers that are surrounded by areas of open space.

The proposed MU-2 zone is an appropriate zone for the Site given the location of the Site and the scale and pattern of surrounding development, particularly within the context of a PUD where the potential impacts of the proposed map amendment can be mitigated or determined to be acceptable through an evaluation of the Project’s design and public benefits. Consistent with the FLUM and the SW Plan supplemental guidance, the purposes of the MU-2 zone are to: (a) act as a buffer between adjoining non-residential and residential areas, and to ensure that new development is compatible in use, scale, and design with the transitional function of this zone, and (b) preserve and protect areas adjacent to non-residential uses or zones that contain a mix of row houses, apartments, offices, and institutions at a medium to high density, including buildings of historic and architectural merit. 11-G DCMR § 300.1. The Zoning Regulations describe the MU-2 zone as being intended to permit “medium-density areas predominately developed with residential buildings but also permitting non-residential buildings.” 11-G DCMR § 300.3.

Despite being a PUD, the Project will be consistent with the MU-2 matter-of-right height and density parameters. Specifically, as a matter of right the MU-2 zone permits up to 6.0 FAR (7.2 FAR w/ IZ), of which 3.5 FAR may be devoted to non-residential uses. Under a PUD, a maximum density of 8.64 FAR is permitted. As for height, a maximum of 90 feet is permitted as a matter of right and under a PUD. As proposed, the Project will have a maximum density 7.06 FAR, of which approximately 0.60 FAR will be devoted to non-residential use. Therefore,

approximately 90% of the Project will be devoted to residential use. The Project will have a maximum height of 90 feet, not including the penthouse. Thus, consistent with the stated purposes of the MU-2 zone, the proposed height and density of the Project will provide a buffer between adjoining non-residential and residential areas at a compatible scale to the surrounding context, and will serve to protect the diverse development pattern of nearby residential uses from non-residential encroachment.

As already stated, the proposed Project is not inconsistent with the supplemental land use guidance provided in the SW Plan, which specifically recommends the Site for medium-density mixed use development. The MU-2 zone is specifically described in the Zoning Regulations as being a transitional zone that is suitable for medium density areas predominately developed with residential buildings. Given the surrounding context, this is the ideal zone for the Site. The proposed height and density of the Project are consistent with the diverse development pattern of the surrounding area, which is reflective of the mid-century planning ideals that permeated throughout Southwest in the 1940s – 1950s. The proposed 90 foot height of the Project will establish an appropriate transition between the 130 foot high-density commercial buildings to the south and the residential buildings to the north, which range from 3 – 9 stories. With respect to use, as stated above approximately 90% of the Project will be devoted to residential use. The only non-residential use within the Project are the new facilities for Westminster Presbyterian Church facilities, which are compatible with the institutional and residential uses found to the north.

The Project also fits within the varied development pattern along the I Street corridor, where taller multi-family buildings exist alongside three-story townhomes. As shown in Attachment 1, existing development at the west end of the corridor consists of medium- to high-density residential towers, including the recently redeveloped Riverside Baptist Church site, an approved PUD containing a new two-story church and 90 foot residential tower (Z.C. Order No. 15-05). Similar to the Site, the Riverside Baptist Church site is designated Moderate Density Residential on the FLUM, with the SW Plan calling for medium density mixed-use development. To the east of the Riverside Baptist Church site are 9- and 10-story residential buildings that are adjacent to moderate-density two- and three-story townhomes and apartment buildings. East of the townhomes sits the former Southeastern University site, which is approved for a 48-foot mixed-use development containing residential and arts, design, and creation uses. *See* Z.C. Order No. 17-21. Immediately south of this project is the SW Duck Pond. The aforementioned townhomes are located more than 350 feet from the Site. Existing developments to the east of the Site are also varied in height and density. Along the north side of I Street, existing buildings closest to the Site are 9 and 6 stories, with heights of 3 stories located further east – approximately 500 feet away. Along the south side of I Street are the Christ United Methodist Church site and Greenleaf public housing site, both of which are recommended for medium density development in the SW Plan.

Approval of the requested MU-2 zone is not inconsistent with the Comprehensive Plan, as supplemented by the guidance provided in the SW Plan, and is well within the Commission's authority to do so under the flexibility afforded by the PUD process. Indeed, it is well-established that the Commission may approve a particular Zoning Map amendment as part of a PUD that it may not otherwise approve as a standalone map amendment because the PUD process provides for a detailed review of a project design and its potential impacts on the surroundings. The Commission's ability to allow higher intensity development on a Site without running afoul of the

FLUM has also been recognized and upheld by the D.C. Court of Appeals. Specifically, the Court has stated the following:

We agree with the Commission, however, that permitting some high-density development on the site does not necessarily make the PUD inconsistent with the FLUM. The FLUM explicitly contemplates two ways in which more intensive development than is otherwise reflected in the FLUM may be permissible: (1) a larger development that as a whole is consistent with the FLUM designation may contain individual buildings with greater height or density; and (2) the PUD process may permit greater height or density. *Friends of McMillan Park v. District of Columbia Zoning Comm'n*, 149 A.3d 1027, 1035 (D.C. 2016).

Thus, it is clear the Commission is not bound by the specific zones listed in the Framework Element description of the Moderate Density Residential land use category, especially in this case considering: (i) the scale and development pattern of the surrounding context, (ii) the considerable distance between the Site and existing moderate-density townhomes, (iii) the additional guidance provided in the Area Elements promoting increased affordable housing in close proximity to transit and amenities, (iv) the additional guidance provided in the SW Plan recommending medium-density mixed-use development with an emphasis on residential use, and (v) the request to rezone the Site is part of a PUD application that involves a comprehensive public review of potential project impacts.

However, to the extent the requested MU-2 zone is viewed as a potential inconsistency the *McMillan* case is instructive yet again. Notably, in addressing the issue of potential Comprehensive Plan inconsistencies the Court stated:

The Comprehensive Plan is a “broad framework intended to guide the future land use planning decisions for the District.” *Wisconsin-Newark Neighborhood Coal. v. District of Columbia Zoning Comm'n*, 33 A.3d 382, 394 (D.C. 2011) (internal quotation marks omitted). “[E]ven if a proposal conflicts with one or more individual policies associated with the Comprehensive Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the Comprehensive Plan as a whole.” *Durant v. District of Columbia Zoning Comm'n*, 65 A.3d 1161, 1168 (D.C. 2013). The Comprehensive Plan reflects numerous “occasionally competing policies and goals,” and, “[e]xcept where specifically provided, the Plan is not binding.” *Id.* at 1167, 1168 (internal quotation marks omitted). Thus “the Commission may balance competing priorities in determining whether a PUD is consistent with the Comprehensive Plan as a whole.” *D.C. Library Renaissance Project/West End Library Advisory Grp. v. District of Columbia Zoning Comm'n*, 73 A.3d 107, 126 (D.C. 2013). “[I]f the Commission approves a PUD that is inconsistent with one or more policies reflected in the Comprehensive Plan, the Commission must recognize these policies and explain [why] they are outweighed by other, competing considerations.”

*Friends of McMillan Park v. District of Columbia Zoning Comm'n*, 149 A.3d 1027, 1035 (D.C. 2016) (brackets and internal quotation marks omitted).

Based on the guidance of the Court, to the extent the Project is at all inconsistent with the FLUM, such inconsistency is outweighed by other competing considerations related to housing, sustainability, transportation, and community facilities. The proposed PUD and Zoning Map amendment to the MU-2 zone will allow for a mix of residential and church uses that are fully consistent with Comprehensive Plan policies and SW Plan guidance promoting greater housing in proximity to transit. The Project will provide new housing and affordable housing that will be available to a variety of household sizes, incomes, and tenures within a block of Metrorail. The Project will contribute to the continued growth of Southwest neighborhood town center, and will enable redevelopment of the Site in a manner that will maintain the strong presence of the Church that has served the community for many decades. As noted above, the height and density of the Project is well within matter-of-right MU-2 permissions, and are generally consistent with the varied development pattern of the surrounding context. Further, the Project will establish a suitable transition between the high-density Waterfront Station development and the residential areas to the north. Nonetheless, to the extent the additional height and density provided by the requested MU-2 zone is viewed as being inconsistent with the FLUM or causing impacts that cannot be mitigated, such inconsistency is far outweighed by other competing Comprehensive Plan considerations and the impacts are acceptable given the public benefits of the Project.

#### **D. Generalized Policy Map**

As shown on the 2013 Generalized Policy Map (“2013 GPM”) attached hereto as Exhibit D, the Site is designated as a Neighborhood Conservation Area. According to the Framework Element, Neighborhood Conservation Areas:

“have very little vacant or underutilized land. They are generally residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will typically be modest in scale and will consist primarily of infill housing, public facilities, and institutional uses. Major changes in density over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated.” 10-A DCMR § 223.4.

“The guiding philosophy in Neighborhood Conservation Areas is to “conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map.” 10-A DCMR § 223.5.<sup>2</sup>

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<sup>2</sup> The 2019 Framework Element describes Neighborhood Conservation Area as having “little vacant or underutilized land. They are generally residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will typically be modest in scale and will consist primarily

The Project is not inconsistent with the Site’s designations on the GPM as a Neighborhood Conservation Area as it is compatible with the diversity of land uses and building types found in the surrounding area, as well as with the scale and character of the neighborhood, both existing and as envisioned in the SW Plan. Consistent with the guiding philosophy in Neighborhood Conservation Areas, the Project is heavily weighted toward residential use in order to take advantage of the Site’s proximity to Metrorail and numerous neighborhood services and amenities.

## **E. Land Use Element**

The Land Use Element is the cornerstone of the Comprehensive Plan. It establishes the basic policies guiding the physical form of the city, and provides direction on a range of development, conservation, and land use compatibility issues. The Element describes the balancing of priorities that must take place in order to accommodate a multiplicity of land uses within the boundaries of the District of Columbia. 10-A DCMR § 300.1. Because of the role it plays in integrating the policies and objectives of all the other elements of the Comprehensive Plan, the Land Use Element is given greater weight than the other elements as competing policies in different elements are identified and balanced. 10-A DCMR § 300.3.

The overarching goal of the Land Use Element is to ensure the efficient use of land resources to meet long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents, institutions, and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries. 10-A DCMR § 302.1. For the reasons discussed below, the proposal is consistent with this overarching goal through its advancement of a number of Land Use Element policies:

1. Policy LU-1.3 Transit-Oriented and Corridor Development
2. Policy LU-1.3.1: Station Areas as Neighborhood Centers
3. Policy LU-1.3.2: Development Around Metrorail Stations

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of infill housing, public facilities, and institutional uses. Major changes in density over current (2017) conditions are not expected but some new development and reuse opportunities are anticipated, and these can support conservation of neighborhood character where guided by Comprehensive Plan policies and the Future Land Use Map. 10-A DCMR § 223.4.

“The guiding philosophy in Neighborhood Conservation Areas is to “conserve and enhance established neighborhoods but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment opportunities do exist within these areas. The diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map and Comprehensive Plan policies. Approaches to managing context-sensitive growth in Neighborhood Conservation Areas may vary based on neighborhood socio-economic and development characteristics. In areas with access to opportunities, services, and amenities, more levels of housing affordability should be accommodated. Areas facing housing insecurity (see Section 206.4) and displacement should emphasize preserving affordable housing and enhancing neighborhood services, amenities, and access to opportunities.” 10-A DCMR § 223.5.

These policies recognize the importance of capitalizing on the investments made in Metrorail by maximizing the use of land around transit stations and along transit corridors. When addressing the management of land around Metrorail, the Comprehensive Plan encourages the application of principles that favor mixed use rather than single purpose buildings, and particularly a preference for providing a diverse range of housing types (market-rate and affordable) above ground floor uses. These policies also encourage well-designed, programmed, and maintained public spaces and convenient connections to transit. Beyond these core principles, the Comprehensive Plan also contains policies that treat Metrorail station areas as neighborhood centers that are tailored to the unique needs of each community and the surrounding neighborhood.

The Project exemplifies the principles of transit-oriented development. The Site is located directly adjacent to the Waterfront Metrorail station, which serves the rapidly expanding green line corridor, is served by several major bus routes and bike routes, and is otherwise conveniently located near numerous other alternative forms of transportation. Development of the Site utilizes the Metrorail station as an anchor for economic and civic development, and is located so as to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, enhance neighborhood stability, and create a stronger sense of place.

The Waterfront Metrorail station in particular is an excellent location for new growth, particularly residential growth. Most notably, the Project will include approximately 222 new residential dwelling units located one block north of the Metrorail station. Of the total units, 123 units will be reserved for seniors earning up to 60% of the MFI. As a result, the Project will result in the creation of a mixed-income and transit-oriented community and will satisfy the District's desire to provide mobility options for all types of District residents

#### 4. Policy LU-1.3.3: Housing Around Metrorail Stations

The Project is consistent with Policy LU-1.3.3, which seeks to build housing, particularly senior and affordable housing, adjacent to Metrorail stations given the reduced necessity of auto ownership in such locations and related reduction in household expenses. As noted above, the PUD Site is located a block north of the Waterfront Metrorail station and will provide approximately 222 new residential units in this location, of which approximately 123 units will be affordable at up to 60% of the MFI and devoted to seniors.

#### 5. Policy LU-1.3.4: Design to Encourage Transit Use

The Project has been designed to encourage transit use and help to enhance the safety, comfort, and convenience of passengers walking to the Waterfront Metrorail station and to local Metrobus stops. The Project will incorporate active ground floor amenity uses and community space for the Church that will animate the street frontages, and will provide additional improvements that are proven to increase pedestrian safety such as new lighting, signage, and landscaping.

6. Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

Consistent with this policy, in designing the Project the Applicant sought to balance the desire to increase housing supply in the area and expand neighborhood commerce, with the parallel goal of protecting the neighborhood character and restoring the environment. The Project satisfies these goals by providing a new residential community with different levels of affordability that will take advantage of the Site's mixed-use, transit-oriented location at a scale and density that is compatible with the existing neighborhood. The Project will be compatible with and invigorate these important neighborhood amenities.

7. Policy LU-2.1.10: Multi-Family Neighborhoods

The Project is consistent with this policy as it will maintain the residential character of the area surrounding the Site, and will provide a buffer between the high-density commercial uses that exist to the south at the Waterfront Station development and the residential neighborhood to the north of I Street. The height and density of the Project is appropriate given the transitional location of the Site, and the proposed development program is appropriate given the residential and other institutional uses found immediately across I Street.

8. Policy LU-2.2.4: Neighborhood Beautification

This policy encourages projects to improve the visual quality of the District's neighborhoods. As shown on plans included with this application, the Project is designed to improve the visual aesthetic of the Site and the neighborhood in general. Development of the Site will improve its existing condition, particularly because the Project will replace an existing underutilized site that is currently improved with a building in need of repairs and a surface parking lot. The Project will also incorporate new streetscape and landscape elements to enhance the pedestrian experience and improve the visual quality of the surrounding area. The new streetscape will include substantial improvements such as new paving for sidewalks, lighting, landscaping, canopies above the building entrances, and short term bicycle racks.

9. Policy LU-2.3.4: Transitional and Buffer Zone Districts

This policy promotes the use of mixed use zone districts that serve as transitional or buffer areas between residential and commercial districts, and which also may contain institutional uses. As discussed above, the proposed MU-2 zone is specifically intended to act as a buffer between adjoining non-residential and residential areas, and to ensure that new development is compatible in use, scale, and design with the transitional function of this zone. It is also intended to protect areas adjacent to non-residential uses or zones that contain a mix of row houses, apartments, offices, and institutions at a medium to high density, including buildings of historic and architectural merit. 11-G DCMR § 300.1. Thus, the MU-2 zone is the ideal zone given the context surrounding the Site. The Project is designed to be consistent with MU-2 matter-of-right height and density parameters, and is consistent with the height and density of existing and planned buildings in the surroundings. The Project will establish an effective transition between the high-density development to the south and the varied development pattern to the north, and will fit within the context of the I Street corridor.

## 10. Policy LU-2.3.6: Places of Worship and Other Religious Facilities

This policy recognizes the importance of places of worship and other religious facilities as an ongoing and important part of the city's neighborhoods. The policy encourages proactive collaboration with the faith-based community, residents, ANCs, and neighborhood groups to address issues associated with these facilities' transportation needs, operations, and expansion, so that existing and new religious facilities may be sustained as neighborhood anchors and a source of spiritual guidance for District residents.

The Project is fully consistent with this policy as it will include brand new facilities for the Church, which has been located on the Site for several decades. The Applicant is working with the Church, its community, the ANC, and other neighborhood stakeholders to ensure that the new Church facilities successfully address transportation needs, operation, and expansion of the Church, and fully maximize the Church's ability to maintain its position as an important neighborhood religious and cultural institution.

### **F. Transportation Element**

The Transportation Element provides policies and actions that are devoted to maintaining and improving the District's transportation system and enhancing the travel choices available to District residents, visitors, and workers. These transportation-related policies are integrally related to other Comprehensive Plan policies that address land use, urban design, and environmental protection. The close interplay between these policy areas is necessary to improving mobility and accessibility. 10-A DCMR § 400.1.

As described above, the Project will increase the amount of housing available near Metrorail, thereby making it easier for District residents to access transit and decrease the need, and associated economic burden, of owning a vehicle. Thus, the PUD is well positioned to advance the policies and goals of the Transportation Element including the following:

#### 1. Policy T-1.1.4: Transit-Oriented Development

The Project is an excellent example of transit-oriented development due to its location one block north of the Waterfront Metrorail station and proximity to multiple other forms of public transportation and bicycle infrastructure. The Project also includes various transit-oriented development-related improvements, including the construction of new mixed-uses along two major transportation corridors (4<sup>th</sup> and I Streets, SW), bicycle storage areas, and public space improvements, including new paving, lighting, landscaping, and bicycle racks.

#### 2. Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning

The Applicant carefully considered and integrated bicycle and pedestrian safety considerations in the design of the Project. The building incorporates secure indoor bicycle parking and exterior short-term bicycle parking to encourage residents, visitors, and employees of the building to travel by bike. The Applicant will also repave the streetscape surrounding the Site

according to DDOT's standards, and will otherwise improve the public realm by making new landscape and lighting improvements to enhance the pedestrian experience and general safety of the surrounding area. Together, these physical improvements to the streetscape will encourage bicycle and pedestrian activity and will bring additional revitalization to the area. In addition, all access to parking and loading for the Project is located on Makemie Place, SW, which will minimize pedestrian and vehicular conflicts.

3. Policy T-2.3.3: Bicycle Safety

This policy promotes increasing bicycle safety through various measures including traffic calming techniques, the provision of public bicycle parking, and enforcement of regulations requiring private bicycle parking. This policy is supported by a Comprehensive Plan action that requires new commercial and residential buildings to be designed with amenities that accommodate bicycle users. The project is consistent with this policy since it will provide secure indoor bicycle parking and bicycle racks in public space to accommodate and encourage bicycle use by all building users.

4. Policy T-2.4.1: Pedestrian Network

5. Policy T-2.4.2: Pedestrian Safety

The Project will incorporate significant improvements to the public space that will improve the city's sidewalk system to form a network that links residents across the city. Moreover, the proposed improvements will enhance safety and security in the neighborhood and will incorporate new pedestrian amenities that will encourage residents, visitors, and employees to walk within and around the Site.

6. Policy T-2.6.1: Special Needs

7. Policy T-2.6.2: Transit Needs

These policies require attention to the transportation needs of all District residents, including those with special physical requirements and trip needs, such as access to medical centers or senior centers. They also encourage the expansion and assistance for transit-dependent groups, including the elderly. Consistent with these policies, the Project will be located one block north of the Waterfront Metrorail station and in close proximity to numerous Metrobus routes, and will therefore be easily accessible for the senior residents of the Project, their visitors, and the congregants to the new Church facilities.

8. Policy T-3.1.1: Transportation Demand Management (TDM) Programs

Consistent with this policy, the PUD will include a strong TDM program that reduces the number of vehicle trips and miles traveled and increases the efficiency of the transportation system.

## **G. Housing Element**

The overarching goal of the Housing Element is to “[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia.”

10 DCMR §501.1. The Project will help achieve this goal by advancing the policies discussed below.

1. Policy H-1.1.1: Private Sector Support

The Project helps meet the needs of present and future District residents at locations consistent with District land use policies and objectives. Specifically, the approximately 222 new residential units proposed for the Project will be a substantial contribution to the supply of District housing that is in close proximity to Metrorail stations, and to the District's goal of producing 36,000 new housing units by 2025. Moreover, the provision of new housing at this particular location is fully consistent with the District's land use policies.

2. Policy H-1.1.3: Balanced Growth

This policy strongly encourages the development of new housing on surplus, vacant, and underutilized land in all parts of the city, and recommends ensuring that a sufficient supply of land is planned and zoned to enable the city to meet its long term housing needs, including the needs for affordable housing and higher-density housing. The Project supports this policy goals by developing new housing on underutilized land in a rapidly growing and changing mixed-use neighborhood. Housing provided on the Site will include market rate and affordable housing for seniors to ensure that a sufficient housing supply is provided for District residents at all income levels and stages of life.

3. Policy H-1.1.4: Mixed Use Development

The Project is consistent with the goals of promoting mixed use development. The Project incorporates residential and institutional (church) uses on the Site, which is located in a mixed-use neighborhood and adjacent to a Metrorail station.

4. Policy H-1.1.5: Housing Quality

The Applicant will dedicate approximately 52.9% of the Project's residential gross floor area to affordable dwelling units, dedicated to seniors earning up to 60% of the MFI. This amount is significantly in excess of the amount otherwise required by IZ. The affordable housing will be designed and constructed according to the same high-quality architectural design standards used for the market-rate dwelling units, and the interior amenities, including finishes and appliances, will be comparable to the market-rate materials, durable, and consistent with contemporary standards for new housing.

5. Policy H-1.2.1: Affordable Housing Production as a Civic Priority

Consistent with this policy, the Project will establish the production of housing for moderate income households, which will support the District in making affordable housing a civic priority.

6. Policy H-1.2.2: Production Targets

The Project will help achieve the District's affordable housing production targets by dedicating approximately 55% of the residential units in the project to affordable senior housing earning up to 60% of the MFI.

7. Policy H-1.2.3: Mixed Income Housing

The residential component of the Project is mixed-income and includes both market-rate and affordable housing units. The Project will therefore advance the District's policy of distributing mixed-income housing equitable across the city, rather than concentrating poverty within areas of the city that already have substantial affordable housing.

8. Policy H-1.2.6: Non-Profit Involvement

The Project is a successful example of a partnership between two development companies and the Westminster Presbyterian Church, a non-profit religious organization, that will result in new facilities for the Church and approximately 222 new housing units, of which approximately 123 will be devoted to senior affordable housing.

9. Policy H-1.2.7: Density Bonuses for Affordable Housing

The Applicant will take advantage of the bonus density afforded by the IZ regulations under the proposed MU-2 zone. As noted above, the Project does not utilize any PUD-related density for the proposed MU-2 zone. Consistent with this policy, the affordable housing will be considered a public benefit of the PUD.

10. Policy H-4.2.2: Housing Choice for Seniors

11. Policy H-4.2.3: Neighborhood-Based Senior Housing

These policies encourage the development of a wide variety of affordable housing choices for the District's seniors, particularly the production of multi-family senior housing. The Applicant's proffer to dedicate approximately 123 units to seniors at up to 60% of the MFI is fully consistent with this important policy.

## **H. Environmental Protection Element**

The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biological resources. This element provides policies and actions on important issues such as restoring the city's tree canopy, energy conservation, and air quality. 10-A DCMR § 600.1. The Project is fully consistent with the policies of the Environmental Protection Element because it incorporates new landscaping, green roofs, energy efficient systems and materials, alternative energy sources, and methods to reduce stormwater runoff. Additionally, the Project has been designed to achieve a minimum of LEED Silver for the Residential Tower and will be certified under the Enterprise Green Community standards for the Senior Tower.

1. Policy E-1.1.1: Street Tree Planting and Maintenance

As part of the Project the Applicant will reconstruct the streetscape adjacent to the Site, which will include new street trees that will add tree canopy, provide shade, improve air quality, provide urban habitat, and add aesthetic value.

2. Policy E-1.1.3: Landscaping

The Project will also incorporate significant landscaping, which will enhance and beautify the streetscape, reduce stormwater runoff, and strengthen the character of the public realm. The building includes a landscaped courtyard above the second level, landscaping on the roof terrace, and landscaping in the public space surrounding the Site. The Project will also incorporate green roofs and other natural elements that will enhance and beautify the streetscape, reduce storm water runoff, and strengthen the character of the public realm.

3. Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff

The design of the building and the surrounding public spaces include landscaping and green roofs, which will reduce stormwater runoff.

4. Policy E-3.2.1: Support for Green Building

This policy encourages the use of green building methods in new construction, as well as use of green building methods for operation and maintenance activities. The Project is consistent with this policy.

**I. Urban Design Element**

The goal of the Comprehensive Plan's Urban Design Element is to "[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces" 10-A DCMR § 901.1. The Project will greatly assist in achieving this Comprehensive Plan goal. The height and massing of the Project is consistent with the surrounding context as well as the FLUM and the SW Plan. The Project is also consistent with the following policies:

1. Policy UD-2.2.1: Neighborhood Character and Identity

The Project will strengthen the defining visual qualities of the Site and the Southwest neighborhood. Currently, the Site creates a gap in the streetscape since the existing church building is setback from the property line and it is also improved with a surface parking lot. Redevelopment of the Site with the building will eliminate this gap and strengthen the character and identity of the Waterfront Station town center. Indeed, the Project's design aesthetic is intended to be an updated version of the neighborhood's modernist design roots, such that it will be a positive addition to the surrounding neighborhood character and identity. The proposed development will also strengthen the definition of the 4<sup>th</sup> and I Street corridors and their unique corner intersection.

2. Policy UD-2.2.5: Creating Attractive Facades

The proposed Project is designed in a manner that avoids large expanses of unarticulated facades through the use of projections, recesses, and a mix of high quality materials. The design establishes an attractive building pattern at a location that complements the surrounding blocks and extends the pedestrian-scale quality of the streetscape along 4<sup>th</sup> and I Streets, SW.

3. Policy UD-3.1.5: Streetscape and Mobility

Consistent with this policy, the Project will ensure that the design of the public space adjacent to the Site facilitates connections between different modes of travel, including walking, public transit, bicycling, and driving. Safe pedestrian connections will be created through the redevelopment of the streetscape abutting the Site.

4. Policy UD-3.1.11: Private Sector Streetscape Improvements

As part of the Project, the Applicant will reconstruct the public streetscape adjacent to the Site. Doing so will improve sidewalk conditions, incorporate landscaping and pedestrian-oriented amenities, and provide new street trees that will add tree canopy, provide shade, improve air quality, provide urban habitat, and add aesthetic value.

**J. Lower Anacostia Waterfront/Near Southwest Area Element**

The Site is located within the boundaries of the Lower Anacostia Waterfront/Near Southwest Area Element. Section 1907 of the Comprehensive Plan sets forth the Lower Anacostia Waterfront/Near Southwest Area Element's planning and development priorities. The priorities include conserving and reinvesting in existing neighborhoods and community institutions, and providing diverse housing choices so that a mix of household types and incomes are accommodated. Another priority is to reinforce existing neighborhood commercial centers and enhance the quality of life for existing residents, all while being responsive to local concerns about traffic, crowd-control, displacement, community service impacts, and changing neighborhood character. 10-A DCMR § 1907.2(b)(g).

The Project and related Zoning Map amendment are consistent with these planning and development priorities. First, the Project will provide new facilities to the leadership and congregation of the Westminster Presbyterian Church, which will be used by the church to continue offering its wide range of programs that are currently enjoyed by the wider Southwest community. Secondly, the Project will produce approximately 222 units of housing, including approximately 123 units of much-needed senior affordable housing. Given the close proximity to the Waterfront Station PUD, the Project will reinforce the burgeoning Southwest Town Center that is taking form around the Metrorail station. This proximity will also provide residents of the Project, and in particular residents within the senior affordable component of the building, easy access to multiple transit options and many neighborhood-serving amenities. Finally, the Project has been designed in a manner that is responsive to local concerns through engagement with the ANC and other stakeholders.

The Site is also located in the Southwest Waterfront Policy Focus Area within the Lower Anacostia Waterfront/Near Southwest Area Element. The District’s vision for this area is the creation of “new parks, plazas, and mixed use development. Active ground floor uses such as retail stores and restaurants will make this area an active and animated urban waterfront.” 10-A DCMR § 1911.3. Indeed, the Comprehensive Plan notes that plans for the Southwest Waterfront “should be implemented in a way that recognizes the broader context of the Southwest neighborhood.” 10-A DCMR § 1911.6. Southwest is a strong urban community which benefits from the wide social, economic, and ethnic diversity of its residents, as well as a diverse mix of housing types and affordability levels.” 10-A DCMR § 1911.6.

Consistent with these goals, the Project will establish a new mixed use development at the Site with engaging ground floor residential amenity and community space and activity generated by the Church. The uses will together foster an animated streetscape surrounding the Site and within the neighborhood more generally. Moreover, the Project recognizes the importance of the broader neighborhood context, which includes residential, commercial, and open space uses, and will help to create a strong and diverse urban community on and around the Site.

Taking the foregoing into consideration, the Project is consistent with the following policies designed to guide development of the Southwest Waterfront neighborhood.:

1. Policy AW-1.1.1: Conservation of Established Waterfront Neighborhoods

The Project is consistent with this policy because it will help to revitalize and preserve the established neighborhood in the Waterfront planning area through reinvestment in housing stock within an established local commercial area.

2. Policy AW-2.1.1: Mixed Use Development

The Project will support the redevelopment of the Southwest waterfront neighborhood with a new mixed-use project that incorporates significant new housing, including affordable senior housing, and the community-serving Westminster Presbyterian Church use.

3. Policy AW-2.1.6: Waterside Mall

The Site is located directly to the north of the old Waterside Mall site. Developing the Site with new mixed-income housing and a new space for the Church will support existing and future redevelopment of what is now the Waterfront Station development, which continues to expand with new residential, office, service, retail, and restaurant uses. The Project will include significant upgrades to the surrounding streetscape and will therefore help to improve 4th Street’s aesthetics, circulation, and connectivity to surrounding uses. Extending development to the north of the Waterfront Station PUD will strengthen this location as a retail anchor for the Southwest community.

## SOUTHWEST NEIGHBORHOOD PLAN

The Project is not inconsistent with the recommendations of the SW Plan. The SW Plan was adopted after the enactment of the most recent Comprehensive Plan, and thus represents the District's and the community's current vision for the Southwest neighborhood, including the Site. The SW Plan acknowledges that a "significant amount of change has happened to the areas surrounding the core of the Southwest neighborhood since the adoption of the Comprehensive Plan in 2006," such that the SW Plan is a "timely and necessary supplement to the Comprehensive Plan." SW Plan at 13,17. Thus, in evaluating the proposed development program for the Project, the Applicant took into careful consideration the visions and goals set forth in the SW Plan.

Development of the SW Plan involved a community planning process that was shaped by neighborhood leadership through Advisory Neighborhood Commissions ("ANCs") and representatives from civic organizations, homeowner and tenant associations, community groups, and businesses. Input gained through this process indicated that "[c]ommunity residents want to see affordable housing preserved and new units created. They also want new housing developments to offer varied products, especially units sized for families." *Id.* at 4. Based on this feedback, the SW Plan prioritizes the development of affordable units through PUDs and Inclusionary Zoning incentives. *Id.* The Project delivers on this goal by providing approximately 222 new dwelling units, of which approximately 123 will be reserved for senior affordable housing units.

Based on community feedback and a market analysis, the SW Plan's overarching vision is to "create a thriving, active environment that preserves and enhances the Southwest neighborhood's culture and character." *Id.* at 4. The SW Plan further envisions 4th Street as a "thriving town center and commercial heart of the community, with a range of neighborhood-serving retail options, and active street atmosphere, and quality new development." *Id.* at 7. The SW Plan also recommends the development of key corner parcels to serve as anchors and create a vibrant mix of neighborhood town center uses along 4th Street, SW. *Id.* at 7. One such parcel is the Westminster Presbyterian Church site, upon which the SW Plan recommends medium-density mixed-use development with an emphasis on residential use.

The SW Plan also specifically states that "Southwest is unique in part because there are higher proportions of low-income households and senior households than the citywide average, reflecting the neighborhood's supply of income-restricted and senior-oriented housing, and the neighborhood's appeal for aging in place... Planning is needed to address community concerns regarding the future of affordable and quality housing options in the neighborhood for a variety of incomes, family sizes, ages and for people with disabilities." *Id.* at 13 (emphasis added). The SW Plan acknowledges that the "senior population is larger than the city wide average." *Id.* at 48. Thus, during the planning process, residents envisioned an "age-friendly neighborhood, where senior residents can thrive as they age in the place they have called home for many years." *Id.* at 72. Adhering to the SW Plan, the Project will provide approximately 123 senior affordable dwelling units in close proximity to multiple transit options and neighborhood serving services and amenities.

**ATTACHMENT 1**

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