

COMPLIANCE WITH THE COMPREHENSIVE PLAN – REVISED ANALYSIS
Z.C. Case No. 20-12
Westminster Presbyterian Church

As set forth below, the proposed PUD or “Project” is not inconsistent with the Comprehensive Plan, as recently adopted by the D.C. Council pursuant to D.C. Law L23-0217 (Comprehensive Plan Amendment Act of 2017) and D.C. Act A24-0110 (Comprehensive Plan Amendment Act of 2020), including the Future Land Use Map (“FLUM”) and Generalized Policy Map (“GPM”), collectively referred to herein as the “Comp Plan”.¹

The Applicant submitted a detailed analysis of how the Project is not inconsistent with the 2013 Comp Plan at Ex. 3E to the case record. As requested by the Commission, the following analysis provides an update to demonstrate how the Project is not inconsistent with the recently adopted amendments to the Comp Plan.

The Comp Plan guides the District’s development, both broadly and in detail, through maps and policies that address the physical development of the District. 10A DCMR § 103.2.² The Comp Plan also addresses social and economic issues that affect and are linked to the physical development of the city and the well-being of its citizens. The Comp Plan allows the District to ensure that its resources are used wisely and efficiently and that public investment is focused in the areas where it is needed most. 10A DCMR § 100.14. The Comp Plan is not intended to be a substitute for more detailed plans nor dictate what other plans must cover. Rather, it is the one document that bridges all topics and is cross cutting in its focus. The Comp Plan provides the “big picture” of how change will be managed in the years ahead and, thus, is intended to be interpreted broadly, with implementation accomplished through agency strategic plans, operational plans, long-range plans on specific topics, and focused plans for small areas of the city. 10A DCMR § 103.5.

Pursuant to the Home Rule Charter, zoning shall not be inconsistent with the Comp Plan. D.C. Code §6-641.02. As stated in the Framework Element, “[i]n its decision-making, the [Commission] must make a finding of not inconsistent with the [Comp Plan]. To do so, the [Commission] must consider the many competing, and sometimes conflicting, policies of the [Comp Plan], along with the various uses, development standards and requirements of the zone districts. It is the responsibility of the [Commission] to consider and balance those policies relevant and material to the individual case before it in its decision-making, and clearly explain its decision-making rationale.” 10A DCMR § 224.8. The Framework Element further states that “the zoning of any given area should be guided by the FLUM, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements.” 10A DCMR § 226.1(d). Thus, to approve an application the Commission must evaluate the consistencies and inconsistencies of the proposed PUD with the Comp Plan GPM, FLUM, and various Citywide and Area Element policies and make an overall determination as to whether the request is “not

¹ D.C. Law L23-0217 took effect on August 27, 2020, and included amendments to the Comprehensive Plan Framework Element. D.C. Act A24-0110 is currently under Congressional Review and is projected to become law in September 2021, prior to the public hearing for the subject PUD application.

² Unless otherwise stated, all citations herein refer to the Comp Plan recently adopted by the D.C. Council pursuant to D.C. Law L23-0217 and D.C. Act A24-0110.

inconsistent” with the Comp Plan when read as a whole. In the event the Project amendment is inconsistent with one or more Comp Plan policies, this does not mean the Commission must disapprove the application.

As noted above, the Comp Plan is a broad policy framework that is intended to be interpreted broadly. Thus, to the extent there are inconsistencies, the Commission simply must acknowledge said inconsistencies and explain how they are outweighed by other Comp Plan policies and/or competing considerations. The D.C. Court of Appeals (the “Court”) has upheld this interpretation of the Comp Plan and the manner in which the Commission shall carry out its review relative to the Comp Plan. The Court has stated:

The Comp 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). Thus, “[e]ven if a proposal conflicts with one or more individual policies associated with the [Comp] Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the [Comp] Plan as a whole.” *Durant v. District of Columbia Zoning Comm’n*, 65 A.3d 1161, 1168 (D.C. 2013). The Comp Plan reflects numerous “occasionally competing policies and goals,” and, “[e]xcept where specifically provided, the [Comp] Plan is not binding.” *Id.* at 1167, 1168. Thus, “the Commission may balance competing priorities” in determining whether a proposal would be inconsistent with the Comp 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). “If the Commission approves a [proposal] that is inconsistent with one or more policies reflected in the [Comp] 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).

As detailed below, in this instance the Project is not inconsistent with the policies and goals of the Comp Plan, including the FLUM and GPM, when read as a whole.

A primary focus of the recently adopted Comp Plan is racial equity. Indeed, the importance of equity to District residents was made abundantly clear when the Office of Planning conducted its D.C. Values survey in Spring 2019. In addition to equity, District residents also expressed the importance of other high-level values such as accessibility, diversity, livability, opportunity, prosperity, resilience, and safety. When choosing equity, residents expressed concerns about rising costs and inequitable access to opportunities for housing, businesses, employment, and other necessities. Overall, livability, equity, and safety were considered the most important values. 10A DCMR § 107.17 – 107.22. It should be noted that Southwest residents have a well-established track record of promoting equity and inclusion in their community. In fact, equity and inclusion forms a large part of the “model community”: concept set forth in the Southwest Neighborhood Plan, adopted by the D.C. Council in July 2015, which expressly states that “Southwest will remain an exemplary model of equity and inclusion - a welcoming and engaged community that celebrates

and retains a mix of races, ages and income levels and enhances well-being for all amidst neighborhood growth and change.”

As stated in the Framework Element, equity is both an outcome and a process. 10A DCMR § 213.6. Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. It is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. An important factor to advancing racial equity is to acknowledge that equity is not the same as equality. “As an outcome, the District achieves racial equity when race no longer determines one’s socioeconomic outcomes; when everyone has what they need to thrive, no matter where they live or their socioeconomic status; and when racial divides no longer exist between people of color and their white counterparts. As a process, we apply a racial equity lens when those most impacted by structural racism are meaningfully involved in the creation and implementation of the institutional policies and practices that impact their lives, particularly people of color.” 10A DCMR § 213.9 For its part, the Commission shall apply a racial equity lens when reviewing zoning requests against the relevant standard of review set forth in the Zoning Act and/or Zoning Regulations. In this case, the Commission shall evaluate the Project, including the Applicant’s proposed building program and proffered public benefits and project amenities through a racial equity lens to make its determination as to whether the Project is not inconsistent with the Comp Plan as a whole.

Equity is conveyed throughout the Comp Plan, particularly in the context of zoning, where certain priorities stand out, including affordable housing, displacement, and access to opportunity. To help guide the Commission in applying a racial equity lens to its decision making, the Implementation Element states that “[a]long with consideration of the defining language on equity and racial equity in the Framework Element, guidance in the Citywide Elements on District-wide equity objectives, and the Area Elements should be used as a tool to help guide equity interests and needs of different areas in the District.” 10A DCMR § 2501.6.

In its supplemental report in Z.C. Case No. 20-24 (Barry Farm map amendment), the Office of Planning stated “[t]he direction to consider equity as part of its [Comp Plan] consistency analysis indicates that the equity analysis is intended to be based on the policies of the Comp Plan and part of the Commission’s consideration of whether a proposed zoning action is “not inconsistent” with the Comp Plan, rather than a separate determination about a zoning action’s equitable impact. And as is the case whenever the Commission considers Comp Plan consistency, the scope of the review and Comp Plan policies that apply will depend on the nature of the proposed zoning action.” The evaluation of a proposed zoning action depends upon the type of zoning action requested. For example, a map amendment establishes what can potentially be developed on a property but it cannot guarantee any particular outcome, such as a specific use or number of dwelling units. By contrast, a PUD provides a specific project in terms of size, bulk, design, number of dwellings, bedroom sizes, and neighborhood-serving uses. A PUD also includes a quantified set of public benefits that can be tailored to the specific needs of the surrounding community or neighborhood. Thus, in contrast to a map amendment, the racial equity lens applied by the Commission in a PUD is can be more targeted in addressing the specific needs/deficiencies of the surrounding community in order to advance racial equity. As stated in the Framework and Implementation Elements, these specific needs/deficiencies are generally identified in the planning and development priorities section of the Area Element applicable to the PUD, and directly by the community during the PUD process.

The following sections of this statement reflect the Applicant’s thorough evaluation of the Project’s overall consistency with the Comp Plan, including the GPM, FLUM, Citywide Elements, and the Lower Anacostia Waterfront/Near Southwest Planning Area Element. Given the wide range of topics addressed in the Comp Plan, certain Citywide Elements may have little to no applicability to a zoning proposal. Such is the case for the Project. Notwithstanding, in conducting its Comp Plan evaluation the Applicant has thoroughly reviewed the goals and policies of every Comp Plan element and has determined that, individually and as a whole, the Project is not inconsistent with the elements of the Comp Plan. For those Citywide Elements that are more directly applicable to the Applicant’s request, a brief narrative is provided below explaining the basis for the Applicant’s determination that the Project is not inconsistent with that particular element. Finally, in accordance with the guidance provided by the Court, the Applicant’s evaluation also includes a specific assessment of potential Comp Plan inconsistencies. As discussed below, to the extent the Project is inconsistent with individual Comp Plan policies, such inconsistencies are outweighed by other Citywide and Lower Anacostia Waterfront/Near Southwest Comp Plan policies relating to: (i) land use; (ii) housing; and (iii) the Southwest Neighborhood Plan.

1. Generalized Policy Map

The purpose of the GPM is to categorize how different parts of the District may change between 2005 and 2025. It highlights areas where more detailed policies are necessary, both within the Comp Plan and in follow-up plans, to manage this change. 10A DCMR § 225.1. The GPM is intended to “guide land use decision-making in conjunction with the Comp Plan text, the FLUM, and other Comp Plan maps. Boundaries on the map are to be interpreted in concert with these other sources as well as the context of each location. 10A DCMR § 225.2.

As shown on the GPM, the Site is located within a Neighborhood Conservation Area. This designation encompasses the entire Southwest neighborhood with the exception of the Southwest Waterfront (Wharf) and the Southwest Town Center along 4th Street, which are designated as Regional Center and Neighborhood Commercial Center, respectively. According to the Framework Element, areas within a Neighborhood Conservation Area designation “have little vacant or underutilized land and are generally residential in character.” 10A DCMR § 225.4. The Framework Element further provides that “[m]ajor changes in density over current (2017) conditions are not expected [within a Neighborhood Conservation Area] but some new development and reuse opportunities are anticipated, and these can support conservation of neighborhood character where guided by [Comp Plan] policies and the [FLUM]. 10A DCMR § 225.4. “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...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 [FLUM] and [Comp Plan] policies. 10A DCMR § 225.5.”

As the Framework Element states, the Neighborhood Conservation Area designation is not intended to preclude development. It is also not intended to be interpreted as requiring conservation of existing development on a particular site or only permitting small scale development. Perhaps

most importantly, the Neighborhood Conservation Area designation is not intended to be interpreted the same way across the District. Rather, the Neighborhood Conservation Area designation is intended to maintain “the diversity of land uses and building types” of a particular area. Overall, the diverse development pattern of the Southwest neighborhood that the GPM aims to maintain is reflective of the mid-century planning ideals that permeated throughout Southwest in the 1940s – 1950s. For the Project, the diversity of land uses in the Southwest neighborhood predominately includes moderate- to high-density residential interspersed with cultural, institutional, and park uses and concentrated nodes of high-density mixed-use development (Southwest Town Center and the Wharf) and local public facilities (Southwest Government Cluster). As to building types, the Southwest neighborhood is predominately characterized by rowhouses and high-rise residential buildings (townhomes and towers) with high-density residential and office buildings concentrated at the Southwest Town Center and the Wharf.

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. The Project consists of a medium-density mixed-use development that is not inconsistent with the FLUM, consistent with recommendations in the Southwest Neighborhood Plan, and compatible with the scale, pattern, and character of the surrounding context. Further, consistent with the guiding philosophy in Neighborhood Conservation Areas the Project will help address citywide housing needs on a Site that is in close proximity to Metrorail and numerous neighborhood services and amenities.

2. Future Land Use Map

The FLUM shows the general character and distribution of recommended and planned uses across the city, and, along with the GPM, is intended to provide generalized guidance on whether areas are designated for conservation, enhancement, or change. 10A DCMR §§ 200.5 and 224.4. The land use category descriptions on the FLUM describe the general character of development in each area, citing typical Floor Area Ratios as appropriate. However, the granting of density bonuses (for example, through Planned Unit Developments or Inclusionary Zoning) may result in density that exceeds the typical ranges cited. 10A DCMR § 228.1(c).

The Comp Plan does not require that each block “strictly correspond” with the general description of the associated land use designation on the FLUM. *See* Z.C. Order No. 08-15, Finding of Fact No. 74(a). Rather, similar to the GPM, the “[FLUM] is not a zoning map. Whereas zoning maps are parcel-specific, and establish detailed requirements and development standards for setbacks, height, use, parking, and other attributes, the [FLUM] is intended to be “soft-edged,” does not follow parcel boundaries, and its categories do not specify allowable uses or development standards. By definition, the [FLUM] is to be interpreted broadly and the land use categories identify desired objectives.” 10A DCMR § 228.1(a). This is particularly relevant for sites with Mixed Use designations. Decisions on requests for rezoning shall be guided by the [FLUM] read in conjunction with the text of the Comp Plan (Citywide and Area Elements) as well as Small Area Plans pertaining to the area proposed for rezoning. *Id.* at § 2504.5.

The FLUM designates the Site as Mixed Use (Low Density Commercial / Medium Density Residential). The “Mixed Use” designation is assigned to areas where two or more uses are encouraged, and is generally assigned to 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, among others. 10A DCMR § 227.20(a). Such is the circumstance in the present case where the Site is located at the northern edge of the Waterfront Station PUD and within the area of the Southwest Town Center. Typically, the general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown on the FLUM. If the desired outcome is to emphasize one use over the other, the FLUM may note the dominant use by showing it at a slightly higher density than the other use in the mix. The Comprehensive Plan Area Elements may also provide detail on the specific mix of uses envisioned. 10A DCMR § 227.21. Applying this to the mixed-use FLUM designation for the Site suggests that the District envisions medium density mixed-use development with an emphasis on residential use.

The Project, including the PUD-related map amendment to the MU-2 zone, are not inconsistent with the Comp Plan as a whole. The Site is situated in a transitional location along the I Street, SW corridor. To the south, the area contains several high-density buildings with heights ranging between 94 and 130 feet that were constructed pursuant to approved PUDs (e.g. Z.C. Order No. 02-38 et seq., Z.C. Order No. 05-38 *et seq*, and Z.C. Order No. 12-14, et seq). To the north, across I Street, SW, 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 given the FLUM designations for the Site, its transitional location, and scale and pattern of surrounding development. This is particularly true within the context of a PUD where the potential impacts of the Project can be mitigated or determined to be acceptable through an evaluation of the Project’s design and public benefits.

Consistent with the FLUM, 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.” Emphasis added. 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 with IZ), of which 3.5 FAR may be devoted to non-residential uses. The Project will have a maximum density 7.06 FAR, of which approximately 0.60 FAR will be devoted to non-residential use. Thus, consistent with the FLUM’s preference for residential use on the Site, 90% of the Project is devoted to residential use. Regarding height, the MU-2 zone permits a maximum building height of 90 feet, not including penthouse. The Project will have a maximum height of 90 feet, not including the penthouse.

Consistent with the purposes of the MU-2 zone, the Project's density and height will provide an appropriate buffer between the 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. 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.

Moreover, the Project's height and density are consistent with the diverse development pattern of the surrounding area. The proposed building height 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 to 9 stories. With respect to use, the vast majority of the Project is devoted to residential use. The only non-residential use within the Project are the new facilities for Westminster Presbyterian Church, which are valued by the community and compatible with the institutional and residential uses found to the north.

The Project also fits within the varied development pattern along the I Street, SW corridor, where taller multi-family buildings exist alongside three-story townhomes. Existing development at the west end of the corridor consists of medium- to high-density residential towers, including the recently redeveloped Riverside Baptist Church, an approved PUD containing a new two-story church and 90 foot residential tower (Z.C. Order No. 15-05). To the east of Riverside Baptist Church are 9- and 10-story residential buildings that are adjacent to moderate-density two- and three-story townhomes and apartment buildings. The townhomes are located more than 350 feet from the Site. East of the townhomes is 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. Developments to the east of the Site are also varied in height and density. Along the north side of I Street, buildings closest to the Site are 9 and 6 stories, with lower heights further east approximately 500 feet away. Along the south side of I Street are the Christ United Methodist Church site, and the Greenleaf public housing site which is planned to be redeveloped at a greater height and density in the future.

Accordingly, approval of the Project, including the requested map amendment to MU-2, is not inconsistent with the FLUM, and is well within the Commission's authority to do so under the flexibility afforded by the PUD process.

3. Lower Anacostia Waterfront/Near Southwest Area Element

The Lower Anacostia Waterfront/Near Southwest Planning Area encompasses three square miles of land located along both sides of the Anacostia River in the southwest and southeast quadrants of Washington, DC. The boundaries include the I-395 Freeway to the north, Anacostia Park and portions of South Capitol Street SE to the east and south, and the Washington Channel to the west. 10A DCMR § 1900.1.

The Project is not inconsistent with the policies set forth in the Lower Anacostia Waterfront/Near Southwest Area Element, and in particular those listed below. The Project will redevelop the Site with a new mixed-use development that incorporates significant new housing, including affordable senior housing, and the community-serving Westminster Presbyterian Church

use (AW-2.5.1, AW-2.5.4, AW-2.5.11). The Project will contribute new housing and improved community/cultural space within Westminster Presbyterian Church to the 4th Street, SW Town Center, the commercial heart of the Southwest neighborhood (AW-2.5.1, AW-2.5.8).

In addition, the Project will help maintain Southwest as a model of equity and inclusion by providing substantial new housing, including dedicated affordable senior housing, which supports this Element's goal of encouraging affordable and equitable access to housing with a range of housing types to support every segment of the population, including older adults (AW-2.5.4, AW-2.5.11). In doing so, the Project also includes market-rate housing, which is consistent with this Element's goal of providing a mix of affordable and market rate residential units to best serve the community's needs. In addition, the Project is fully consistent with the policies and goals set forth in the Southwest Neighborhood Plan (AW-2.5.2), as set forth in Exhibit 3E.

The Project advances the following Lower Anacostia Waterfront/Near Southwest Area Element, Southwest Neighborhood Policy Focus Area policies:

AW-2.5: Southwest Neighborhood

- AW-2.5.1: 4th Street SW as a Thriving Town Center
- AW-2.5.2: Southwest Neighborhood Plan
- AW-2.5.4: An Equitable and Inclusive Southwest Neighborhood
- AW-2.5.8: Southwest Arts and Culture
- AW-2.5.11: Affordable and Family-Sized Housing in Southwest

4. Land Use Element

The Land Use Element is the cornerstone of the Comp Plan. It establishes the basic policies guiding the physical form of the District, and provides direction on a range of development, preservation, and land use compatibility issues. The element describes the range of considerations involved in accommodating an array of land uses within Washington, D.C. 10A DCMR § 300.1. Through its policies and actions, the Land Use Element addresses the numerous, challenging land use issues that are present in the District, including, among others:

- Providing adequate housing, particularly affordable housing;
- Conserving, creating, and maintaining inclusive neighborhoods, while allowing new growth that fosters equity, including racial equity, and accessibility;
- Balancing competing demands for finite land resources;
- Directing growth and new development to achieve economic vitality and creating jobs while minimizing adverse impacts on residential areas and open spaces; and
- Promoting transit-accessible, sustainable development.

10A DCMR § 300.2.

More than any other part of the Comp Plan, the Land Use Element lays out the policies through which growth and change occur. The Land Use Element integrates and balances competing policies of all the other District Elements. 10A DCMR § 300.3. The Implementation Element further recognizes the “overlapping nature” of the [Comp Plan] elements, stating that “an

element may be tempered by one or more of the other elements,” and further states that “because the Land Use Element integrates the policies of all other District Elements, it should be given greater weight than the other elements.” 10A DCMR § 2504.6.

As related to the subject application, the policies and actions of the Land Use Element all aim to utilize land resources efficiently to achieve the following goals:

- Meet long-term neighborhood, District-wide, and regional needs;
- To address past and current inequalities disproportionately impacting communities of color;
- Sustain, restore, and improve the affordability and equity of all neighborhoods;
- Provide for additional housing and employment opportunities; and
- Effectively balance the competing demands for land.

10A DCMR § 302.1.

For the reasons discussed below, the Project will help achieve the above-described goals through its consistency with several Land Use Element policies. Upon evaluation of the Land Use Element policies and actions, the Applicant finds the Project to be not inconsistent with the Land Use Element overall, and specifically with the policies listed below.

The Project is not inconsistent with the Land Use Element. The Project exemplifies the principles of transit-oriented development (LU-1.4.1, LU-1.4.2, LU-1.4.B). The Site is located directly adjacent to the Waterfront Metrorail station, 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 services, enhance neighborhood stability, and create a stronger sense of place (LU-2.1.3, LU-2.3.5, LU-2.3.6, LU-2.3.12). Moreover, the Project has been designed to encourage transit use and help to enhance the safety, comfort, and convenience of passengers walking to the 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.

The Waterfront Metrorail station in particular is an excellent location for new growth, particularly residential growth (LU-1.4.3, LU-1.4.4). The Project is consistent with this goal since it will offer a significant number of new housing and affordable housing units, including affordable units reserved exclusively for seniors. Thus the Project will create a mixed-income and transit-oriented community and will satisfy the District’s desire to provide mobility options for all types of District residents (LU-1.4.1). Furthermore, 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

Accordingly, 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 (LU-1.4.2, LU-1.4.3, LU-2.1.3). 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.

In addition, consistent with policies aimed at maintaining and expanding religious facilities as neighborhood anchors, the Project will include brand new facilities for the Church, which has been located on the Site for several decades (LU-2.3.5, LU-2.3.6). 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 (LU-2.3.12).

The Project advances the following Land Use Element policies:

LU-1.4: Transit-Oriented and Corridor Development

- LU-1.4.1: Station Areas as Neighborhood Centers
- LU-1.4.2: Development Around Metrorail Stations
- LU-1.4.3: Housing Around Metrorail Stations
- LU-1.4.4: Affordable Rental and For-Sale Multi-family Housing Near Metrorail Stations
- LU-1.4.B: Zoning Around Transit

LU-2.1: A District of Neighborhoods

- LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

LU-2.3: Residential Land Use Compatibility

- LU-2.3.4: Transitional and Buffer Zone Districts
- LU-2.3.5: Institutional Uses
- LU-2.3.6: Places of Worship and Other Religious Facilities
- LU-2.3.12: Arts and Culture Uses in Neighborhoods

5. 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 Comp Plan policies that address land use, urban design, and environmental protection. The close interplay between these policy areas is necessary to improving safety, mobility, and accessibility in the District. 10A DCMR § 400.1.

The overarching goal for transportation in the District is to create a safe, sustainable, equitable, efficient, and multi-modal transportation system that meets the access and mobility needs of District residents, workers, and visitors. 10A DCMR § 401.1. An important component to achieving this goal is to closely coordinate land use and transportation decisions. The balance between housing and jobs plays a clear role in travel patterns. Generally, when homes and jobs are located close to transit, quality of life is improved and the demands on transportation infrastructure are reduced. The Comp Plan recommends that future efforts take these factors into account to ensure that households with varying incomes and communities of color have equitable access to housing and jobs via safe and efficient transportation options.

The Project is not inconsistent with the Transportation Element. The Project will establish new transit-oriented development within one block of the Waterfront Metrorail station and in proximity to multiple other forms of public transportation and bicycle infrastructure (T-1.1.8, T-2.6.1). The Project also includes various transit-oriented development-related improvements, including the construction of new mixed-uses along two major transportation corridors (4th and I Streets, SW), bicycle storage areas, and public space improvements, including new paving, lighting, landscaping, and bicycle racks (T-2.3.1, T-2.4.1, T-2.4.2).

The Project has been designed to integrate bicycle and pedestrian safety considerations. For example, the Project 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 (T-2.3.1). Together, these physical improvements to the streetscape will improve bicycle and pedestrian safety in 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 (T-2.4.2).

As related to transit access, particularly for senior residents, the Project is consistent with policies that require attention to the transportation needs of all District residents, including those with special physical requirements and trip needs. 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 (T-2.6.1, T-2.6.2).

Finally, in addition to promoting the use of transit, walking, and bicycle use, the Project will also include a strong TDM program that reduces the number of vehicle trips and miles traveled and increases the efficiency of the transportation system. The Project has also been designed to minimize the number of off-street parking spaces, which can have the effect of adding vehicle trips to the transportation network (T-1.1.8). Finally, as part of the TDM program the Applicant will unbundle the cost of parking from the cost of renting or purchasing a residential unit, which will help to discourage residents from buying or renting parking spaces (T-3.2.D).

The Project advances the following Transportation Element policies:

T-1.1 Land Use: Transportation Coordination

- T-1.1.4: Transit-Oriented Development
- T-1.1.8: Minimize Off-Street Parking

T-2.3 Bicycle Access, Facilities, and Safety

- T-2.3.1: Better Integration of Bicycle and Pedestrian Planning

T-2.4 Pedestrian Access, Facilities, and Safety

- T-2.4.1: Pedestrian Network
- T-2.4.2: Pedestrian Safety

T-2.6 Addressing Accessibility for All Residents

- T-2.6.1: Transportation Access
- T-2.6.2: Transit Needs

T-3.1.1: TDM Programs

- T-3.2.D: Unbundle Parking Cost

6. Housing Element

The Housing Element describes the importance of housing to neighborhood quality in the District, and the importance of providing housing opportunities for all segments of the population throughout the city. 10A DCMR § 500.1. The District continues to face significant demand for more housing, and in particular affordable housing across a range of income levels. Other critical housing issues that the District is facing include furthering fair housing opportunities, especially in high-cost areas; fostering housing production to improve affordability; promoting more housing near transit; maintaining healthy homes for residents; and providing housing integrated with supportive services for older adults, vulnerable populations, and residents with disabilities. 10A DCMR § 500.2.

The overarching housing goal of the Housing Element is to develop and maintain new residential units to achieve a total of 36,000 new units by 2025 that provide a safe, decent, accessible, and affordable supply of housing for all current and future residents of the District. 10A DCMR § 501.1. To achieve this target, the District must maintain a high rate of housing production at all income levels, with a range of housing types, in all part of the District. While equity is conveyed throughout the Comp Plan, access and availability to quality affordable housing is arguably the most important issue when it comes to racial equity. The Comp Plan recognizes that without increased housing the imbalance between supply and demand will drive up housing prices in a way that continues to create challenges for many residents, particularly low-income residents. However, the District's housing crisis cannot be successfully addressed by solely focusing on housing supply and demand. Rather, issues related equitable distribution of affordable housing and ensuring new affordable housing has equitable access to transit and amenities are other important factors that need consideration.

The Project helps meet the housing needs of present and future District residents at locations consistent with District land use and housing policies and objectives. The Project will include a significant number of new residential units, including affordable units reserved exclusively for seniors, which will result in 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 (H-1.1.2, H-1.1.3). The Project will develop the new housing on an underutilized property 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 (H-1.2.1, H-1.2.11, H-4.3.2, H-4.3.3). The Project is also consistent with the goals of promoting mixed use development, as it incorporates residential and institutional (church) uses on the Site, which is located in a mixed-use neighborhood and adjacent to a Metrorail station.

A significant number of the new housing units included in the Project will be dedicated as affordable senior units in an amount that 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 (H-1.1.5). Accordingly, the Project will help achieve the District's affordable housing production targets, and will do so at a development site that will help to distribute mixed-income housing equitably across the District. In doing so, the Applicant will take advantage of the density bonus afforded by the IZ regulations (H-1.1.2, H-1.1.3, H-1.2.7).

The Project substantially advances the following Housing Element policies:

H-1.1: Expanding Housing Supply

- H-1.1.2: Production Incentives
- H-1.1.3: Balanced Growth
- H-1.1.5: Housing Quality

H-1.2: Ensuring Housing Affordability

- H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority
- H-1.2.7: Density Bonuses for Affordable Housing
- H-1.2.11 Inclusive Mixed-Income Neighborhoods
- H-1.2.J: Affordable Housing and Nonprofit and Faith Based Institutions

H-1.3: Diversity of Housing Types

- H-1.3.2: Tenure Diversity

H-2.1: Preservation of Affordable Housing

- H-2.1.4: Avoiding Displacement

H-4.3: Meeting the Needs of Specific Groups

- H-4.3.2: Housing Choice for Older Adults
- H-4.3.3: Neighborhood-Based Housing for Older Adults

7. Environmental Protection Element

The Environmental Protection Element addresses the protection, conservation, and management of Washington, DC's land, air, water, energy, and biological resources. This Element provides policies and actions for addressing important issues such as climate change, drinking water safety, the restoration of the tree canopy, energy conservation, air quality, watershed protection, pollution prevention, waste management, the remediation of contaminated sites, and environmental justice. The biological, chemical, and hydrologic integrity of the environment are key indicators of the quality of life in the District. Furthermore, environmental sustainability is linked to resilience, population health, and community prosperity. Good environmental management and pollution prevention are essential to sustain all living things and to safeguard the welfare of future generations. 10A DCMR § 600.1.

As set forth in 10A DCMR § 600.2, some of the critical environmental issues facing Washington, DC that are addressed in the Environmental Protection Element include:

- Restoring the District's tree canopy and expanding green infrastructure (GI);
- Conserving water and energy;
- Encouraging green building techniques and facilitating compliance with green building mandates;
- Growing access to, and use of, clean, local energy;
- Reducing air pollution;
- Eliminating the harmful effects of environmental hazards on all residents particularly vulnerable populations and to address environmental justice issues; and
- Increasing resilience to urban heat island effect.

The overarching goal for the Environmental Protection Element is to protect, restore, and enhance the natural and human-made environment in Washington, DC, taking steps to improve environmental quality and resilience, adapt to and mitigate climate change, prevent and reduce pollution, improve human health, increase access to clean and renewable energy, conserve the values and functions of Washington, DC's natural resources and ecosystems, and educate the public on ways to secure a sustainable future. 10A DCMR § 601.1.

The Project is not inconsistent with the policies of the Environmental Protection Element. 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 (E-2.1.2). The Project will incorporate significant landscaping, including sustainable landscaping practices, which will enhance and beautify the streetscape, reduce storm water runoff, and strengthen the character of the public realm (E-2.1.3). 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 (E-2.1.3).

In addition, the Project will incorporate energy-efficient systems and methods for insulation, heating, and cooling, which will help to conserve natural resources and reduce energy costs for residents (E-3.2.7).

The Project advances the following Environmental Protection Element policies:

E-2.1: Conserving and Expanding Washington, DC's Urban Forests

- E-2.1.2: Tree Requirements in New Development
- E-2.1.3: Sustainable Landscaping Practices

E-3.2: Conserving Energy and Reducing GHG Emissions

- E-3.2.7: Energy-Efficient Building and Site Planning

E-4.1: Green Infrastructure

- E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff

8. Urban Design Element

The Urban Design Element addresses the District's physical design and visual qualities. It describes ways in which different aspects of the District's landscape, especially its buildings, streets, and open spaces, work together to define impressions of the city and its neighborhoods. The defining urban design qualities of the District derive from the historic Plan of Washington, and the unique characteristics of the city's many neighborhoods. As the District continues to support growth to address housing and economic development needs, several important urban design challenges must be considered. These include strengthening neighborhood quality of life while accommodating growth and change, and providing compatible infill development and appropriate transitions between varying uses and densities. 10A DCMR § 900.1 & 900.2.

As demonstrated throughout this Comp Plan evaluation, urban design objectives are interwoven through several Comp Plan Elements. The overarching goal of the Urban Design Element is to enhance the beauty, equity, and livability of Washington, DC by reinforcing its historic design legacy and the identity of its neighborhoods and centers, integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and functions of streets and public spaces. 10A DCMR § 901.1. This goal is particularly relevant in Southwest given its unique and varied development pattern stemming from the area's planning and architectural history. Overall, the Applicant finds the Project to be not inconsistent with the policies and actions of the Urban Design Element, and in particular those listed below.

The Project is not inconsistent with the policies of the Urban Design Element, and in particular those listed below. The Project will help achieve the goals of the Urban Design Element through its thoughtful massing and quality materials that respond to the surrounding context and through improvements to adjacent public space (UD-2.2.1, UD-2.2.2, UD-2.2.4). The design achieves a balance in responding to existing buildings in and around the Southwest Town Center while also presenting a new aesthetic that conveys the presence of Westminster Presbyterian Church and the importance of its mission and contributions to the community. The height and

massing of the Project is responsive to the context to the north and south, as well as to the development pattern along the I Street corridor. Specifically, the proposed 90 foot height, two tower massing of the Project will establish an appropriate transition between the high-density Southwest Town Center to the south and the varied development pattern of residential and institutional uses north of I Street (UD-2.2.4, UD-4.2.1). Further, the articulation and materials of the building facades have been designed with consideration given to the surrounding context and attention to enhancing the human/pedestrian scale at street level (UD-2.2.4).

The proposed Zoning Map amendment specifically advances the following Urban Design Element policies:

UD-2.2: Designing for Vibrant Neighborhoods

- UD-2.2.1: Neighborhood Character and Identity
- UD-2.2.2: Areas of Strong Architectural Character
- UD-2.2.4: Transitions in Building Intensity

UD-2.4: Inclusive Community Spaces

- UD-2.4.1: Inclusive and Diverse Neighborhood Spaces

UD-3.2: Designing the Active District

- UD-3.2.2: Social and Community Meeting Spaces

UD-4.2: Designing Architecture for People

- UD-4.2.1: Scale and Massing of Large Buildings
- UD-4.2.4: Creating Engaging Facades

9. Evaluation of Potential / Asserted Comprehensive Plan Inconsistencies

The foregoing Comp Plan analysis thoroughly demonstrates the numerous ways in which the Project, including the proposed PUD-related map amendment to MU-2, aligns with the policies and goals of the Comp Plan, including the FLUM and GPM. However, as established by the Court, it is not sufficient to simply identify the policies that would be advanced when evaluating a proposal for consistency with the Comp Plan. Rather, because of the overlap within and between the Comp Plan elements the evaluation must also recognize where there may be potential inconsistencies. Indeed, since first being adopted by the D.C. Council, the Comp Plan has always recognized that there is intentional overlap between its individual components (elements) and that it is intended to be a policy framework that is to be interpreted broadly and provide guidance to all executive and legislative decision making. For example, the first Comp Plan adopted in 1984 stated “[t]he primary dynamic of the District elements of the Plan are the overlapping of its elements’ goals. This overlapping is intentional.” (Section 102, District of Columbia Comprehensive Plan Act of 1984). The current Implementation Element reflects the same language: “[r]ecognize the overlapping nature of the [Comp Plan] elements as they are interpreted and applied. An element may be tempered by one or more of the other elements.” 10A DCMR § 2504.6. The Court has also recognized this overlap, and reiterates that “[e]ven if a proposal conflicts with one or more individual policies associated with the [Comp] Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent

with the [Comp] Plan as a whole.” *Durant v. District of Columbia Zoning Comm’n*, 65 A.3d 1161, 1168 (D.C. 2013). In the event there are inconsistencies, an explanation must be provided as to why said inconsistencies are outweighed by the advancement of other policies and considerations.

Consistent with the guidance provided in the Implementation Element, the Applicant conducted a thorough Comp Plan evaluation using a racial equity lens and, as detailed throughout this statement, finds the proposal not inconsistent with the Comp Plan when read as a whole. In conducting its evaluation, the Applicant specifically sought to identify any instances where the proposal may be viewed as being inconsistent with certain Comp Plan policies. The Applicant has also made sure to address any potential inconsistencies identified in the case record.

In its hearing report dated April 2, 2021, OP asserted that the Project was inconsistent with Housing Element action H-1.2.A. According to the hearing report, OP describes this action as “relating to the uniform distribution of Inclusionary Zoning units.” This action, which is contained in the 2013 Comp Plan Housing Element, states the following:

“Action H-1.2.A: Inclusionary Zoning - Adopt an Inclusionary Zoning requirement which would require the inclusion of affordable units for low income households in new residential developments of 10 units or greater, with accompanying provisions for density bonuses and long-term affordability. Apply this requirement as fairly and uniformly as possible, providing flexibility as necessary for sites where density bonuses cannot feasibly be provided.”

The Applicant assumes OP has made this assertion in response to the Applicant’s proposal to locate all of the senior affordable units in the east tower of the Project.

It is important to note from the outset that the above-stated 2013 Comp Plan action is not contained in the recently adopted Comp Plan. The language of this action was specifically removed from the Housing Element included in OP’s April 2020 proposal to the D.C. Council because the action has been completed. Notwithstanding, even if the action was included in the recently adopted Comp Plan, the Applicant submits that the action is not applicable to the Project nor to the Applicant. Based upon its express language, the action calls for, in general, the adoption of an Inclusionary Zoning requirement that is fairly and uniformly applied across the District. The execution of this action is something only the District government can carry out, not the Applicant. Further, the language within the action referring to “fairly and uniformly” does not pertain to the distribution of IZ units within a development project, but rather refers to the applicability of IZ across the District. Based on the foregoing, the Applicant submits that the above-described action from the 2013 Comp Plan Housing Element is no longer relevant to the Project since it is no longer contained in the Comp Plan, and even if it was the action would not be applicable to the Project.