

COMPREHENSIVE PLAN EVALUATION

1. Introduction

As set forth below, the 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. Law 24-0020 (Comprehensive Plan Amendment Act of 2020), including the Generalized Policy Map (“GPM”) and Future Land Use Map (“FLUM”) (D.C. Resolution R24-0292), collectively referred to herein as the “Comp Plan”.¹

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. 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 provides the “big picture” of how change will be managed in the years ahead and is intended to be interpreted broadly. 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 ... and clearly explain its decision-making rationale.” 10A DCMR § 224.8.

Accordingly, the “Zoning Commission is required to use the Comprehensive Plan in its land use decision making.” 10A DCMR § 224.8. However, the Zoning Regulations specifically exempt from Comp Plan review those projects that are subject to Zoning Commission review by virtue of their location on a designated street segment identified in Subtitle I, as is the case here and which is discussed in detail in the Applicant's Prehearing Submission. . See Subtitle X § 601.1, stating that “[e]xcept for *Design Review required by Chapter 7 of Subtitle I, this chapter* applies to any instance when the Zoning Regulations require Zoning Commission review of any building, structure, or use other than a campus plan” (emphasis added). It is Subtitle X, Chapter 6 that requires an evaluation of the Comp Plan for certain Design Review cases, from which the present application is exempted by Subtitle X § 601.1.

The type of review established by Subtitle I for the Property requires that a project “meets the *special exception standards* set forth in Subtitle X, Chapter 9” along with other design-related standards and objectives. See 11-I DCMR § 701.2(a) (emphasis added). Special exceptions are typically heard by the Board of Zoning Adjustment (“BZA”), “[e]xcept for those special exceptions heard by the Zoning Commission.” 11-X DCMR § 900.1. The D.C. Court of Appeals

¹ D.C. Law L23-0217 took effect on August 27, 2020, and included amendments to the Comprehensive Plan Framework Element. D.C. Law L24-0020 took effect on August 21, 2021, and included amendments to the Comprehensive Plan general, citywide, area elements, and the Generalized Policy Map and Future Land Use Map. The Generalized Policy Map and Future Land Use Map were formally approved on November 16, 2021, pursuant to Resolution No. R24-0292.

has taken the position that for special exception review, the BZA has no authority to review a project's consistency with the Comprehensive Plan. *See Mass. Ave. Heights Citizens Assoc., v. Dist. of Columbia Bd. of Zoning Adjustment, No. 19-AA-1049, Mem. Op. and Judgment (D.C. Sept. 6 2022) (per curiam) (slip op.)*, stating that “the BZA ‘has only the limited function of assuring that the regulations adopted by the Zoning Commission are followed; the BZA has no authority to implement the Comprehensive Plan’” (citation and internal quotation marks and brackets omitted). “Our review is likewise limited to ensuring that the BZA followed the regulations, not the Comprehensive Plan.” *Id.* Given that the Zoning Commission's review in the present case is limited to the special exception standard of review, the Commission is required to review the application based on the special exception standard and other design-related criteria and not based on the Comprehensive Plan.

Despite the foregoing, the Applicant herein provides a detailed analysis of how the Project is not inconsistent with the Comp Plan. The Applicant submits this analysis in order to provide a thorough review of the Project through a racial equity lens. As described below, the Project is fully compliant with and advances the goals of racial equity as both a process and an outcome.

Moreover, and as described below, the Project is not inconsistent with the policies and goals of the Comp Plan when read as a whole. The following sections of this statement reflect the Applicant's thorough evaluation of the Project's overall consistency with the Comp Plan. Given the wide range of overlapping policy 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. For those Citywide Elements that are more directly applicable to the Applicant's request, a 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 far outweighed by other Citywide and Lower Anacostia Waterfront/Near Southwest Area Element policies relating to, among others, land use, housing, and environmental protection.

2. Racial Equity and the Comprehensive Plan

A primary focus of the recently adopted Comp Plan is racial equity. 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.

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. “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

Equity is conveyed throughout the Comp Plan, particularly in the context of zoning, where certain priorities stand out, including housing and 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.

As related to zoning actions, racial equity is not a separate consideration from the normal legal standard of review. Rather, the Commission properly considers equity as an integral part of its analysis as to whether a proposed zoning action is “not inconsistent” with the Comp Plan. The scope of the racial equity review and the extent to which Comp Plan policies apply depend upon the nature of the proposed zoning action. The Project requires Design Review due to its location along South Capitol Street. The Project complies with the zone in which it is located and does not require relief from any development standards. Unlike a PUD, there are no benefits or amenities associated with a Design Review; therefore, the racial equity lens can be applied only to building and site design as a means of addressing the specific needs/deficiencies of the surrounding community to advance racial equity. Guidance on an area's specific needs/deficiencies is obtained from the relevant Comp Plan area element, in this case the Lower Anacostia Waterfront/Near Southwest Area Element, from District policies and initiatives aimed at addressing critical citywide issues (such as housing), and directly from the community during the public process.

Revitalization of the Near Southeast/Capitol Riverfront has been one of the cornerstones of the Anacostia Waterfront Initiative (“AWI”), which was a visionary agenda established in 2000 by 19 Federal and District agencies to restore the Anacostia River, its waterfronts, and adjoining communities and parks. One of AWI's most important principles is to preserve existing low-income housing units in the area while adding thousands of units of new market rate and affordable housing. 10A DCMR § 1912.3. Of the issues affecting racial equity, access to housing is the most critical. New production will take the pressure off the existing housing supply and allow it to serve a greater range of household incomes. 10A DCMR § 500.36. The Project will result in the production of approximately 263 market rate residential units, thus increasing housing supply and affordability in the neighborhood. Replacing a surface parking lot with this large number of new residential units is fully consistent with the AWI's goal of adding new market rate units, thus increasing access to housing and taking the pressure off of existing housing supply.

The Comp Plan suggests that increasing the housing supply results in more affordable housing. Broad affordability is a function of the overall market supply being able to meet rising demand. Since 2006, the District grew by over 123,000 (21.6 percent) to an estimated population of 693,972 in 2017. 10A DCMR § 203.1 This unprecedented growth, after decades of population

loss, has resulted in a shortage of all housing types at all income levels and has driven up the cost of housing overall.

To address the District's ongoing housing crisis, the Mayor set a goal of producing 36,000 new housing units by 2025, of which 12,000 housing units will be affordable. The 2019 Housing Equity Report establishes specific housing goals for each Comp Plan Planning Area to ensure that the production of new housing is equitably distributed throughout the city. For the Lower Anacostia Waterfront/Near Southwest Planning Area, the Housing Equity Report sets an overall goal of 7,960 new housing units. Of that total production goal, the Housing Equity Report identified that 850 of those units should be affordable housing units, but noted that 910 affordable housing units were already in the pipeline at that time and thus the affordable housing target was "on track". An update provided by the Deputy Mayor for Planning and Economic Development ("DMPED") on September 6, 2022, confirms that 7,270 housing units have been created in the Planning Area since the Housing Equity Report was published in 2019². The proposed 263 new housing units provided by the Project would propel the Planning Area closer to its overall housing production goal.

The Housing Equity Report further clarifies that "...the inadequate rate of production and mismatch in available housing to meet the needs of the District's various household types have increased competition for a limited supply of housing that is affordable to moderate- and low-income families and increased housing costs. Producing more market rate and affordable housing for all income levels will decrease housing cost pressures for moderate- and low-income residents." Thus, providing new housing units at the Project will help to meet the goals of the Housing Equity Report and specifically the goal of providing 7,960 new housing units within the Lower Anacostia Waterfront/Near Southwest Planning Area, and in doing so will continue to increase housing supply and lower housing costs overall.

As stated above, equity is also conveyed throughout the Comp Plan in the context of access to opportunity. The Project will significantly advance this goal by replacing a surface parking lot with a new residential building that includes new streetscape improvements and is located in a walkable, mixed-use, and transit-oriented neighborhood of growth.

Specifically, the Comp Plan provides that South Capitol Street's current condition contrasts with its symbolic role as a gateway into Central Washington, DC having an iconic view shed of the U.S. Capitol building. The existing transportation infrastructure creates barriers to connectivity, as South Capitol Street needs repairs, has no bike lanes, and its sidewalks are minimal and unshaded (10A DCMR §1911.3). The South Capitol Street Corridor Project that is currently underway will address streetscape improvements to South Capitol Street that are intended to improve safety, multimodal mobility and accessibility, and support economic development, advancing the District's racial equity goals. The improvements would transform the existing corridor into an urban gateway to the U.S. Capitol and District of Columbia's Monumental Core. These objectives are consistent with the South Capitol Street Urban Design Study (January 2003) and the National Capitol Planning Commission's vision in *Extending the Legacy: Planning*

² The DMPED data uses Certificates of Occupancy, Housing Production Trust Fund (HPTF) investments, the Department of Housing and Community Development (DHCD) Inclusionary Zoning Database, the DMPED Project Pipeline database, PUDs, and the DC Housing Finance Agency (DCHFA) projects to determine the number of housing units created.

America's Capital for the 21st Century Plan (1997). The Comp Plan translates this vision into policies focused on transforming South Capitol Street into a great urban boulevard and walking street that includes a mix of federal, District, and private uses (10A DCMR § 1911.7). Additionally, transit improvements along South Capitol Street should include multimodal transportation options and improve pedestrian connections to adjacent neighborhoods (10A DCMR §1911.10)

The Project will significantly advance these policies with streetscape improvements that include wider sidewalks, pedestrian-oriented fixtures, lighting, trees, and planting areas, which will improve connectivity and enhance access to and around the Property. These improvements, in addition to constructing the Project at an infill site in close proximity to many public transportation options, will also help to facilitate equity in the public realm by enhancing multimodal mobility and accessibility and supporting economic development. The Project will also fully comply with the design and development standards of the D-5 zone, which requires buildings to respect the viewshed of South Capitol Street towards the Capitol building and help to establish it as a monumental civic boulevard.

Racial Equity as a Process

The Framework Element states that racial equity is a process, and that as the District grows and changes, it must do so in a way that builds the capacity of vulnerable, marginalized, and low income communities to fully and substantively participate in decision-making processes. 10A DCMR § 213.7. The Applicant believes in inclusive community engagement, and thus far has worked closely with the community through ANC 6D and in meetings with property owners that will be most affected by the Project. These meetings started early in the Applicant's formulation of the Project, and have resulted in positive changes to the design of the Project. The Applicant presented the Project to the ANC through individual meetings with the Single Member District representative, at the ANC's regularly-scheduled Administrative Meetings, and at the ANC's regularly scheduled and duly-noticed public meetings. The Applicant also met multiple times with the mostly directly affected neighbors, including the St. Vincent de Paul Church located immediately to the south of the Property, and The Kennedy on L Street condominium board located immediately to the east of the Property. In all of the aforementioned meetings the Applicant presented the Project, received feedback, and provided subsequent updates in response to stated comments and concerns. As currently proposed, the Applicant believes the Project is responsive to much of the community's input received to date. The Applicant will continue to work with the ANC and community as the Project advances through the Design Review process.

Racial Equity as an Outcome

The Framework Element states that "equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. Equity is not the same as equality." 10A DCMR 213.6. As stated above, under the recently adopted Comp Plan, the Commission shall carry out Comp Plan evaluations through a racial equity lens. The following table correlates the Project and its outcomes with a number of equitable development indicators. As the table shows, the Project will directly address a number of equity issues that many Lower Anacostia Waterfront/Near Southwest Planning Area residents are experiencing. Furthermore,

through direct engagement with Planning Area residents, there is increased potential that the positive outcomes of the Project will directly benefit the neighborhood.

Evaluation of Equitable Development Indicators		
Indicator	Measure	Outcome
Displacement		
Physical	<ul style="list-style-type: none"> Displacement due to redevelopment 	<ul style="list-style-type: none"> No physical displacement of residents; Property is presently surface parking
Economic	<ul style="list-style-type: none"> Displacement due to housing cost increases 	<ul style="list-style-type: none"> No loss of existing affordable housing units within the vicinity New housing improves affordability by letting new residents move to Washington, DC without taking an existing unit, and by allowing existing residents to trade up, thereby freeing up an existing unit for someone else to occupy
Cultural	<ul style="list-style-type: none"> Loss of sense of belonging or shared identity in neighborhood 	<ul style="list-style-type: none"> Significant streetscape improvements including wide sidewalks and landscaping to provide gathering spaces Landscape improvements to Saint Vincent De Paul Church to the south will beautify the site and provide gathering spaces for church patrons
Housing	<ul style="list-style-type: none"> Increase in the number of new market rate housing units (per 2019 Housing Equity Report) 	<ul style="list-style-type: none"> Approx. 263 new dwelling units (3.1% of Planning Area overall housing goal)
Contribution to Housing Production Trust Fund	<ul style="list-style-type: none"> Contribute toward the production of affordable housing 	<ul style="list-style-type: none"> Residential units in penthouse will generate approx. \$102,000 toward the Housing Production Trust Fund
Family-sized Units	<ul style="list-style-type: none"> Dwelling units with 3 or more bedrooms 	<ul style="list-style-type: none"> Approx. 32% of the Project's units will be 2- and 3-bedroom units. Average unit size is 900 square feet.

Transportation		
Access to Transit	<ul style="list-style-type: none"> • 0.25 miles to transit and other modes of public transportation 	<ul style="list-style-type: none"> • Less than 0.10 miles from closest entrance to Navy Yard-Ballpark Metro station • 0.75 miles from Waterfront Metro station • Within one-mile of 2 other Metro stations • Served by several major WMATA bus routes • Pick-up/drop-off (PUDO) zone along L Street SE
Transportation Improvements/ Pedestrian Safety/ Bicycle Safety	<ul style="list-style-type: none"> • Gaps in pedestrian network • Lack of pedestrian facilities (crosswalks, lighting, seating, etc.) • Lack of bicycle facilities (bicycle lanes, Capital Bikeshare access, etc.) 	<ul style="list-style-type: none"> • Upgrade streetscape along South Capitol Street and L Street to include improved pedestrian pathways • Access to on- and off-street bicycle infrastructure • Long term bicycle parking on ground floor of building • Short term bicycle parking along perimeter of the Property • Capitol Bikeshare stations within 0.5 mile radius • Offering a one-year Capitol Bikeshare membership and one \$25 pre-loaded SmarTrip card to each residential unit during initial lease-up, among other “Enhanced” and “Enhanced Plus” TDM components • Providing a 5-foot building setback along north-south public alley to effectively extend existing 5-foot alley easement and improve vehicular maneuverability and pedestrian safety in alley
Employment		
New Jobs	<ul style="list-style-type: none"> • Create new jobs 	<ul style="list-style-type: none"> • Construction jobs • Building maintenance/management jobs • Potential retail jobs if retail is provided in the Project in the future

<p>Access to Jobs</p>	<ul style="list-style-type: none"> • Multiple travel options • Nearby employment opportunities 	<ul style="list-style-type: none"> • Proximity to multiple modes of public transit, including Metrorail, Metrobus, DC Circulator, and Capitol Bikeshare • Proximity to numerous other employment opportunities at nearby retail, service, and neighborhood-serving uses • Access to employment centers, including federal agencies
<p>Education/Health/Wellness</p>	<ul style="list-style-type: none"> • Proximity to schools, libraries, and recreation 	<ul style="list-style-type: none"> • Access to boundary schools: Van Ness Elementary School; Jefferson Middle School Academy; and Eastern High School • Access to Southwest Community Garden • Access to King Greenleaf and Randall Recreation Centers • Near Garfield Park and SW Playground • Near Southwest Library
<p>Environmental</p>	<ul style="list-style-type: none"> • LEED Rating • Use of renewable energy sources • Stormwater management 	<ul style="list-style-type: none"> • Designed to meet standards of LEED-NC Gold under v.4 LEED standard • EV charging stations for 25 vehicles and 25 EV-ready spaces in the future • Eight outlets in the long-term bicycle storage room for electric bicycles and/or scooters • Increased energy efficiency with installation of electric heat pump system • Apartment compartmentalization through a blower door testing to ensure airtight construction • Utilization of a low-carbon concrete specification to lower embodied carbon footprint • Life Cycle Assessment • Stormwater improvements including streetscape, landscaping, new trees, and green roof areas

Access to Amenities	<ul style="list-style-type: none"> • Availability of building amenities • Proximity/availability of "basic need" uses (grocery, retail, service, eating and drinking). 	<ul style="list-style-type: none"> • High-quality resident amenities, including roof amenities, work space, and fitness center • Near retail, services, grocery stores, and eating and drinking establishments
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The Project will provide approximately 263 new market rate dwelling units in a desirable neighborhood with access to transit, amenities, and neighborhood services. New housing increases supply, providing units for new DC residents, or offering opportunities for existing residents to trade up to different units. This shift reduces displacement of existing residents, and results in more accessible and potentially affordable housing options. Affordability of the proposed market rate units is increased by virtue of being located near multiple modes of transit and areas of employment, as it would not be necessary to own a vehicle. The Project would not result in direct displacement, as the Property’s current use is surface parking.

A recent publication from the UCLA Lewis Center for Regional Policy Studies reviewed research publications that have evaluated the neighborhood-level impacts of market rate housing. There are two views among housing advocates regarding these impacts: 1) those that think new market rate units - unsubsidized homes whose price often places them beyond the reach of lower- and middle-income households - make nearby housing more affordable by increasing availability and relieving pressure on the existing housing stock, which is known as the "supply effect"; and 2) those who think that new housing only attracts more wealthy households, brings new amenities to the neighborhood, and sends a signal to existing landlords that they should raise their rents, known as the "amenity effect" or the "demand effect", thus making housing less affordable. Of six working papers that studied the impact of new market rate development on neighborhood rents, five found that market rate housing makes nearby housing more affordable across the income distribution of rental units, while one found mixed results. This evaluation of existing data demonstrates that the neighborhood-level benefits of market rate housing has an important role in mitigating the housing crisis. ([The Effect of Market-Rate Development on Neighborhood Rents, 2021](#))

One working paper in particular investigated "migration chains," which is a series of household moves attributed to a new development, whereby a new market rate project is completed and residents leave their previous address to move in, opening up their old home for someone else to move into; someone else moves into that unit, opening up their previous address for new occupants; and so on. After several rounds of moves, a unit in a lower-income neighborhood is often made available. The author estimates that building 100 new market rate units leads to people moving out of below-median- and bottom-quintile-income tracts, resulting in more affordable units being made available to low-income households. ([The Effect of New Market-Rate Housing Construction on the Low-Income Housing Market, 2019](#)) Therefore, research indicates that the impact of new market rate units in a neighborhood yields affordable units in the long term, advancing racial equity goals by providing more housing and affordable housing.

Transportation increases racial equity when it provides access to safe, affordable, and reliable transportation options to everyone regardless of age, race, income, geography, or physical ability. Transportation should not be a barrier to economic, educational, or health opportunity for

District residents. 10A DCMR § 403.13 In this Planning Area, where 10.9 percent of the residents are disabled and 39.1 percent of the residents do not have access to a vehicle, access to safe, affordable, and reliable transportation is essential to one's well-being and success (American Community Survey (ACS) 2016 to 2020 5 year estimates). The Project will be constructed in a transit-rich neighborhood, having access to Metrorail, Metrobus, the D.C. Circulator, numerous Capitol Bikeshare stations, and easy Interstate access for vehicles. Additionally, the neighborhood consists of a robust bicycle lane network and wide sidewalks providing excellent pedestrian access that connect the Southeast and Southwest neighborhoods of Capitol Riverfront, Navy Yard, Southwest Waterfront, and the Wharf. The Project would provide a significantly improved streetscape along South Capitol Street, including street trees, which will provide a better pedestrian experience and enhanced connections. The existing transportation network ensures that residents will have access to employment and other services in the area.

It is important to use an equity lens to assess natural hazards and climate risks by race, income, and vulnerability to develop and implement strategies that result in equitable environmental outcomes. 10A DCMR § 603.1 Although the Project is not located in a flood plain, it would incorporate climate resilience strategies that will advance racial equity, including designing the building to the LEED Gold standard, resulting in improved air quality, water conservation, and energy efficiency. The Project includes stormwater management improvements in public space and on the roof that will significantly improve stormwater runoff beyond its current condition as an impermeable parking lot. Overall, these are improvements that make the Project more sustainable, advancing resiliency and racial equity.

The Project will be near amenities in the neighborhood, including schools, the Southwest Library, recreation facilities, eating and drinking establishments, neighborhood-serving retail, and parks and open space. Its proximity to institutional facilities and amenities advances racial equity goals, as the Project will have increased accessibility to uses that will improve residents' educational attainment, health, wellness, and general livability.

3. 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 Property is located within a Land Use Change Area, which encompasses portions of the Lower Anacostia Waterfront Near Southwest Planning Area, including the Capitol Riverfront and Navy Yard neighborhoods. According to the Framework Element, areas within a Land Use Change Area designation “are areas where change to a different land use from what exists today is anticipated.” 10A DCMR § 225.9. The Framework Element further provides that “[t]here are more than two dozen Land Use Change Areas identified on the Generalized Policy Map. They include many of the city's large development opportunity sites, and other smaller sites that are undergoing redevelopment or that are anticipated to undergo redevelopment. Together, they represent much of the city's supply of vacant and underutilized land.” 10A DCMR § 225.10.

The guiding philosophy in Land Use Change Areas “is to encourage and facilitate new development and promote the adaptive reuse of existing structures. Many of these areas have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks, and civic facilities. The Comprehensive Plan’s Area Elements provide additional policies to guide development and redevelopment within the Land Use Change Areas, including the desired mix of uses in each area.” 10A DCMR §225.11. In addition, the “District aspires to create high quality neighborhoods that demonstrate exemplary site and architectural design and innovative environmental features, compatible with nearby neighborhoods, protect cultural and historic assets, and provide significant affordable-housing and employment opportunities.” 10A DCMR § 225.12.

The Project is also located within a Resilience Focus Area, which are “[a]reas where future planning efforts are anticipated to ensure resilience to flooding for new development and infrastructure projects, including capital projects, especially in areas within the 100- and 500-floodplains. In the Resilience Focus Areas, the implementation of neighborhood-scale, as well as site-specific solutions, design guidelines and policies for a climate adaptive and resilient city are encouraged and expected.” (Generalized Policy Map)

The Project is not inconsistent with the Property’s designation on the GPM as a Land Use Change Area, as it is located within a neighborhood that has transitioned to a mixed-use community consisting of a variety of uses that make it a desirable place to live and work. Revitalization of the Near Southeast/Capitol Riverfront has been one of the cornerstones of the AWI, which transformed the area into a mixed-use neighborhood with housing opportunities, pedestrian-friendly streets, and established great public spaces both on the waterfront and in the neighborhood. 10A DCMR § 1912.3.

The proposed residential building will replace an underutilized site in a high-demand area, completing the streetwall on South Capitol Street as the last infill development on the east side of the street between I and M Streets. The Project will be compatible with surrounding uses, which include housing, neighborhood serving retail and services, workplaces, and parks, and consistent with the vision of Capitol Riverfront as a dynamic waterfront neighborhood and workplace. The Project is not inconsistent with the GPM, as it would contribute to an existing high quality neighborhood, exhibiting exemplary site and architectural design and innovative environmental features compatible with nearby neighborhoods.

The Project will replace an existing impervious surface parking lot with a new residential building consisting of several sustainable features that will contribute to the resiliency of the neighborhood. Although the Project is located within a Resilience Focus Area, it is not located within the 100-year or 500-year floodplain. However, the Applicant has coordinated with DOEE to incorporate sustainable features into the development that will further resiliency goals, including providing significant new landscaping and green roof areas, designing the building to the LEED Gold standard, providing EV parking spaces, and incorporating a bike room equipped with outlets for electric bicycles and scooters. The Project will also provide for increased energy efficiency through use of an electric heat pump, and will minimize air transfer/leakage and ensure airtight construction through blower door testing, thus resulting in energy use reduction and improved indoor air quality. In addition, the Applicant will also utilize a low-carbon concrete specification that requires aggressive cement replacement percentages to lower its embodied carbon footprint,

thus reducing carbon emissions, and will conduct a Life Cycle Assessment to optimize the building design and procurement with respect to greenhouse gas emissions. The Project also incorporates innovative stormwater management techniques, including new streetscape designs and green roof areas, and will investigate resilient design elements as the Projects moves forward. The Applicant will also improve the stormwater management of the church to the south with the installation of landscaping, including new plantings and trees, on its site. Finally, the Property is located in a dense, mixed-use, walkable neighborhood near transit where vehicles are not necessary for most errands, resulting in a decrease in greenhouse emissions.

4. 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 ("FAR") as appropriate. However, the granting of density bonuses (for example, through Planned Unit Developments ("PUD") or Inclusionary Zoning) may result in density that exceeds the typical ranges cited. 10A DCMR § 228.1(c).

The Project is not inconsistent with the FLUM. The FLUM designates the Property as High Density Commercial ("HDC"). The HDC "designation is used to define the central employment district, other major office centers, and other commercial areas with the greatest scale and intensity of use in the District. Office and mixed office/retail buildings with densities greater than a FAR of 6.0 are the predominant use, although high-rise residential and many lower scale buildings (including historic buildings) are interspersed. The MU-9, D-3, and D-6 Zone Districts are consistent with the High Density Commercial category, and other zones may also apply." 10A DCMR § 227.13. The Property is zoned D-5, which permits a residential density achievable within the height and bulk permitted by the zone, and is not inconsistent with this designation.

The existing D-5 zone is not inconsistent with the HDC FLUM designation. The purposes of the D-5 zone are to promote high-density development of commercial and mixed uses in areas that had been receiving areas for transferable development rights under Chapter 17 of the 1958 Zoning Regulations. 11-I DCMR § 538.1.

The Project will be consistent with D-5 matter-of-right height and density parameters, as shown on zoning tabulations in the Updated Drawings. Specifically, as a matter-of-right the D-5 zone permits density that is achievable within the height and bulk permitted by the zone when all of the building's FAR is devoted to residential use. Additionally, a maximum building height of 130 is permitted. The Project proposes a FAR of 9.25 and a height of 130-feet, with setbacks as required.

5. Lower Anacostia Waterfront/Near Southwest Area Element

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 develop a surface parking lot with a new high-density residential building consisting of approximately 263 market rate residential units (AW-2.3.1). The Project will promote growth in

a location of the Planning Area that has long been underutilized, and in close proximity to Metrorail, multiple bus lines, and near other mixed-use developments providing neighborhood services (AW-2.3.3).

The Project advances the following Lower Anacostia Waterfront/Near Southwest Area Element policies:

AW-2.3: Near Southeast/Capitol Riverfront

- AW-2.3.1: Restoring the Urban Pattern of the Near Southeast/Capitol Riverfront
- AW-2.3.3: Near Southeast/Capitol Riverfront Housing Opportunities

6. 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;
- Promoting transit-accessible, sustainable development; and
- Siting challenging land uses.

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 and should be given greater weight than other elements. 10A DCMR § 300.3.

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.

Land Use Element Evaluation

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 represents a transit-oriented development, being located less than 0.10 miles from the Navy Yard-Ballpark Metrorail station and in very close proximity to multiple Metrobus routes and stops. The Capitol Riverfront area has developed as a neighborhood center, accommodating population growth with new nodes of residential development and neighborhood-serving commercial uses. It is a multimodal neighborhood offering safe routes for pedestrians and bicyclists, and provides access to several bus lines along the M Street and South Capitol corridors (LU-1.4.6). Due to its proximity to so many transit choices, the neighborhood has increased access to jobs, a range of retail goods and services, and civic gathering spaces, all of which are within a short distance from the Project (LU-1.4.1, LU-1.4.2).

The approximately 263 new market rate dwelling units contribute to the urban mixed-use neighborhood consisting of high-quality architecture and public spaces, where housing is encouraged (LU-1.2.4, LU-1.4.3, LU-2.1.10). The infill development will fill in a gap along South Capitol Street, completing the streetwall between I Street and M Street (LU-1.5.1). While the church located to the south of the Project is not a historic landmark or part of the Property, the Project will be complementary through its incorporation of high-quality materials and building design, and landscape improvements that will significantly enhance the public realm and the church property itself (LU-1.2.5). The church is recognized as an anchor in the neighborhood, and will be improved for its patrons and further sustainability goals for the area through the addition of new trees and landscaping (LU-2.3.5).

The public space will be significantly improved with wide sidewalks and landscaping that will enhance connectivity functionally and visually in the area. Although the Project is not located in a floodplain, the stormwater infrastructure will be improved beyond its current condition as an impervious parking lot (LU-1.2.9).

The Project will specifically help to advance the following Land Use Policies:

LU-1.2 Strengthening the Core

- LU-1.2.4: Urban Mixed-Use Neighborhoods
- LU-1.2.9: Public Space Design

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-1.4.6: Development Around Corridors

LU-1.5 Neighborhood Infill Development

- LU-1.5.1: Infill Development

LU-2.1 A District of Neighborhoods

- LU-2.1.10: Multi-Family Neighborhoods

7. 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.

Transportation Element Evaluation

The Project is not inconsistent with the Transportation Element. The Project will establish new transit-oriented development within close proximity to the Navy Yard-Ballpark Metrorail station and other forms of public transportation and bicycle infrastructure (T-1.1.4, T-1-1-7, T-2.6.1, T-2.6.2). The Project includes various transit-oriented development-related improvements, including the construction of new housing units in close proximity to the South Capitol Street corridor, bicycle storage areas, and public space improvements, including new paving, lighting, landscaping, and bicycle racks, which will encourage pedestrian and bicyclist activity (T-2.3.1, T-2.4.1, T-2.4.2). The Project also includes a robust TDM plan, as set forth on pp. 27-28 of the Applicant's Comprehensive Transportation Review Report (Exhibit 11A), which includes "Enhanced" and "Enhanced Plus" TDM components.

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 and visitors of the Project to travel by bike (T-2.3.2). Capital Bikeshare stations are located within a 0.5 mile radius of the Project, increasing accessibility to and around the neighborhood (T-2.3.5). Furthermore, the Applicant will improve the public realm by making new landscape 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.

As related to transit access, the Project is consistent with policies that require attention to the transportation needs of all District residents, including those that rely heavily on transit for work and other daily needs (T-1.1.7). The Project is located approximately 0.10 miles from the Navy Yard-Ballpark Metrorail station and in close proximity to multiple Metrobus routes, and will therefore be easily accessible to residents, employees, and visitors of the Project (T-2.6.1, T-2.6.2).

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 (T-1.1.2, T-3.1.1). In addition, the Project will encourage sustainable transit practice by including bicycle and scooter charging infrastructure and up to 50 electric vehicle charging stations (T-5.2.2, T-5.2.B).

The Project will specifically help to advance the following Transportation Policies:

T-1.1 Land Use: Transportation Coordination

- T-1.1.2: Land Use Impact Assessment
- T-1.1.4: Transit-Oriented Development
- T-1.1.7: Equitable Transportation Access

T.1.4: Placemaking in Public space

- T-1.4.1: Street Design for Placemaking

T-2.2: Making Multimodal Connections

- T-2.2.2: Connecting District Neighborhoods

T-2.3: Bicycle Access, Facilities, and Safety

- T-2.3.2: Bicycle Network
- T-2.3.5: Capital Bikeshare Access

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 Need

T-3.1.1: TDM Programs

- T-3.1.1: TDM Programs

T-5.2: Electric Vehicles

- T-5.2.2: Charging Infrastructure
- T-5.2.B: EV Supply Equipment

8. 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, 12,000 of which are dedicated affordable, 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 parts of the District. 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 relating to the equitable distribution of housing and ensuring new housing has equitable access to transit and amenities are other important factors that need consideration.

Housing Element Evaluation

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 approximately 263 new residential units in close proximity to Metrorail. This will provide a substantial contribution to the District's housing goals set forth in the Housing Equity Report (H-1.1.2, H-1.1.3, H-1.2.11, H-1.3.2). The new housing units in the Project represent 3.1 percent of the overall housing goal for the Lower Anacostia Waterfront/Near Southwest Area Element. The Housing Equity Report indicates that the Planning Area is on track to meet its housing goal of 7,960 new housing units.

Additional market rate housing will continue to drive down overall housing costs. The Comp Plan provides that "[b]road affordability is a function of the overall market supply being able to meet rising demand. New supply can improve affordability by letting new residents move to Washington, DC without taking an existing unit, and by allowing existing residents to trade up, thereby vacating an existing unit for someone else to occupy." 10A DCMR §500.7b The Project would provide approximately 263 market rate units, which would allow residents to move into the neighborhood or trade up to a new unit, potentially freeing up more affordable units in the neighborhood. The provision of market rate units is consistent with the goals and policies of the Housing Element.

The Project will be close to multiple modes of transit, employment centers, and neighborhood services. Additionally, it will be within close proximity to institutional uses, including schools and a library, and will have access to recreational facilities and open space, including premium waterfront parks. Due to the accessible nature of the Project, the new housing units will be more affordable because a personal vehicle would not be required in order to navigate the neighborhood, as most errands can be achieved within the area by foot or bicycle.

The Project will accommodate families so that they can take advantage of the area's resources. The Project's average unit size is 900 square feet, and approximately 32 percent of the units will consist of two- and three-bedrooms.

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-1.1.4: Mixed-Use Development
- H-1.1.5: Housing Quality
- H-1.1.8: Production of Housing in High-Cost Areas
- H-1.1.9: Housing for Families

H-1.2: Ensuring Housing Affordability

- H-1.2.9: Advancing Diversity and Equity of Planning Areas
- H-1.2.11 Inclusive Mixed-Income Neighborhoods

9. 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.

Environmental Protection Element Evaluation

The Project is not inconsistent with the policies of the Environmental Protection Element. The Project will replace an existing impervious surface parking lot with a new residential building providing many sustainable features. The Project will be designed to achieve LEED Gold and will include technologies that improve water and energy efficiency (E-3.2.3, E3.2.7, E-4.2.1), as well as improved stormwater management and compliance with Green Area Ratio (GAR). These elements increase the resiliency and efficiency of the Project and ultimately result in units that are more affordable.

As part of the Project, the Applicant will improve the public space along South Capitol Street adjacent to the Project to include new trees that will add tree canopy, provide shade, mitigate urban heat island effect, improve air quality, provide urban habitat, and add aesthetic value (E1.1.2, E-2.1.2). The Project will also incorporate significant landscaping that will enhance and beautify the public right-of-way, reduce storm water runoff, and strengthen the character of the public realm (E-2.1.3). This includes the installation of landscaping on the neighboring church property to the south, which will greatly enhance its open space. Additionally, the Project includes green roof areas that will improve storm water management and climate resilience (E-1.1.5, E-4.1.2, E-4.1.3).

The Project advances the following Environmental Protection Element policies:

E-1.1: Preparing for and Responding to Natural Hazards

- E-1.1.2: Urban Heat Island Mitigation
- E-1.1.5: Resilient Infrastructure

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

- E-4.1.3: GI and Engineering
- E-4.2: Promoting Green Building
- E-4.2.1: Support for Green Building

10. Economic Development Element

The Economic Development Element addresses the future of Washington, DC's economy and the creation of economic opportunity for current and future District residents. It includes strategies to sustain the District's major industries, diversify the economy, accommodate job growth, maintain small businesses and neighborhood commercial districts, and increase access to employment for District residents. 10A DCMR § 700.1. Some of the critical long-term economic development issues identified by the Comp Plan include: ensuring that prosperity is equitably shared across race and geography; growing and diversifying the District's economy; increasing employment and training opportunities for those most in need; and expanding opportunities for small, local and minority businesses.

The economic development issues listed above were identified in the 2006 Comprehensive Plan, and this predates the ongoing COVID-19 public health emergency. While the District's current economic position has been substantially affected by the COVID-19 pandemic, it is believed that economic trends will hold in the long-term, and that the policies contained within the current Economic Development Element will continue to effectively guide the District through periods of growth and recession. The District's economic strength has gotten significantly stronger in the past 15 years, and the city's economy has vastly diversified. However, the District's economic growth has not benefitted all residents equally. More work remains to ensure that all residents have access to retail, commercial facilities and job opportunities. The District is striving to ensure that all residents, particularly those from communities of color, are able to enjoy the benefits of economic growth in the District and the region. 10A DCMR § 700.4.

The overarching goal of the Economic Development Element is to drive inclusive economic expansion and resilience by growing the economy and reducing employment disparities across race, geography, and educational attainment status. 10A DCMR § 701.1. Overall, the Applicant finds the Project to be not inconsistent with the policies and actions of the Economic Development Element, and in particular those listed below.

Economic Development Element Evaluation

The Project will replace an underutilized impervious parking lot within close proximity to Metrorail and mixed-use developments with a new, residential development consisting of approximately 263 market rate units. It will be located in the Capitol Riverfront neighborhood and within proximity to neighborhood serving retail and eating and drinking establishments (ED-2.2.3). The Project will increase the overall neighborhood population, bringing in new patrons that will contribute to the success of existing commercial uses (ED-2.2.5, ED-2.2.9).

The Project will provide employment opportunities that include construction of the building, and upon its completion, building management and facilities. Additionally, the location of the Project increases economic opportunities, as it will be in a transit-oriented neighborhood

where residents can reduce expenses by running errands without a car, and is near employment centers that can be reached by walking, biking, or taking public transit.

The Project advances the following Economic Development Element policies:

ED-2.2: The Retail Economy

- ED-2.2.3: Neighborhood Shopping
- ED-2.2.5: Business Mix
- ED-2.2.9: Clustered Retail at Transit

11. Parks, Recreation, and Open Space Element

The Parks, Recreation, and Open Space Element addresses the future of parks, recreation, and open space in the District. It recognizes the important role parks play in recreation, aesthetics, health and wellness, neighborhood character, environmental quality, and resilience. The element also recognizes that parks have the potential to bring people together across social, economic, and racial divides. Finally, this element includes policies and actions that support the delivery of equitable access, great spaces, and exceptional experiences. 10A DCMR § 800.1.

The critical parks, recreation, and open space issues facing the District include, among others, providing additional recreational land and facilities in underserved areas; maintaining and improving existing facilities and access; and increasing funding for capital improvements and operations through partnerships and creative strategies. 10A DCMR § 800.2.

The District’s overarching goal for parks, recreation, and open space is to preserve and enhance parks and open spaces to meet active and passive recreational needs through universal access, promote health and wellness, improve environmental quality, enhance the identity and character of District, neighborhoods, and provide visual beauty in all parts of the city. 10A DCMR § 801.1. Overall, the Applicant finds the Project to be not inconsistent with the policies and actions of the Parks, Recreation, and Open Space Element, and in particular those listed below.

Parks, Recreation, and Open Space Element Evaluation

The Project is not inconsistent with the policies and goals of the Parks, Recreation, and Open Space Element. The Project will be located in a mixed-use neighborhood that has access to premium parks and open space with waterfront access, including Canal Park and Yards Park (PROS-3.2.3). The Project will include streetscape improvements with landscaping and wide sidewalks that will increase accessibility of nearby open space and parks, will have access to well-connected bicycle infrastructure, and will provide stormwater management (PROS-1.2.2). The streetscape will include trees, providing shade for pedestrians. The Project will also have access to the King Greenleaf and Randall Recreation Centers.

The Project incorporates a 15-foot setback that steps back from South Capitol Street and frames the monumental vista towards the Capitol, creating a monumental civic boulevard. Additionally, open space will be included on the roof, providing common spaces in which the

residents of the Project can gather, as well as in large open courts, providing additional permeable green spaces (PROS-4.3.1, PROS-4.3.3).

The Applicant will improve the open space at the neighboring church to the south to include new landscaping. While the beautification of the outdoor space benefits visitors to the church and passersby, it is also a sustainable feature that improves stormwater management (PROS-1.3.3, PROS-1.4.7).

The Project advances the following Parks, Recreation, and Open Space Element policies:

PROS-1.2: Closing the Gaps

- PROS-1.2.2: Improving Accessibility

PROS-1.3: Preserving the Value of Parkland

- PROS-1.3.3: Preserving Small Open Spaces

PROS-1.4: Meeting the Needs of a Growing District

- PROS-1.4.7: Parks in Employment Growth Areas

PROS-3.2: Reclaiming the Waterfront

- PROS-3.2.3: Linking Residents to Waterfront Park Spaces

PROS-4.3: Open Space and the Cityscape

- PROS-4.3.1: Open Space in the Downtown Landscape
- PROS-4.3.3: Common Open Space in New Development

12. 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 and 900.2.

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. 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.

Urban Design Element Evaluation

The Project is not inconsistent with the policies of the Urban Design Element. The building's massing is consistent with the intent of the D-5 zone and with other neighboring residential and mixed-use buildings (UD-2.2.3). The Project will maximize its building envelope to provide a FAR of 9.25 and a height of 130 feet. It will align with neighboring projects, filling in a gap along South Capitol Street and directing one's view to the north, where the Capitol building is framed by development on both sides of South Capitol Street (UD-1.1.3, UD-1.4.3, UD-2.2.5). The scale, height, volume, and massing of the building is consistent with neighboring properties, and with the intent of NCPC's *Legacy Plan*, the *South Capitol Street Urban Design Study*, and the South Capitol Street policies outlined in the Comp Plan.

Open space will be a feature of the Project, including public and private space streetscape improvements that include wide sidewalks and extensive landscaping, and outdoor amenity spaces on the upper levels and roof of the Project. Green roof areas and large courts will also be provided to add additional open space on the Property and to increase permeable surfaces while providing light and air to building residents (UD-2.1.1, UD-2.1.3, UD-2.4.1). The improved streetscape and penthouse with green roof will provide spaces for gathering, allowing residents of the building and users of the public space opportunities for engagement (UD-3.3.1, UD-4.3.4). The ground floor will have tall, transparent windows allowing porosity through the Property, and for pedestrians to engage with activities beyond the public realm (UD-2.1.1, UD-2.1.7). The building design incorporates high-quality materials that significantly enhance the South Capitol Street corridor, and includes architectural elements that provide variety and visual interest (UD-4.2.1, UD-4.2.2, UD-4.2.4, UD-4.3.3).

The Project also helps to advance the specific urban design goals established for the South Capitol Street corridor, including providing a 15-foot building setback, establishing additional setbacks at a 1:1 ratio above 110 feet, providing no openings for vehicular entrances or exits, and building a minimum of 75% of the building façade to the streetwall along South Capitol Street.

The Project advances the following Urban Design Element policies:

UD-1.1: Building on Washington, DC's Historic Plan

- UD-1.1.3: Preeminent View Corridors

UD-1.4 Enhancing Thoroughfares and Gateways

- UD-1.4.3: Thoroughfare Vistas and View Corridors

UD-2.1: Street For People

- UD-2.1.1: Streetscapes that Prioritize the Human Experience
- UD-2.1.3: Complete Streetscape Design
- UD-2.1.7: Streetscapes That Encourage Activation

UD-2.2: Designing for Vibrant Neighborhoods

- UD-2.2.3: Neighborhood Mixed-Use Centers
- UD-2.2.5: Infill Development

UD-2.4: Inclusive Community Spaces

- UD-2.4.1: Inclusive and Diverse Neighborhood Spaces

UD-3.1: Public Life for All

- UD-3.1.1: Freely Accessible Public Space

UD-3.3: Places for Linger

- UD-3.3.1: Neighborhood Meeting Places

UD-4.2: Designing Architecture for People

- UD-4.2.1: Scale and Massing of Large Buildings
- UD-4.2.2: Engaging Ground Floors
- UD-4.2.4: Creating Engaging Facades

UD-4.3 Celebrate Washington, DC's Unique Design Legacy

- UD-4.3.3: Building Setbacks and Rooflines
- UD-4.3.4: Rooftop Penthouses

13. Evaluation of Potential Comprehensive Plan Inconsistencies

The foregoing Comp Plan analysis thoroughly demonstrates the numerous ways in which the Project aligns with the policies and goals of the Comp Plan, including the FLUM and GPM. However, as explained in multiple decisions 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 there is intentional overlap within and between the Comp Plan elements, a Comp Plan evaluation must recognize potential inconsistencies and explain why the inconsistencies are outweighed by other Comp Plan policies and/or competing considerations. The Court has provided the following specific guidance:

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).

The Implementation Element reflects similar guidance: “[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.

Consistent with the guidance provided in the Implementation Element and by the Court, the Applicant conducted a thorough Comp Plan evaluation using a racial equity lens and, as detailed throughout this statement, finds the proposal is not inconsistent with the Comp Plan when read as a whole. In conducting its evaluation, the Applicant was careful to identify any instances where the proposal may be viewed as being inconsistent with certain Comp Plan policies; the result being that while the Applicant did identify a policy where the Project may be viewed as inconsistent, this potential inconsistency is outweighed by the proposal’s consistency with the FLUM and numerous other competing Comp Plan policies relating to land use, housing, transit oriented development, and the environment.

The potential policy inconsistency relates to the production and preservation of affordable housing for low- and moderate-income households (H-1.2.1). As shown in the table below, to the extent the Project is inconsistent with this and related policies, such inconsistency is far outweighed by other Comp Plan policies and competing considerations that strongly weigh in favor of the Project's generation of market rate housing units. Importantly, the outweighing policies identified in the table below are not all-inclusive. While there are several other policies that support the overall determination that the Project is not inconsistent with the Comp Plan, the outweighing policies shown below reflect those that can be directly tied to countering the inconsistency.

Potential Inconsistency	Outweighing Policy / Consideration
<p><i>Policy H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority - The production and preservation of affordable housing for low- and moderate-income households is a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout all District neighborhoods.</i> 10A DCMR § 504.8</p>	<ul style="list-style-type: none"> · Housing Equity Report overall housing goals for the Lower Anacostia Waterfront/Near Southwest Area Element. · Improved environmental condition of the Property, and sustainability benefits (LEED Gold, energy efficiency, reduced water consumption, stormwater management). · FLUM designation: High Density Commercial · <u>Land Use Element Policies</u> <ul style="list-style-type: none"> · LU-1.2.4: Urban Mixed-Use Neighborhoods · LU-1.4.3: Housing Around Metrorail Stations · LU-1.4.6: Development Along Corridors · LU-1.5.1: Infill Development · LU-2.1.10: Multi-Family Neighborhoods · <u>Transportation Element Policies</u>

	<ul style="list-style-type: none"> · <i>T-1.1.4: Transit-Oriented Development</i> · <i>T-1.3.1: Transit-Accessible Employment</i> · <i>T-2.2.1: Multimodal Connections</i> · <i>T-2.3.5: Capital Bikeshare Access</i> · <i>T-2.4.2: Pedestrian Safety</i> · <u>Housing Element Policies</u> · <i>H-1.1.3: Balanced Growth</i> · <i>H-1.1.6: Housing in Central Washington</i> · <u>Environmental Protection Element Policies</u> · <i>E-1.1.1: Urban Heat Island Mitigation</i> · <i>E-2.1.3: Sustainable Landscaping Practices</i> · <i>E-3.2.5: Reducing Home Heating and Cooling Costs</i> · <i>E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff</i> · <i>E-4.2.1: Support for Green Building</i> · <u>Lower Anacostia Waterfront/Near Southwest Area Element Policies</u> · <i>AW-2.2.1: South Capitol Street Urban Boulevard</i>
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