

EVALUATION OF COMPREHENSIVE PLAN CONSISTENCY

INTRODUCTION, BACKGROUND, AND OVERALL CONCLUSION

As set forth below, the proposed Consolidated Planned Unit Development and related Zoning Map amendment to MU-5B (collectively the “**PUD**” or “**Application**”) is not inconsistent with the Comprehensive Plan (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. 10-A 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.

As part of its review, the Zoning Commission (“**Commission**”) must find the proposed PUD to be not inconsistent with the Comp Plan. *See* 11-X DCMR § 500.3. As stated in the Framework Element, in making decisions as to Comp Plan consistency, “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.” 10-A DCMR § 224.8. To approve the proposed PUD, the Commission must consider and balance potential Comp Plan consistencies and inconsistencies to make an overall determination as to whether the Application is “not inconsistent” with the Comp Plan when read as a whole. As part of its Comp Plan evaluation, the Commission must also consider the recommendations of any adopted plans and active programs that are applicable to the subject site, including adopted Small Area Plans (“**SAPs**”), which are approved by resolution by the D.C. Council and provide more detailed planning guidance for a defined geographic area. Unless a SAP has been made binding on the Commission through its enactment as part of a Comp Plan amendment, an SAP provides only supplemental guidance to the Commission, but only to the extent that it does not conflict with the Comp Plan. 10-A DCMR §§ 224.5 and 2503.6. In this case, the Property is located within the Brookland/CUA Metro Station Small Area Plan (“**Brookland SAP**”).

The following sections of this exhibit contain the Applicant’s thorough evaluation of the proposed PUD’s overall consistency with the Comp Plan. In conducting its Comp Plan evaluation, the Applicant has considered the goals and policies of the Comp Plan elements that are applicable to the proposal. In addition, the Applicant’s evaluation includes a specific assessment of potential Comp Plan inconsistencies. As detailed below, overall, the Applicant finds the Application to be not inconsistent with the Comp Plan when read as a whole through a racial equity lens. In particular, the Applicant finds that the proposed PUD will advance several policies within the Upper Northeast, Land Use, and Housing Elements related to the production of housing, including affordable housing, to achieve District housing goals, and the preservation of affordable housing in accordance with anti-displacement strategies. The Applicant has identified one Urban Design Element policy and one Brookland SAP recommendation with which the proposed PUD could be considered inconsistent.

¹D.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).

The Urban Design Element policy seeks to maintain established frontage lines of streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings (UD-4.2.3: Continuity and Consistency of Building Frontages). The Brookland SAP recommendation imposes a limitation on building height to 50 feet for buildings located to the east of the WMATA/CSX tracks. As discussed in detail below, the potential inconsistency with UD-4.2.3 is outweighed by the Project’s consistency with numerous other Upper Northeast, Land Use, and Housing Element policies. Regarding the Brookland SAP recommendation, as discussed below this recommendation conflicts with the PUD Site’s current FLUM designation and other Comp Plan policy guidance. Thus, based on Framework Element and Implementation Element guidance and the Commission’s recent conclusion in Z.C. Case No. 22-36, this recommendation no longer supplements the Comp Plan because it has been superseded by the D.C. Council’s 2021 amendments to the FLUM and policies that are applicable to the PUD Site.

GENERALIZED POLICY MAP EVALUATION

The GPM provides “a generalized depiction of anticipated changes through the horizon year of the Comp Plan.” As shown in Figures 1 and 2, the PUD Site is located within a Neighborhood Conservation Area (“NCA”) on the GPM, which encompasses the large majority of the UNE Planning Area, and covers areas of varying characteristics that include single-family and multi-family residential, to mixed-use, to industrial. As described in Section 225.4 of the Framework Element, NCAs have little vacant or underutilized land and are generally residential in character. Land uses and community character in NCAs are anticipated to be maintained over the next 20 years, and changes that occur will typically be modest in scale and consist primarily of infill housing, public facilities, and institutional uses. While major changes in density over current conditions are not expected, some new development and reuse opportunities are anticipated, and can support conservation of neighborhood character guided by Comp Plan policies and the FLUM.

The guiding philosophy in NCAs is to “conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment opportunities do exist.” (Emphasis added). 10-A DCMR 225.2. The Framework Element states that 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. Approaches to managing context-sensitive growth in [NCAs] may vary based on neighborhood socio-economic and development characteristics. *Id.* Similar to the FLUM, because the GPM is a generalized view, “the boundaries shown should be interpreted as approximate and not precise delineations.”²

² See Guidelines for Using this Map” printed on the GPM.

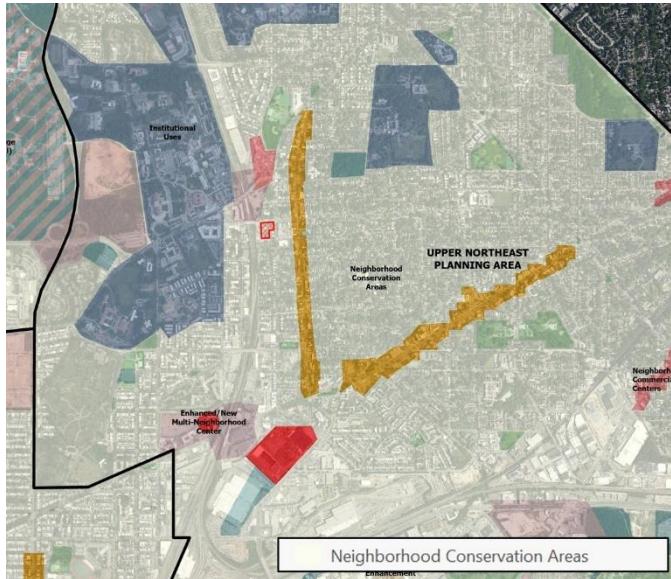


Figure 1: Excerpt of GPM showing the PUD Site within a larger context of the Neighborhood Conservation Area and the Upper Northeast Planning Area.

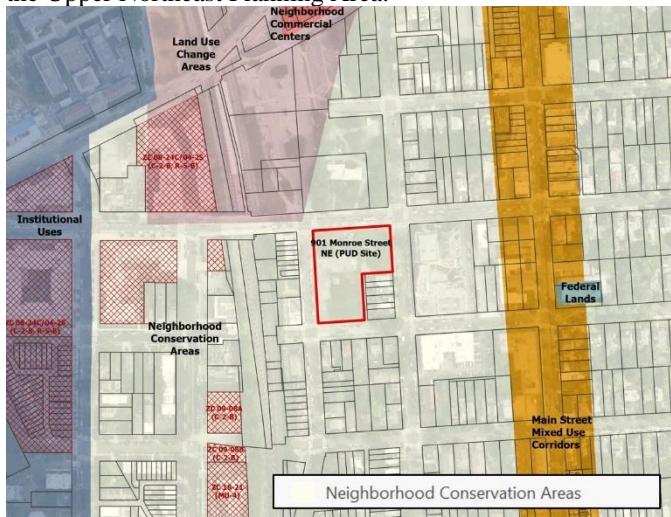


Figure 2: Excerpt of GPM showing the PUD Site and the general surrounding area within a Neighborhood Conservation Area.

single-use buildings that are devoted to residential, commercial, retail, and institutional uses. To the south and southeast are primarily detached and attached single-family residential uses with some scattered low-rise buildings devoted to residential and institutional uses. To the east and northeast is a mix of single-family residential and low-rise institutional and commercial uses. Directly north of the PUD site is the historic Brooks Mansion site and the WMATA Brookland/CUA Metrorail station and bus facility. Based on the foregoing, the proposed PUD is consistent with the range of building types and uses found in the surrounding area.

The proposed PUD is not inconsistent with the GPM as it is: (i) fully consistent with the uses and density contemplated by the FLUM, (ii) consistent with Comp Plan policy guidance related to increasing density, and particularly housing density, near Metrorail, and with policy guidance regarding compatibility with surrounding lower-scale residential areas, and (iii) is compatible with the diversity of land uses and building types found in the surrounding area. As the Framework Element states, the NCA 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 NCA designation is not intended to be interpreted the same way across the District, but rather is intended to maintain “the diversity of land uses and building types” of a particular area.³

The PUD site is part of the node around the Metrorail station that is envisioned for medium-density, mixed-use development on the FLUM. As depicted in [Figure 3](#), the diversity of land uses and building types in this node and the general area around the PUD site varies widely. To the west, northwest and southwest are larger mixed-use and

³ See PUD and Zoning Map Amendment application of Westminster Presbyterian, Bozzuto Dev. Company et al. (Z.C. Order No. 20-12, Finding of Fact #56).



Figure 3: Diagram of existing building types and uses in the general area surrounding the PUD Site.

design of the proposed PUD employs context-sensitive design strategies that increase housing near Metrorail while achieving neighborhood compatibility, and maintaining a residential character on the site that successfully transitions to lower-scale residential uses to the east and south.

FUTURE LAND USE MAP EVALUATION

The FLUM shows the general character and distribution of recommended and planned uses across the city. 10-A DCMR § 200.5. Per the guidelines for using the FLUM set forth in the Framework Element, 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” and 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. 10-A DCMR § 228.1(a). Densities within any given area on the FLUM reflect all contiguous properties on a block. 10-A DCMR § 228.1(c). Similarly, the land-use category definitions describe the general character of development in each area. *Id.* The zoning of any given area is guided by the FLUM, interpreted in conjunction with the Comp Plan text. *Id.*

As shown in **Figure 4**, the PUD site is located within an area that is designated for Mixed Use (Moderate Density Commercial / Medium Density Residential) development on the FLUM, which was adopted by the D.C. Council as part of the 2021 Comp Plan amendment cycle.⁴ The site’s FLUM designation is part of a larger area designated for Mixed Use development generally surrounding the Brookland / CUA Metrorail station that assigns varying densities and intensities that

Not only is the proposed PUD consistent with the building types and land uses in the surrounding area, as discussed below, it is also fully consistent with the FLUM and Comp Plan policy guidance, and particularly policies supporting increasing residential density near Metrorail to help address citywide housing needs. Consistent with the guiding philosophy for NCAs, and as more thoroughly discussed in the UNE and Urban Design Element evaluations below, the

⁴ Under the 2006 Comp Plan, the PUD Site’s previous FLUM designation was a combination of Mixed Use (Moderate Density Commercial/Moderate Density Residential), Mixed Use (Low Density Commercial/Low Density Residential), and Low Density Residential).

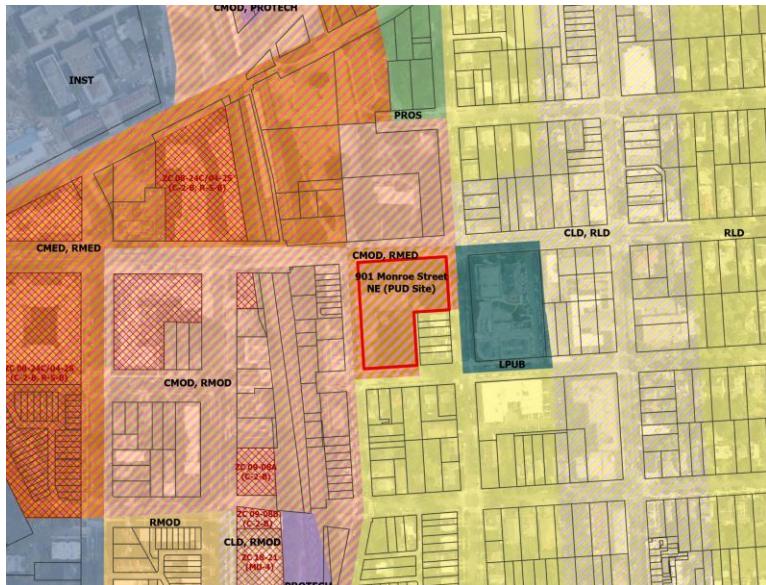


Figure 4: Excerpt of FLUM showing the PUD Site within an area designated for Mixed Use (Moderate Density Commercial, Medium Density Residential) development.

combination of uses and the general density and intensity of development in any given Mixed Use area are informed by the stripe patterns on the FLUM. If the desired outcome is to emphasize one use over another, the FLUM may note the dominant use by assigning it a higher density. 10-A DCMR § 227.21. The Area Elements and applicable small area plans, if any, may also provide detail on the mix of uses envisioned for an area. In this case, the Mixed Use area within which the Property is located expresses a preference for residential use since the striping indicates medium-density for residential use and moderate-density for commercial use). As discussed below, applicable Comp Plan policy guidance also favors residential uses, as does the supplemental planning guidance in the Brookland SAP that remains applicable to the site.

As detailed below, the proposed PUD (including the related Zoning Map amendment to MU-5B) is not inconsistent with the FLUM, and in fact will resolve the inconsistency between the site's current low-density zoning and the site's current Mixed Use FLUM designation that was adopted by the Council in 2021. The proposed MU-5B zone and density of the Project are not inconsistent with the site's Mixed Use (Moderate Density Commercial / Medium Density Residential) designation. Unlike individual Commercial and Residential FLUM designations (example: a site located within an area that is solely designated for Moderate Density Commercial development), the Framework Element does not reference specific zones that are considered consistent with a given Mixed Use FLUM designation, nor does it provide guidance on typical [matter-of-right] densities for any Mixed Use area. Rather, the Framework Element states that "a variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. All zone districts formerly identified as commercial, SP, CR and Waterfront were renamed as MU zone districts in 2016, and are considered to be mixed use." Emphasis added. 10-A DCMR § 227.23. In this case, the striping of the site's Mixed Use designation refers to the Moderate Density Commercial and Medium Density Residential FLUM categories. Along with the GPM and applicable Comp Plan policy guidance, the Applicant looked to the Framework Element descriptions for these two individual land

respond to the surrounding context. A "Mixed Use" designation is a specific FLUM land use category in and of itself and is not intended to be strictly interpreted according to the individual land use stripes / descriptions (commercial, residential, PDR, etc.) that make up a particular Mixed Use area. The Mixed Use FLUM designation is assigned to areas where the mixing of two or more land uses is encouraged, but not mandatory, and is intended primarily for larger areas where no single use predominates today, or areas where multiple uses are encouraged in the future. 10-A DCMR § 227.22. The

use categories for guidance on the general use, density, and intensity of development that is contemplated for the PUD site.

The FLUM description for the Moderate Density Commercial land use designation states that typical [matter-of-right] densities in these areas range between 2.5 FAR – 4.0 FAR, with greater density possible when complying with IZ or when approved through a PUD, and that the MU-5 and MU-7 zone districts are consistent with this particular commercial land use category. For the Medium Density Residential land use category, the Framework Element states that typical [matter-of-right] densities in these areas range between 1.8 FAR – 4.0 FAR, with greater density possible when complying with IZ or when approved through a PUD, and that the RA-3 district is consistent with this particular residential land use category.

As detailed below, using these individual descriptions as guidance, the Applicant believes the proposed MU-5B zone is the most appropriate zone to achieve the type of medium-density mixed use development that is contemplated under the current FLUM and applicable Comp Plan policy guidance. **Table 1** contains a comparison of permitted heights and densities for the above-mentioned zone districts that the Framework Element references as being consistent with the Moderate Density Commercial and Medium Density Residential land use categories.⁵ As clearly demonstrated, each of the zones in the table is well within the typical [matter-of-right] density ranges provided by the Framework Element for the respective Moderate Density Commercial and Medium Density Residential land use categories. Thus, from a density perspective, pursuit of any of these zones as part of the proposed PUD would be not inconsistent with the FLUM. However, while a PUD under the RA-3 zone would provide more than enough height and density to accommodate the Project, the Applicant opted to pursue a mixed-use (MU) zone given the site's Mixed Use FLUM designation, and specifically the MU-5B zone given that zone's expressed emphasis on residential use. While the site's FLUM designation could easily support the more intensive density permitted under the MU-7 zone, the Applicant believes the MU-5B zone is more appropriate for the site when considered together with applicable Comp Plan policy guidance and the context surrounding the PUD site, particularly the lower-scale residential uses to the south and southeast of the site.

The uses and density permitted under the proposed MU-5B zone are not inconsistent with the FLUM, and so too are the proposed use and density of the Project. With regard to density, as shown in **Table 1**, a matter-of-right development in the MU-5B zone may achieve a maximum density of 3.5 FAR, which may be increased to 4.2 FAR for developments that are subject to IZ. Under an MU-5B PUD, a development may achieve a maximum density of 5.04 FAR. As shown in the proposed plans, the Project will have a maximum density of approximately 4.2 FAR. Thus, the Project will remain within the matter-of-right density permitted in the MU-5B zone despite being a PUD. Notably, the Project will have a maximum height of 75 feet (not including penthouse), which is also within the matter-of-right height permitted in the MU-5B zone.

⁵ The MU-2, MU-8, and MU-13 zones also permit medium-density mixed-use development under the 2016 Zoning Regulations, which arguably could be considered consistent with the PUD Site's Mixed Use (Moderate Density Commercial / Medium Density Residential) FLUM designation. However, upon review of the development parameters for these zones, the Applicant determined that the density and intensity of development permitted under these zones did not necessarily align with the site's FLUM designation when read together with the GPM and applicable Comp Plan policy guidance.

Table 1: Comparison of Zones Referenced in Framework Element Guidance

Zone	ZR16 Description	Height	Density
MU-5A	Medium-density, compact mixed-use development with an emphasis on residential use for large area outside the central core along arterial streets, in uptown and regional centers, and at rapid transit stops.	MOR: 65 ft. (70 ft. w/ IZ) PUD: 90 ft.	<u>MOR</u> 3.5 FAR (4.2 FAR w/IZ) (1.5 FAR non-res max.)
MU-5B		MOR: 75 ft. PUD: 90 ft.	<u>PUD</u> 5.04 FAR (2.01 FAR non-res max.)
MU-7A	Medium-density mixed-use development on arterial streets, in uptown and regional centers, and at rapid transit stops	MOR: 65 ft. PUD: 90 ft.	<u>MOR</u> 4.0 FAR (4.8 FAR w/IZ) (1.0 FAR non-res max.)
MU-7B			<u>PUD</u> 5.76 FAR (1.34 FAR non-res max.) <u>MOR</u> 4.0 FAR (4.8 FAR w/IZ) (2.5 FAR non-res max.) <u>PUD</u> 5.76 (3.35 non-res)
RA-3	Areas developed with predominantly medium-density residential.	MOR: 65 ft. PUD: 90 ft.	<u>MOR</u> 3.0 FAR (3.6 FAR w/IZ) <u>PUD</u> 4.32 FAR

Note: Matter-of-Right (MOR) and PUD densities are inclusive of 20% IZ bonus density.

With respect to use, though the Applicant is proposing an all-residential building, this does not create an inconsistency with the Mixed Use FLUM designation assigned to the PUD Site. As noted above the FLUM is not a zoning map and does not prescribe specific development standards for a specific property, including use. Specifically, the Framework Element states “[b]y definition, the [FLUM] is to be interpreted broadly and the land use categories identify desired objectives.” Emphasis added. 10-A DCMR § 228.1(a). The Framework Element further states that “...the land-use category definitions describe the general character of development in each area.” Emphasis added. 10-A DCMR § 228.1(c). Thus, the FLUM is intended to be read and applied broadly by area rather than on a property-by-property basis. In addition, the Framework Element is clear that mixed-use development is not required in a Mixed Use area, but rather that “the mixing of two or more land uses is especially encouraged.”

In this case, the proposed multi-family residential building is within an area designated for Mixed Use development that generally surrounds the Brookland / CUA Metrorail station. See Figure 4. This Mixed Use area is assigned varying densities and intensities that respond to the surrounding context (i.e. proximity to the Metrorail, Michigan Avenue, and existing commercial or lower-scale residential uses). Consistent with the FLUM, this Mixed Use area contains a wide variety of existing and planned uses, including multi-family residential; multi-family residential with ground floor retail and service; artist live-work units; single family detached homes; rowhomes, retail uses; government and transportation uses; and institutional uses. Currently, the majority of retail and other commercial

uses are concentrated on the west side of the Metrorail tracks, where the FLUM designation has a higher density commercial stripe and does not express a preference for residential or commercial use (i.e. they are both medium density). The proposed PUD will replace a vacant site next to Metrorail with a new multi-family residential building that will strengthen the mix of uses with the larger Mixed Use area around the Metrorail, and be consistent with the preference for residential use expressed in the PUD Site's specific Mixed Use designation. Indeed, as discussed below, the Applicant believes an all-residential building on the Site is the most appropriate use when factoring in applicable Upper Northeast, Land Use, and Urban Design policy guidance that seeks to protect / buffer residential areas from the potential impacts of commercial uses, including noise, odor, truck traffic, vehicular trips, on-street parking). In addition, the Applicant has received feedback from the retail brokerage community that retail uses at this location (separated by the train tracks from the retail located along the 700 and 800 blocks of Monroe Street in the Monroe Street Market project and the well-established retail corridor of 12th Street, NE), will not be successful.

UPPER NORTHEAST AREA ELEMENT EVALUATION

The proposed PUD is not inconsistent with the policies of the Upper Northeast (“UNE”) Area Element. Overall, the proposed PUD will facilitate new, higher-density residential development on a vacant / underutilized site in proximity to the Brookland / CUA Metrorail station that will contribute to UNE’s and the District’s need for new housing, including affordable housing, and will enhance the character of the surrounding area.

The Project will help meet the needs of a diverse community by locating new residential density for renters in proximity to Metrorail. Specifically, the Project will provide approximately 230 new rental units, of which 15% will be set aside for low-income households earning no more than 60% MFI for the life of the project. (UNE 1.1.2). Additionally, approximately 5% of the new units will be three-bedroom units. According to racial equity data published to the D.C. Office of Planning Demographic Data Hub⁶, housing tenure in the UNE Planning Area is approximately 45% owner-occupied and approximately 55% renter-occupied, which is on par with the District overall. Approximately 40.9% of UNE Planning Area households are housing cost burdened (spending more than 30% of pre-tax income on housing). As such, the additional affordable rental housing provided by the Project will help relieve housing cost pressures on UNE and District residents. Further, the substantial number of three-bedroom units will help satisfy existing demand for larger, family-sized units in the area

The Project adheres to UNE and other Comp Plan policy guidance on neighborhood conservation and compatibility. (UNE-1.1.1, UNE-1.1.2, UNE-1.1.3). The proposed design is responsive to the visual and spatial qualities of the surrounding context, which varies around all four sides of the PUD site, and to the lower-scale rowhomes immediately adjacent to the PUD site along 10th Street. The proposed design, which as discussed above is fully consistent with the FLUM, employs various design strategies such as ground-level and upper-level setbacks, projections, courtyards, façade articulation, and a context-sensitive material palette that work together to achieve a successful degree of compatibility with the surrounding context and the adjacent rowhomes (UNE-2.6.1).

⁶ <https://opdatahub.dc.gov/search?tags=racial%2520equity>



Figure 5: View of Project looking west along Monroe Street

Along Monroe Street, the context of the PUD site is primarily characterized by the large open space set back of the historic Brooks Mansion, the Brookland/CUA Metrorail station and bus facility, and the mixed-use Monroe Street Market development to the west of the tracks. In response to this context, the proposed building provides substantial ground level and upper-level setbacks along Monroe Street to reduce the scale of the building and accommodate pedestrian traffic, while strengthening the streetwall along Monroe Street, a gateway into the Brookland neighborhood. The project also includes ground floor walkout units along the north side to increase safety and activation along Monroe Street. (**Figure 5**). Along 9th Street, which contains rowhomes (some of which are devoted to commercial uses) and a 4-story office building along the west, the Project contains two large open courts above the ground floor that significantly reduce the building's massing, and the primary façade of the building is set back approximately 13 feet from the property line with the exception of projections above the ground level that provide further scale reduction..

On 10th Street, which contains six (6) rowhomes immediately south of the PUD site, and a public charter school on the east side of the street, the entire building is setback approximately 15 feet from the property line that is shared with the closest rowhome to the south, as well as from the public alley that separates the PUD site from the rear lot lines of the rowhomes. Additionally, the top floor of the building is set back approximately seven (7) feet along the east and south facing facades closest to the adjacent rowhomes (**Figure 6**). Finally, along Lawrence Street (with the top floor set back approximately 11'-6"), the primary façade of the building is set back approximately 5 feet from the property line, which is only punctuated by four-story bay projections that reduce the building's scale and establish a clear residential expression that relates to nearby rowhomes. (**Figure 7**). The Applicant notes that the proposed relationship between the proposed Project and



Figure 6: View of Project looking north along 10th Street



Figure 7: View of Project looking west from intersection of 10th Street and Lawrence Street



Figure 8: Image of the Monroe Street Market PUD – Block E multi-family building and adjacent lower-scale single family homes.

the adjacent rowhomes along 10th Street is similar to the relationship found at the Monroe Street Market PUD (Z.C. 08-24) located on the west side of the Metrorail tracks, where the Block E multi-story residential apartment building is immediately adjacent to lower-scale single family homes. ([**Figure 8**](#)).

Upper Northeast Area Element Policies Advanced by the Application⁷

UNE-1.1: Guiding Growth and Neighborhood Conservation

- UNE-1.1.1: Neighborhood Conservation
- UNE-1.1.2: Compatible Infill
- UNE-1.1.3: Metro Station development

UNE-2.6: Brookland Metro Station Area

- UNE-2.6.1: Brookland/CUA Metro Station Area

LAND USE ELEMENT EVALUATION

The proposed PUD is not inconsistent with the Land Use Element. The Project will advance and support the District's goal of maintaining a variety of neighborhoods in all parts of the District that foster an inclusive city by either providing or supporting several of the physical qualities that are essential to every inclusive neighborhood. These include, among others:

- Providing convenient access to Metrorail, priority bus routes, and bike routes and Capital Bikeshare stations for those that do not own an automobile,
- Providing convenient access to the neighborhood shops and amenities at the Monroe Street Market and along the 12th Street corridor that can meet day-to-day needs,
- Providing approximately 230 units of new mixed-income rental housing with a range of unit types,
- Employing proven context-sensitive design strategies that are responsive to and compatible with adjacent lower-scale residential uses and neighborhood character, and
- Making substantial improvements to surrounding public space that improve safety and character, and facilitate pedestrian access to public transit. (LU-1.4.5, LU-2.1.1, LU-2.1.3)

The Project will add approximately 230 units of new rental housing in proximity to the Brookland / CUA Metrorail station and near the Michigan Avenue corridor, which will ensure a variety of neighborhoods in every part of the District, accommodate population growth, and advance affordability, racial equity, and opportunity. (LU-1.4.2, LU-1.4.6). Together with the very successful Monroe Street Market PUD and other planned and proposed developments nearby,⁸ the new housing provided by the Project will strengthen the Metrorail station as a

⁷ Policies and actions in **bold underline** denote policies and actions that explicitly address racial equity as identified in the D.C. Office of Planning's ("OP") Equity Crosswalk (effective August 21, 2021).

⁸ The Commission has recently approved other rezonings and design review projects in the area. Including Zoning Map amendments to MU-2 for the property at 701 Michigan Avenue, NE (Z.C. 23-07) and at 700 Monroe Street, NE (Bennett Career Institute) (Z.C. 24-05), and a Voluntary Design Review project at the Brookland Shopping Center on 10th Street NE (Z.C. 23-15) that contains approximately 337 new residential units and approximately 30,165 square feet of retail space.

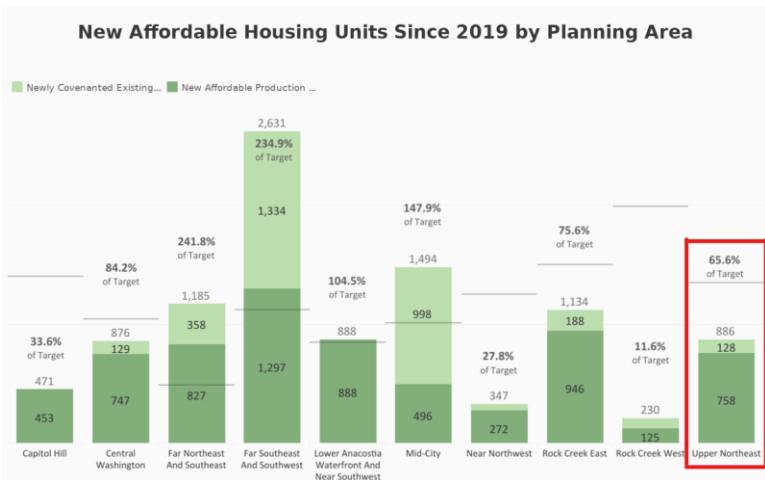


Figure 9: View of Project looking west along Monroe Street (Source: <https://open.dc.gov/36000by2025//>)

Plan Planning Area. For the UNE Planning Area, the overall housing production goal is 6,900 units, and the affordable housing goal is 1,350 units. To date, approximately 5,167 new housing units have been produced in the UNE Planning Area, of which approximately 887 units are new or newly covenanted affordable units. (Figure 9) These represent approximately 75% and 66% of the overall and affordable housing goals set for the UNE Planning Area, respectively. Of the approximately 230 units within the Project, 15% (or approximately 33 units) will be devoted to households earning no more than 60% MFI. Based on these numbers, the Project will contribute approximately 3.2% and 2.4% toward the District's housing and affordable housing goals for the UNE Planning Area, respectively. (LU-1.4.3, LU-1.4.4).

In addition to increasing access to housing around the Brookland/CUA Metrorail station, the Project will have numerous other land use benefits. It will increase access to employment opportunities, neighborhood serving retail and other amenities, education and other institutional uses, and recreational uses, all of which are in proximity to the PUD Site and/or easily accessible via nearby transit. The Project's proximity to multiple modes of public transit and the site's walkability have caused the Applicant to minimize the amount of parking, which minimizes the need for building residents to use an automobile, reduces traffic impacts on surrounding uses, and has other environmental benefits. (LU-1.4.2). In addition, as thoroughly discussed in the UNE Element evaluation above, the density, height, and architectural design of the Project have also been carefully considered by the Applicant in order to balance the need for increased housing with the equally important need to respect the character of the surrounding area. The proposed design is of high-quality and complements the character of the surrounding residential area through the effective use of contextual materials, bay projections, ground floor walk out units, and ground-level and upper-level setbacks that collectively work together to avoid creating sharp changes in the physical development pattern of the area. (LU-1.4.1, LU-1.4.2, LU-1.4.6, LU-1.5.1)

Land Use Element Policies Advanced by the Application

LU-1.4: Transit-Oriented and Corridor Development

- LU-1.4.1: Station Areas as Neighborhood Centers
- LU-1.4.2: Development Around Metrorail Station

neighborhood center and as an anchor for residential, economic and civic development within the Brookland neighborhood. (LU-1.4.1). The new housing provided by the Project, and particularly the new affordable housing, will further advance the District's efforts to meet its housing goals for the UNE Planning Area, a designated high cost / opportunity area, and the District as a whole. In 2019, the District published its Housing Equity Report, which set specific housing goals for each Comp

- LU-1.4.3: Housing Around Metrorail Stations
- LU-1.4.4: Affordable Rental and For-Sale Multi-family Housing Near Metrorail Stations
- LU-1.4.5: Design to Encourage Transit Use
- LU-1.4.6: Development Along Corridors

LU-1.5: Neighborhood Infill Development

- LU-1.5.1: Infill Development

LU-2.1: A District of Neighborhoods

- **LU-2.1.1: Variety of Neighborhood Types**
- LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

TRANSPORTATION ELEMENT EVALUATION

The proposed PUD is not inconsistent with the policies of the Transportation Element. The Applicant is in the process of preparing a transportation station in coordination with DDOT. Consistent with Comp Plan policy guidance, the CTR will evaluate the potential transportation impacts of the Project using multimodal standards rather than traditional vehicle standards to more accurately measure and more effectively mitigate potential impacts on the transportation network. (T-1.1.2). The transportation statement will also include a Transportation Demand Management (“TDM”) Plan that contains strategies to help minimize the number of vehicle trips generated by the Project (T-3.1.1), and a Loading Management Plan that will help ensure the Project’s loading facilities operate in an efficient manner.

As will be demonstrated in the Applicant’s CTR, the Project will support transit-oriented development (“TOD”) and equitable access to transit by replacing a vacant site across the street from the Brookland / CUA Metrorail station with approximately 230 units of new housing (including affordable housing for 60% MFI households). Consistent with the TOD focus of the Project, the Applicant is only providing 54 at-grade parking spaces off the public alley, which will also have access to EV charging stations. (T-1.1.8, T-5.2.2). This amount of parking equates to a parking ratio of approximately 0.23 per dwelling unit, which is consistent with DDOT’s preferred parking ratio for a project of this size and location relative to Metrorail. The Project’s parking area will also provide EV charging equipment.

The Project will also invest in pedestrian-oriented transportation improvements through reconstruction of the public streetscape that surrounds the PUD Site to DDOT standards. (T-1.1.4). These upgrades will facilitate safe pedestrian circulation between the Project and surrounding neighborhood to the Metrorail, the Monroe Street Market development and 12th Street corridor, and nearby institutional campuses. (T-2.4.1)

Transportation Element Policies Advanced by the Application

T-1.1: Land Use: Transportation Coordination

- T-1.1.2: Land Use Impact Assessment
- T-1.1.4: Transit-Oriented Development
- T-1.1.8: Transportation Improvements

T-2.4: Pedestrian Access, Facilities, and Safety

- T-2.4.1: Pedestrian Network

T-3.1: Transportation Demand Management

- T-3.1.1: TDM Programs

T-5.2: Electric Vehicles

- T-5.2.2: Charging Infrastructure

HOUSING ELEMENT EVALUATION

The proposed PUD is not inconsistent with the policies of the Housing Element. Through the PUD process, the Project will provide approximately 230 new housing units (market rate and affordable) which will help meet the needs of present and future residents at a location and density that are consistent with the GPM, FLUM, and numerous policies contained in the UNE, Land Use, Transportation, Housing, and Urban Design Elements. (H-1.1.1, H-1.1.2, H-1.3.2). The PUD Site is currently vacant, and has been for approximately 11 years due to a lengthy appeal of the previously approved PUD, a prolonged Comp Plan amendment process, and significant economic challenges caused by the COVID pandemic that continue to burden real estate markets. The Applicant will eliminate the PUD site's current severe underutilization and unsightly appearance with a new multi-family building that will activate the site with new higher-density housing that is immediately adjacent to the Brookland / CUA Metrorail site, including setting aside 15% of the Project to housing for low-income households earning no more than 60% MFI. (H-1.1.3, H-1.2.1, H-1.2.2, H-1.2.7, H-1.2.9). Through the increased residential density that is possible by the Council's approval of the 2021 Comp Plan / FLUM amendments, the Project will bring a substantial amount of mixed-income housing (including dedicated affordable housing for the life of the Project) to the UNE Planning Area, which is a recognized high-cost area. (H-1.1.8, H-1.2.11, 1.3.1, H-2.1.6). The Project will also provide family-sized housing (i.e, approximately 12, three-bedroom units) on a site that is proximate to transit, schools, public facilities, recreation, and neighborhood-serving amenities. (H-1.1.9).

Housing Element Policies Advanced by the Application

H-1.1: Expanding Housing Supply

- H-1.1.1: Private Sector Support
- H-1.1.2: Production Incentives
- H-1.1.3: Balanced Growth
- 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-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority
- **H-1.2.2: Production Target**
- H-1.2.7: Density Bonuses for Affordable Housing

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

H-1.3: Diversity of Housing Types

- H-1.3.1: Housing for Larger Households
- H-1.3.2: Tenure Diversity

H-2.1: Preservation of Affordable Housing

- **H-2.1.6: Long-Term Affordability Restrictions**

ENVIRONMENTAL PROTECTION ELEMENT EVALUATION

The proposed PUD is not inconsistent with the policies of the Environmental Protection Element. The vacant PUD Site is partially impervious and contains no sustainable stormwater management. This condition will be replaced with a sustainably designed Project that will be designed to achieve LEED Gold certification. In addition to the environmental benefits from being a transit-oriented development, the Project will also employ several sustainable strategies that will help reduce urban heat island effect, tree canopy retention, sustainable landscaping, and energy efficiency. These include, but are not limited to, a significant amount of green roof; bioretention; street trees that meet or exceed DDOT tree box standards; stormwater management that meets or exceeds DOEE standards; and efficient heating, cooling, and plumbing systems. (E-1.1.2, E-2.1.2, E-2.1.3, E-3.2.7, E-4.1.2E-4.1.3). The Project will help mitigate elevated ambient heat temperatures and reduce untreated storm water runoff through the use of vegetated roofs and on-site storm water retention or pre-discharge treatment. (E-4.4.1). Additionally, the Project is providing a parking ratio that is consistent with DDOT's preferred parking ratio for a multi-family building near Metrorail which will help improve the District air quality by promoting walkability and use of transit. The Project will also promote the use of electric vehicles by providing EV charging capacity within the Project's parking area. (E-5.1.9).

Environmental Protection Element Policies Advanced by the Application

E-1.1: Preparing for and Responding to Natural Hazards

- **E-1.1.2: Urban Heat Island Mitigation**

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-4.4: Reducing the Environmental Impacts of Development

- E-4.4.1: Mitigating Development Impacts

E-5.1: Reducing Air Pollution

- E-5.1.9: Zero-Emission Vehicles

URBAN DESIGN ELEMENT EVALUATION

The proposed PUD is not inconsistent with the policies of the Urban Design Element. The Project will strengthen the visual qualities of the Brookland neighborhood by replacing a vacant, underutilized site that is in proximity to the Brookland / CUA Metrorail station and proximate to the Monroe Street Market development with an appropriately scaled residential building that balances the District's need for more housing, particularly near Metrorail, with the need for compatibility with the surrounding context. (UD-2.2.1). The PUD Site is located at a transition point between the Metrorail station and larger-scale residential, commercial, institutional, and mixed-use development to the north and west (including the Monroe Street Market development), and lower-scale single family homes to the south and east. The proposed PUD design has been informed by these differing scales and development types. Given its proximity to Metrorail, the Michigan Avenue corridor, and the Monroe Street Market development, the Project entails a mid-rise multi-family building that is consistent with the FLUM that takes advantage of proximity to transit. Consistent with policy guidance promoting a variety of housing types in each neighborhood, the proposed multi-family rental housing will increase housing choices in an area that has a relatively higher percentage of owner-occupied single-family dwellings.

The proposed PUD will strengthen the visual and architectural qualities of the neighborhood through a thoughtfully-designed multi-family building that utilizes effective design strategies such as setbacks and massing reductions, and high-quality context-sensitive materials that relate to surrounding buildings. The proposed PUD will not compromise the architectural variety or design integrity of the surrounding Brookland neighborhood. As described in the Brookland SAP, the area surrounding the PUD Site does not necessarily possess a strong architectural character that consistently exhibits a particular architectural style. Rather, the architectural style of the Brookland neighborhood has substantial variation due to construction historically taking place as individual construction projects rather than tract development. Notwithstanding, the massing, articulation, and materials of the Project are informed by the scale and aesthetic of the surrounding context without mimicking the existing architecture. (UD-2.2.2).

The new multi-family building has been designed with ground- and upper-level setbacks, large courtyards, and façade articulation that helps the proposed building establish compatibility with adjacent lower-scale residential uses. In response to the context around the PUD Site, the Project incorporates multiple massing reduction strategies around the perimeter of the building that are specifically encouraged in the Comp Plan (including massing step downs, massing setbacks, ground level setbacks, varied roof heights and facade widths, and bay projections), which together successfully avoid overpowering contrasts in height and scale with surrounding buildings. (UD-2.2.4, UD-2.2.5, UD-4.2.1, UD-4.2.4). *See Figures 9.16 and 9.17 of the Urban Design Element.* Notably, the context to the north and west of the site is primarily characterized by the large open space set back of the historic Brooks Mansion, the Brookland/CUA Metrorail station and bus facility, and the mixed-use Monroe Street Market development to the west of the tracks.

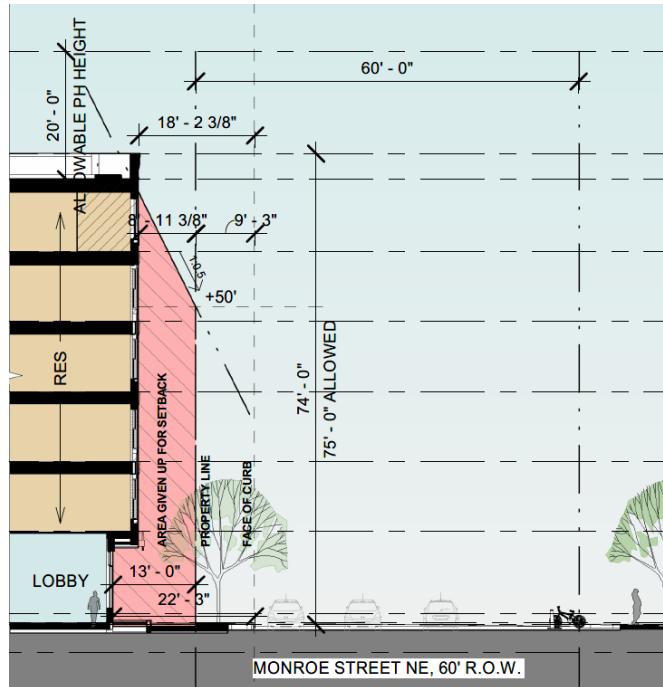


Figure 10: Section drawing of Monroe Street frontage showing building setback.

line with the exception of projections above the ground level that provide further massing reduction. The courtyards contain resident amenities that will activate the 9th Street frontage, as will the regular pattern of ground level windows and upper-level balconies.

The Project effectively utilizes a combination of setbacks, bay projections, balconies, and material variations to avoid overwhelming adjacent and nearby lower-scale rowhomes and detached residential uses. Specifically, Along 10th and Lawrence Streets, which contains a small number of rowhomes immediately south of the building, the Project utilizes full-building and upper-level setbacks to successfully transition to the lower-scale residential uses. Specifically, the building is setback from the property line shared with the closest rowhome by approximately 15 feet. (**Figure 11**). The building is also set back 15 feet along the 10-foot public alley that separates the PUD site from the rear lot lines of the rowhomes. (**Figure 12**). Along Lawrence Street, the



Figure 11: View of 15-foot separation between the Project and adjacent rowhomes.

As discussed in detail in the UNE Planning Area Element section above, the proposed building is set back approximately 9 feet (13 feet at the ground level) from the property line along Monroe Street to reduce the scale of the building and accommodate pedestrian traffic (**Figure 10**). The Project also includes ground floor walkout units along the Monroe Street frontage, as well as the main lobby entrance and upper-level balconies to increase safety and activation. (UD-3.2.1, UD-3.2.5, UD-4.2.6). Along 9th Street, which contains rowhomes (some of which are devoted to commercial uses) and a 4-story office building, the Project contains two large open courts above the ground floor that break the building's massing down into three distinct volumes. The primary façade of the building is also set back approximately 13 feet from the property



Figure 12: View along public alley showing Project in relation to adjacent rowhomes.

primary façade has been set back approximately 5 feet and is only punctuated by four-story bay projections that reduce the scale of the building and create verticality that together establish a clear residential character. Finally, given the need for special consideration for the scale of adjacent residential uses, the top (6th) floor has been further set back approximately 5 – 7 feet along the 10th Street, Lawrence Street, and public alley frontages, which will also be clad in a differing material color to allow them to further recess.

In addition to the building itself, the Project will also dramatically improve the aesthetic quality and safety of the streetscape surrounding the PUD Site. In designing the Project and surrounding streetscapes, the Applicant has taken into consideration the character of the surrounding neighborhood and function of adjacent streets. For example, the proposed streetscape along Monroe Street provides for a widened sidewalk condition to improve pedestrian circulation between the Brookland neighborhood, Metrorail, and the mixed-use Monroe Street Market development. All streetscapes will be reconstructed to DDOT standards, including tree boxes and tree streets that meet or exceed applicable standards. (UD-2.1.2). Additionally, all vehicular and truck access to the Project will be from the existing public alley on Lawrence Street, thus minimizing curb cuts and maximizing pedestrian safety around the site. (UD-2.1.6).

Urban Design Element Policies Advanced by the Application

UD-2.1: Streets for People

- UD-2.1.2: Neighborhood Streetscapes
- UD-2.1.6: Minimize Mid-Block Vehicular Curb Cuts

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-2.2.5: Infill Development

UD-3.2: Designing the Active District

- UD-3.2.1: Buildings that Enable Social Interaction
- UD-3.2.5: Safe and Active Public Spaces and Streets

UD-4.2: Designing Architecture for People

- UD-4.2.1: Scale and Massing of Large Buildings
- UD-4.2.4: Creating Engaging Facades
- UD-4.2.6: Active Facades

BROOKLAND SMALL AREA PLAN

As discussed in the Comp Plan Introduction, “Small Area Plans supplement the Comp Plan by providing detailed direction for areas ranging in size from a few city blocks to entire neighborhoods or corridors.” 10-A DCMR § 104.8. The Framework Element and Implementation Element provide further guidance on the relationship between the Comp Plan and a Small Area Plan. Notably, both elements state that “[u]nless a Small Area Plan has been made binding on the

Zoning Commission through its enactment as part of a [Comp Plan] amendment, a Small Area Plan provides only supplemental guidance to the Zoning Commission and it does so only to the extent it does not conflict with the [Comp Plan].” Emphasis added.10-A DCMR § 224.5.

The PUD Site is located within the boundaries of the Brookland SAP, which was approved by the D.C. Council in March 2009.⁹ The stated purpose of the Brookland SAP is to “guide future development in a manner that respects the low density scale of the nearby residential area, mitigates parking and traffic impacts, and improves connections to nearby institutions and shopping areas.”

Guiding Principles

To accomplish its stated purpose, the Brookland SAP contains a series of guiding principles that are designed with the neighborhood and surrounding area in mind. The guiding principles are statements about particular issues which guided the development of the Brookland SAP, and are grouped under the following headings:

- Land Use and Neighborhood Character
- Economic Development and Neighborhood Amenities
- Transportation, Walkability and Connectivity, and
- Open Space and Environment

The proposed PUD is consistent with the intent of the Brookland SAP guiding principles, as follows:

Guiding Principle	Evaluation
Land Use and Neighborhood Character	The Land Use and Neighborhood Character guiding principle addresses the types of land uses envisioned for the underutilized properties within the Brookland SAP area, and important elements of neighborhood character. Elements of this particular guiding principle that are applicable to the proposed PUD include: protecting existing neighborhood character, creating an active pedestrian neighborhood with mixed-use development and a variety of housing types for all income levels, and promoting quality in design of buildings and public spaces. The proposed PUD is consistent with the intent of this guiding principle. As detailed above, the Project has been designed in a manner that effectively balances policy guidance on increasing housing density around Metrorail to address citywide housing goals and protecting neighborhood character. The Project will provide approximately 230 new rental housing units (including affordable housing for low-income households), and has been designed with numerous setbacks, projections, façade articulations, and material differentiation to complement the surrounding

⁹ P.R. 18-0046 (Brookland/CUA Metro Station Small Area Plan Approval Resolution of 2009)

	neighborhood character and be sensitive to adjacent lower-scale residential uses.
Economic Development and Neighborhood Amenities	The Economic Development and Neighborhood Amenities guiding principle addresses the types of economic development desired for underutilized parcels, and the community amenities that should accompany development. In alignment with the intent of this guiding principle, the proposed PUD supports the 12 th Street commercial corridor by adding new housing, and thus new residents, that can support existing businesses along the 12 th Street corridor. The Project will also enhance the safety and aesthetic quality of the public realm by reconstructing the streetscape surrounding the entire PUD site, including widening the sidewalk along Monroe Street which can improve pedestrian connectivity between the Brookland neighborhood and the Metrorail and amenities at the Monroe Street Market development.
Transportation, Walkability and Connectivity	The Transportation, Walkability and Connectivity guiding principle addresses community ideas for vehicular and pedestrian circulation and connectivity throughout the area. Consistent with this guiding principle, the Project will improve east-west connectivity across the neighborhood generally by improving the quality of the public realm around the Project, and specifically by setting the building back along Monroe Street to provide increased space for pedestrian circulation.
Open Space and Environment	The Open Space and Environment guiding principle focuses on open and green areas, the public realm, and environmental considerations. The proposed PUD is consistent with the intent of this guiding principle through its overall sustainability and improvements to the public realm. As noted, the Project includes reconstruction of surrounding public space to DDOT standards, including street trees and regulation-sized tree boxes. The Project also employs sustainable building and site design strategies, such as green roofs and bioretention, and is designed to achieve LEED-Gold certification.

Urban Design Concepts and Sub-Area Recommendations

From the above guiding principles, the Brookland SAP sets forth a series of general urban design concepts and specific sub-area recommendations. Overall, the Project is consistent with those concepts and sub-area recommendations that do not conflict with the 2021 Comp Plan. Consistent with the Brookland SAP's land use, neighborhood character, and economic development concepts, the Project will:

- Support mixed-use, transit-oriented infill development near Metrorail and along Monroe Street,
- Provide residential uses south of the Metrorail,

- Strengthen Monroe Street as a primary east-west connector and gateway into the Brookland neighborhood,
- Improve pedestrian circulation,
- Support area businesses, and
- Use green building techniques and site design.

As shown in **Figure 15**, The PUD site is located within the Brookland SAP Monroe Street Sub-Area (the “**Sub-Area**”), which envisions Monroe Street as a revitalized, street-lined urban street, connecting Brookland from west to east with retail, residential and cultural and arts uses. To achieve this vision, the Brookland SAP provides several specific recommendations on height and density of development, reestablishment and realignment of streets, provision of parking, and retail, open spaces, and civic uses.



Figure 15: Diagram of PUD Site in relation to the Brookland SAP illustration of the Monroe Street Sub-Area

The proposed PUD is consistent with the Sub-Area recommendations that are applicable to the Project, and which do not conflict with the current 2021 Comp Plan. The following is an evaluation of the Project’s consistency with the Sub-Area recommendations that apply to the PUD site:

Provide adequate parking but at low transit-oriented development parking ratios

Consistent with the TOD focus of the Project, the Applicant is only providing 54 at-grade parking spaces off the public alley. This amount of parking equates to a parking ratio of approximately 0.23 per dwelling unit, which is consistent with the preferred parking ratio established in DDOT’s CTR guidelines for a residential project of this size and location relative to Metrorail.

Allow infill and redevelopment along Monroe Street east of the WMATA/CSX tracks

The Project will redevelop the PUD site along Monroe Street

Development along Monroe Street east of the WMATA/CSX tracks may be allowed up [to] a maximum of 50 feet through a Planned Unit Development, a discretionary review by the District's Zoning Commission

The Project is not consistent with this recommendation. However, as discussed below, this recommendation conflicts with the current 2021 Comp Plan, and specifically the PUD site's FLUM designation of Mixed Use (Moderate Density Commercial / Medium Density Residential). Thus, as set forth in the Framework and Implementation Elements, because this recommendation conflicts with the Comp Plan, as adopted by the D.C. Council in 2021, it no longer supplements the Comp Plan. Additionally, any inconsistency between the Project and this specific recommendation is outweighed by changes that have been made to the Comp Plan since the Brookland SAP was approved in 2009.

Buildings in the subarea should step back in height at a ratio of one half (1/2) to one (1) above 50 feet.

As shown in the proposed plans, not only is the proposed building setback for its full height along Monroe Street, but it also adheres to this recommendation to step back at a $\frac{1}{2}$ to 1 ratio above 50 feet. (See **Figure 10**)

POTENTIAL COMP PLAN INCONSISTENCIES

The foregoing Comp Plan analysis thoroughly demonstrates the numerous ways in which the proposed PUD aligns with applicable policies of the Comp Plan, including the FLUM and GPM. However, as explained in multiple decisions by the D.C. Court of Appeals ("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. Thus, even 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. The Comp Plan reflects numerous occasionally competing policies and goals, and, except where specifically provided, the [Comp] Plan is not binding. Thus, the Commission may balance competing priorities in determining whether a proposal would be inconsistent with the Comp Plan as a whole. 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) (“McMillan”) (internal citations and quotations omitted).

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.” 10-A 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 proposed PUD to be not inconsistent with the Comp Plan when read as a whole using a racial equity lens. 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.

Potential Comp Plan Inconsistencies Evaluation

The potential inconsistencies present in the proposed PUD relate to an Urban Design Element policy that pertains to the design of building facades relative to established street walls / façade lines. In addition, the Project is technically inconsistent with the Brookland SAP recommendation for the Monroe Street Sub-Area that limits buildings east of the WMATA/CSX tracks to 50 feet. However, as discussed below this recommendation conflicts with and is outweighed by the current 2021 Comp Plan. Overall, upon evaluation of the potential inconsistencies of the Project with Comp Plan policy guidance and the recommendations of the Brookland SAP, the Applicant believes that the two identified potential inconsistencies are far outweighed by the Project’s consistency with the FLUM and several competing Comp Plan policies contained within UNE. Land Use, and Housing Elements (**Table 2**).

Inconsistency with UD-4.2.3: Continuity and Consistency of Building Frontages

The specific policy with which the proposed PUD is inconsistent is UD-4.2.3: Continuity and Consistency of Building Frontages, which states:

“Maintain the established frontage lines of streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings. Avoid placing new construction that extends beyond the existing facade line unless it significantly benefits the public life of the street. Where existing facades are characterized by an established pattern of windows and doors or other elements, new construction should complement the established rhythm.”

The intent of this Urban Design policy is to maintain well-established streetwalls and façade frontage lines where they exist. Notably, the policy specifically focuses on aligning the front walls of new construction with the prevailing facades of adjacent buildings. The Applicant notes that the frontage lines around all four sides of the Project are not very well defined, in part due to the varying building types and uses that exist around the PUD site. The front of the Project is along Monroe Street, which occupies the full length of the block. As previously stated, the Project is setback from the property line along Monroe Street 13 feet at the ground level and approximately 9 feet on the upper levels. When compared to existing buildings on the adjacent

blocks to the east and west, the Project’s Monroe Street facade generally aligns with these buildings. Along Lawrence and 9th Streets, the existing frontage lines are either varied or poorly defined. However, generally, buildings along the opposite side of 9th Street are set back from the property line in a manner that is similar to the Project, and the Project generally aligns with the school and office buildings along Lawrence Street to the east and west, respectively.

To the extent it can be said that the Project is inconsistent with this particular policy, the inconsistency is likely to occur along 10th Street where the proposed building façade extends beyond the existing row dwellings to the immediate south, and to a lesser extent along Lawrence Street. This inconsistency results from the full-building and upper-level setbacks provided on all sides of the building in response to the general surrounding context. Given the location of the adjacent rowhouses to the south of the Project, the result of this inconsistency is primarily on north-south views along the block. The Applicant believes that the extent of this inconsistency is relatively minor, and the potential impact of the inconsistency on the adjacent rowhomes is minimized through the design of the Project (setback along the common lot line, upper level setbacks, high-quality materials, and material differentiation). In addition, the Applicant believes any potential inconsistency with this particular urban design policy is outweighed by the Project’s advancement of other Comp Plan policies and considerations that relate to increasing residential density near Metrorail and the production of a variety of housing types in high-cost areas (UNE-1.1.3, UNE-2.6.1, LU-1.4.1, LU-1.4.2, H-1.1.3, H-1.1.8).

Inconsistency with Brookland SAP Sub-Area Recommendation Regarding Building Height

The Project is not consistent with the Brookland SAP recommendation that limits building heights east of the WMATA/CSX tracks within the Monroe Street Sub-Area to 50 feet. However, as discussed below, and based on guidance provided in the Framework and Implementation Element, since this recommendation conflicts with the current 2021 Comp Plan, and specifically the PUD site’s FLUM designation of Mixed Use (Moderate Density Commercial / Medium Density Residential), it no longer is considered supplemental guidance to the Comp Plan.

The Brookland SAP grew out of the 2006 Comp Plan. In fact, the preparation of the Brookland SAP was specifically discussed in the UNE Element of the 2006 Comp Plan, stating “[t]he Office of Planning is scheduled to conduct a comprehensive study of the area surrounding the Metro station during 2006 and 2007, ...the goal of the study is to guide future development in the station vicinity in a manner that respects the low density scale of the nearby residential area (particularly the area along 10th St NE and east of the 10th St NE), mitigates parking and traffic impacts, and improves connections to nearby institutions and shopping areas.”¹⁰ Additionally, the 2006 Comp Plan UNE Element and Implementation Element contained a specific action to prepare a small area plan for the Brookland Metro station area.¹¹ The recommendations of the Brookland SAP were incorporated into the Comp Plan during the D.C. Council’s 2010 Comp Plan amendment cycle. Since approval of the Brookland SAP and its incorporation into the Comp Plan in 2006, the Comp Plan has been amended. Specifically, in 2021, the D.C. Council adopted amendments to the Comp Plan, including amendments to the PUD Site’s FLUM designation to support medium-density mixed use development, and policy changes to support mixed-use development on vacant

¹⁰ 2006 Comp Plan, UNE Element, Section 2.6

¹¹ 2006 Comp Plan, UNE Element, UNE-2.6.A (Brookland Metro Small Area Plan)

and underused property in the vicinity of the Metrorail station. These amendments are critical to addressing this apparent inconsistency.

The Framework Element states, “unless a Small Area Plan has been made binding on the Zoning Commission through its enactment as part of a Comprehensive Plan amendment, a Small Area Plan provides only supplemental guidance to the Zoning Commission and it does so only to the extent it does not conflict with the Comprehensive Plan.” (See 10A DCMR § 224.5.) Additional language from the Implementation Element states that “a Small Area Plan provides supplemental guidance to the Comprehensive Plan, unless incorporated into the Comprehensive Plan by a D.C. Council act.” See 10A DCMR § 2503.1. This guidance is important in the context of the Brookland SAP and the Project, where the Brookland SAP recommendation to limit building height to 50 feet conflicts with the PUD Site’s current FLUM designation of Mixed Use (Moderate Density Commercial / Medium Density Residential).

Specifically, prior to the 2021 Comp Plan amendments, the PUD Site’s FLUM designation supported moderate density mixed-use and low density residential development. Under the previous guidance provided in the Framework Element, the moderate density mixed use portion of this designation generally did not exceed five stories. (2006 Comp Plan, Section 225.9). However, as observed in **Table 1**, the zones that are referenced in the individual moderate density commercial and medium density residential components of the PUD Site’s FLUM designation all permit matter-of-right building heights that far exceed 50 feet. Thus, limiting development on the PUD Site to 50 feet based upon the Brookland SAP recommendation would prevent the Applicant’s ability to implement the D.C. Council’s amendment to the site’s FLUM designation, as well as other policy amendments that promote increased residential density and redevelopment of underutilized sites in proximity to Metrorail to meet citywide housing goals. As such, based upon guidance in the Framework and Implementation Elements, because the Brookland SAP’s recommended 50-foot building height conflicts with the density and height supported by the current FLUM, the Applicant believes this particular Brookland SAP recommendation has been superseded and need not be considered supplemental guidance, and that the apparent inconsistency is outweighed by newer guidance provided in the current Comp Plan. The Applicant notes that the circumstances and outcome of its evaluation of this inconsistency is nearly identical to the Commission’s recent evaluation of a similar inconsistency for a PUD at the Takoma Metrorail station. In that case, the Commission concluded the following:

“...the Commission believes that this guidance has been superseded by changes to the Comprehensive Plan in the 20+ years since the Takoma SAP was adopted, and that this newer guidance outweighs the inconsistency...The Framework Element states, “unless a Small Area Plan has been made binding on the Zoning Commission through its enactment as part of a Comprehensive Plan amendment, a Small Area Plan provides only supplemental guidance to the Zoning Commission and it does so only to the extent it does not conflict with the Comprehensive Plan.” (See 10A DCMR § 224.5.) Additional language from the Implementation Element states that “a Small Area Plan provides supplemental guidance to the Comprehensive Plan, unless incorporated into the Comprehensive Plan by a D.C. Council act.” (See 10A DCMR § 2503.1.) The Commission concludes that this guidance is important in the context of the Takoma SAP and the Project, where Takoma SAP recommendations to moderate development on the PUD Site conflict

with the Site's current FLUM designation and recommendations to increase density around Metrorail stations to accommodate the critical, high priority need for new housing in the District. The Commission believes that the additional density called for in the FLUM, and other more recently adopted policies supersede the guidance of the Takoma SAP that call for lower intensity development of the Site." (Z.C. Order No. 22-36, Conclusion of Law 16.b.4)

Table 2: Comparison of Potential Comp Plan Inconsistencies and Competing Comp Plan Policies and Considerations

Potential Inconsistency	Outweighing Policy / Consideration
<ul style="list-style-type: none"> UD-4.2.3: Continuity and Consistency of Building Frontages Brookland SAP recommendation that “[d]evelopment along Monroe Street east of the WMATA/CSX tracks may be allowed up [to] a maximum 50 feet through a Planned Unit Development...” 	<ul style="list-style-type: none"> Framework Element and Implementation Element guidance on relationship of small area plans and the Comp Plan. <i>See 10-A DCMR §§ 224.5 and 2503.1.</i> <u>FLUM designation:</u> Mixed Use (Moderate Density Commercial, Medium Density Residential) <u>Upper Northeast Planning Area Element</u> <ul style="list-style-type: none"> UNE-1.1.3: Metro Station Development UNE-2.6.1: Brookland/CUA Metro Station Area <u>Land Use Element</u> <ul style="list-style-type: none"> LU-1.4.1: Station Areas as Neighborhood Centers LU-1.4.2: Development Around Metrorail Stations <u>Housing Element</u> <ul style="list-style-type: none"> H-1.1.3: Balanced Growth H-1.1.8: Production of Housing in High-Cost Areas