

## EVALUATION OF COMPREHENSIVE PLAN CONSISTENCY

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### INTRODUCTION, BACKGROUND, AND OVERALL CONCLUSION

As set forth below, the proposed modifications to the consolidated planned unit development (“PUD”) for Parcel 4 and first- and second-stage PUD for Parcel 2 (together referred to herein as the “PUD modification”) are not inconsistent with the Comprehensive Plan (the “Comp Plan”) when read as a whole using a racial equity lens. 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.

The Commission’s initial review and approval of the Overall PUD occurred when the 2006 Comp Plan was in effect. Pursuant to Z.C. Order No. 13-14(6) (the “Overall PUD Order”), the Commission concluded that the Overall PUD was not inconsistent with the Comp Plan and with other adopted public policies and active programs related to the subject site. *See* Overall PUD Order at Conclusions of Law 7. In drawing this conclusion, the Commission:

“evaluated the specific public benefits and Project amenities of the proposed development in the context of the Comprehensive Plan and found that these benefits and amenities, including, but not limited to, the additional market-rate and affordable housing; the provision of substantial open space, recreation, and parks in the site; the restoration of key above-ground historic elements; the retention of Cell 14 and the partial retention of Cell 28; the permanent and full-time jobs created; the provision of significant neighborhood-serving retail; the establishment of at least 860,000 square feet of healthcare uses; and the \$5,000,000 worth of community benefits advance the related Comprehensive Plan policies to a degree that few if any planned unit developments have achieved.” *See* Overall PUD Order at Conclusions of Law 8.

In 2021, the D.C. Council adopted amendments to the Comp Plan (the “2021 Comp Plan”).<sup>1</sup> The 2021 Comp Plan includes several amendments to the Future Land Use Map (“FLUM”), Generalized Policy Map (“GPM”), and Citywide and Area Element policies, including amendments that pertain to the Overall PUD Site. During the process of preparing and adopting the 2021 Comp Plan, the Office of Planning and D.C. Council placed a significant emphasis on equity, and in particular racial equity. As stated in the Framework Element, “the District’s policies and investments should reflect a commitment to eliminating racial inequities. Addressing issues of equity in transportation, housing, employment, income, asset building, geographical change, and socioeconomic outcomes through a racial equity lens will allow the District to address systemic and underlying drivers of racial inequities.” 10-A DCMR § 213.10. A “racial equity lens” is a way of thinking about decision-making that considers structural and institutional racism as

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<sup>1</sup>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).

barriers to achieving goals. Applying a racial equity lens involves consideration of the perspectives and lived experiences of racially diverse communities, identification and support for solutions that increase racial equity, ensuring equal access for all, proactively seeking to interrupt unintended consequences, and routinely evaluating what might be working against racial equity. The Implementation Element instructs District agencies to prepare and implement tools to assist in evaluating and implementing Comp Plan policies and actions through an equity, particularly a racial equity lens. As this relates to the Commission's review of zoning actions, including the proposed PUD modification, the Implementation Element specifically states that the Zoning Commission shall specifically utilize a process to evaluate all actions through a racial equity lens as part of its Comp Plan consistency analysis. 10-A DCMR § 2501.8. In response to this mandate, the Commission developed a multi-part Racial Equity Tool that applicants are expected to utilize throughout the process of a proposed zoning action. The Racial Equity Tool is informed by the Implementation Element that "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." 10-A DCMR § 2501.6. As such, Part I of the Racial Equity Tool requires applicants to provide a discussion of Citywide and Area Element policies, as applicable, that evaluates a proposed zoning action through a racial equity lens.

The following sections of this exhibit reflect the Applicant's thorough evaluation of the proposed PUD modification's consistency with 2021 Comp Plan policies. As stated above, the Commission has already determined that the Overall PUD is not inconsistent with the Comp Plan. As such, consistent with the scope of the Commission's review of the proposed PUD modification under the 2016 Zoning Regulations,<sup>2</sup> the following Comp Plan evaluation is limited to the consistency of modifications proposed on Parcels 2 and 4 of the Overall PUD Site and, if at all, how the proposed modifications impact (positively or negatively) the Commission's prior Comp Plan determination for the Overall PUD Site made in Z.C. Order No. 13-14(6). The scope of the Applicant's Comp Plan evaluation is also consistent with how the Commission has reviewed prior zoning actions involving modifications to a first-stage and/or consolidated PUD.<sup>3</sup> In conducting this Comp Plan evaluation, the Applicant has considered the policies of the Comp Plan elements that are applicable to the proposed PUD modification for Parcel 2 and 4. In addition, the evaluation also includes a specific assessment of potential Comp Plan inconsistencies. As detailed below, overall, the Applicant finds the proposed PUD modification to be not inconsistent with the Comp Plan, and that the Overall PUD will remain not inconsistent with the Comp Plan when read as a whole. In particular, compared to what is currently approved on Parcel 2 and 4, the Applicant finds that the proposed PUD modification will further advance several policies contained within the Land Use, Housing, Urban Design, and Historic

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<sup>2</sup> Pursuant to 11-Z DCMR § 704.4, the scope of a hearing for a "Modification with Hearing" "shall be limited to impact of the modification on the subject of the original application, and shall not permit the Commission to revisit its original decision."

<sup>3</sup> The scope of the Applicant's Comp Plan evaluation for the proposed PUD modification is consistent with the Commission's review of Phase 2 of the Southwest Waterfront PUD (the Wharf), wherein the Commission stated "[r]egarding the issue of consistency with the Comprehensive Plan, as stated in the provisions of the Zoning Regulations governing PUD applications, "[t]he first-stage application involves a general review of the site's suitability as a PUD and any related map amendment,...and the compatibility of the proposed development with the Comprehensive Plan,..."(11-X DCMR § 302.2)...As such, as required under the Zoning Regulations the Commission finds that it has already determined that the Southwest Waterfront PUD is not inconsistent with the Comprehensive Plan as part of its review and approval of the first-stage PUD (Z.C. Order No. 11-03). In addition, the Commission further finds that...the requested first-stage PUD modification to allow a hotel use on Parcel 8 is also not inconsistent with the approved first-stage PUD." See Z.C. Order No. 11-03(J)(1) at FoF 152.

Preservation Elements of the Comp Plan. Regarding potential Comp Plan inconsistencies, upon thorough evaluation the Applicant did not identify any instances where the proposed PUD modification is categorically inconsistent with any applicable Comp Plan policies. As discussed in greater detail below, while the grocery store on Parcel 4 will be reduced in size, the grocery store that will be provided will continue to advance Economic Development Element policies that address neighborhood retail, service, and amenity gaps, and specifically support for grocery stores in underserved areas.

## GENERALIZED POLICY MAP EVALUATION

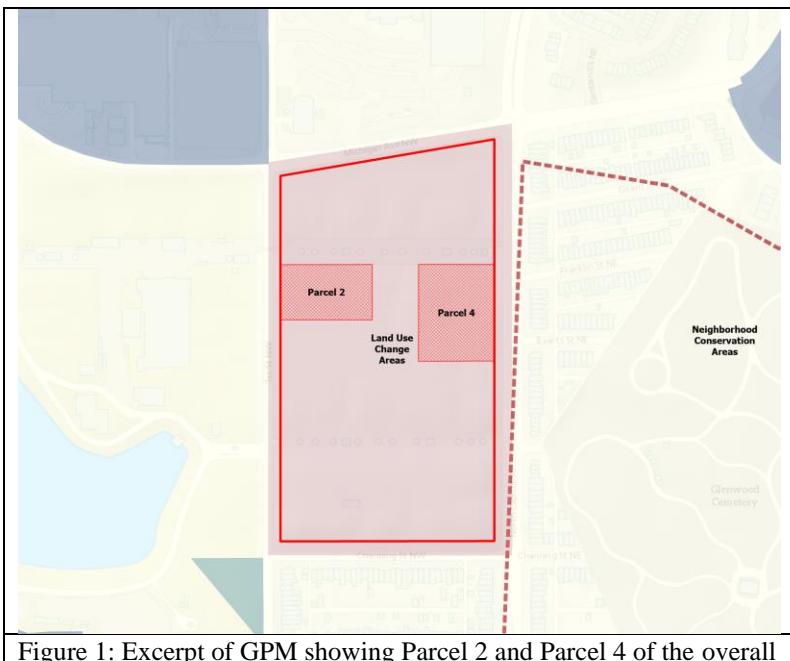


Figure 1: Excerpt of GPM showing Parcel 2 and Parcel 4 of the overall PUD Site within a Land Use Change Area.

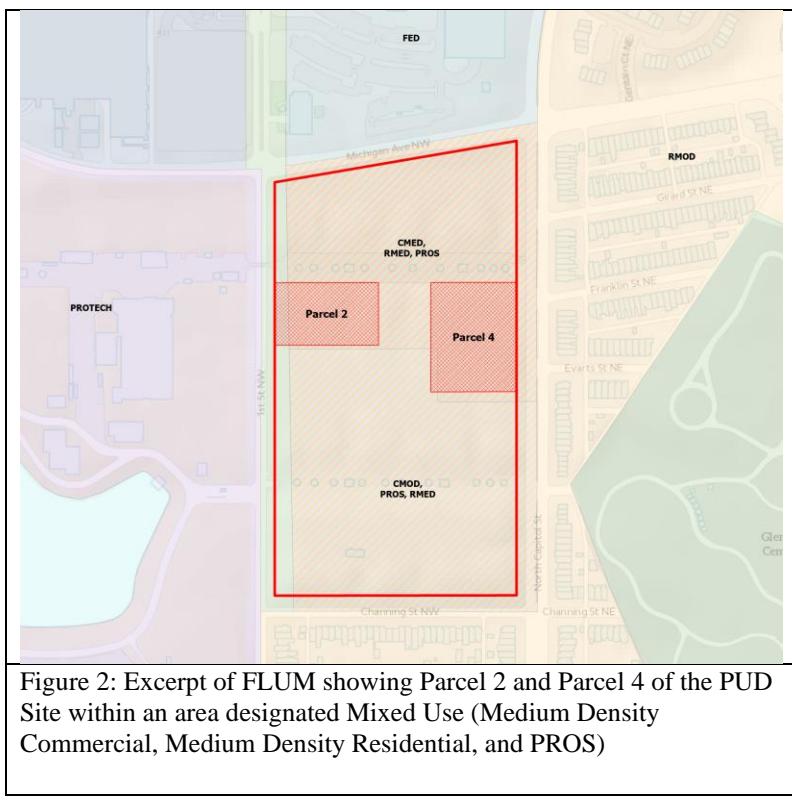
As shown in **Figure 1**, Parcels 2 and 4, along with the entire Overall PUD Site, are located within a Land Use Change Area on the GPM, which is the same GPM designation that existed under the 2006 Comp Plan. Per the Framework Element, Land Use Change Areas are “areas where change to a different land use from what exists today is anticipated.” 10-A DCMR § 225.9. The guiding philosophy in Land Use Change Areas is to encourage and facilitate new development and promote adaptive reuse of existing structures. These areas have capacity to become mixed-use communities containing

housing, retail shops, services, workplaces, parks, and civic facilities. The Comp Plan FLUM and applicable Area Element policies provide guidance on development and redevelopment within Land Use Change Areas, including the desired mix of uses. As Land Use Change Areas are redeveloped, the District aspires to create high-quality neighborhoods that demonstrate high-quality site and architectural design and sustainable features, are compatible with nearby neighborhoods, protect cultural and historic assets, and provide significant affordable-housing and employment opportunities. Measures to ensure that public benefits are commensurate with increased density and to avoid and mitigate undesirable impacts of development of the Land Use Change Areas upon adjacent neighborhoods should be required as necessary. Such measures should prioritize equity by accounting for the needs of underserved communities.

The proposed PUD modification for Parcels 2 and 4 is not inconsistent with the GPM, and it does not impact the Commission’s prior determination regarding the Overall PUD’s consistency with the GPM. Consistent with the FLUM and the Commission’s prior approval, both Parcels 2 and 4 will continue to be improved with mixed-use buildings containing retail and residential uses, including a grocery store, that will contribute to the overall wide range of new uses provided in the Overall PUD that will address the community’s housing, retail, healthcare, open space, and

recreation needs. The proposed height, massing, sustainable features, and exterior materials of the modified Parcel 2 and Parcel 4 buildings are consistent with the Commission's prior approval, and in fact will be improved with the removal of the Parcel 2 Building pedestrian bridge over Platt Court (previously Three-Quarter Street). Further, as discussed under the Housing Element evaluation, even with the flexibility being requested by the Applicant the affordable housing program provided under the proposed PUD modification on Parcels 2 and 4 is improved compared to the current approved PUD, and maintains the overall percentage of affordable housing across the Overall PUD Site.

## FUTURE LAND USE MAP EVALUATION



As shown in **Figure 2**, Parcels 2 and 4 of the Overall PUD Site are located within an area designated for Mixed Used development, which is the same general designation that existed under the 2016 Comp Plan when the Commission approved the Overall PUD. However, as part of the 2021 Comp Plan amendment process the Council made a change to the FLUM designation for the northern portion of the Overall PUD site, including Parcels 2 and 4. Specifically, under the 2016 Comp Plan FLUM, the entire Overall PUD site was designated as Mixed Use (Moderate Density Commercial, Medium Density Residential, and Parks, Recreation, and Open Space), with which the

Commission previously determined that the Overall PUD is not inconsistent. *See* Z.C. Order No. 13-14(6) at pg. 3-4. Under the current 2021 Comp Plan, the Council increased the intensity of commercial development that could be contemplated on the northern portion of the Overall PUD Site, including Parcels 2 and 4, by changing the FLUM to Mixed Use (Medium Density Commercial, Medium Density Residential, Parks, Recreation, and Open Space).

As detailed below, the proposed PUD modification is not inconsistent with the FLUM, and it has no impact on the Commission's prior determination regarding the Overall PUD's FLUM consistency. While the Applicant is proposing to potentially increase the amount of density on Parcel 4 by up to approximately 25,000 square feet of gross floor area ("GFA"), and on Parcel 2 by up to approximately 5,000 square feet of GFA, the resulting density on both of these parcels, individually and across the Overall PUD Site, will remain well below what is contemplated for a medium-density (commercial and residential) mixed-use PUD under the Comp Plan. In its initial approval, the

Commission rezoned the entire Overall PUD Site to the CR zone (known under the 2016 zoning regulations as MU-10). As stated in the Commission’s order approving the Overall PUD, “a PUD in a CR [(MU-10)] Zone District may have a maximum height of 110 feet and a maximum FAR of 8.0, of which no more than 4.0 may be commercial.”<sup>4</sup> See Z.C. Order No. 13-14(6) at FoF 15. As currently approved by the Commission, the Overall PUD is permitted a maximum overall density of 1.92 FAR, as measured in accordance with the PUD regulations as an aggregate across the entire Overall PUD Site. See Z.C. Order No. 13-14(6), Condition 2.

Based on current Framework Element guidance, typical [matter-of-right] densities in areas on the FLUM designated for medium-density (commercial and residential) mixed-use development range between 4.0 FAR – 6.0 FAR, with greater density possible when complying with Inclusionary Zoning (“IZ”) or a PUD. Considering the additional 30,000 square feet of GFA proposed on Parcels 2 and 4, the overall density across the Overall PUD Site will increase to approximately 1.95 FAR, a *de minimus* increase of approximately 0.03 FAR. Indeed, while density for a PUD is measured as an aggregate across an entire PUD site, even if the density for Parcels 2 and 4 were calculated individually using their respective lot areas they would still be at the extreme low end of the typical [matter-of-right] density contemplated in a medium-density (commercial and residential) mixed-use area on the FLUM, and below what is permitted as a matter-of-right in the MU-10 zone (6.0 FAR, of which 4.0 FAR may be devoted to non-residential use). As shown in the zoning tabulations submitted by the Applicant, the modified building on Parcel 2 will have an overall density of approximately 4.18 FAR, of which approximately 0.24 FAR will be devoted to non-residential use. Similarly, the modified building on Parcel 4 will have a density of approximately 4.14 FAR, of which approximately 0.7 FAR will be devoted to non-residential use.

## MID-CITY AREA ELEMENT EVALUATION

The proposed PUD modification is not inconsistent with the Mid-City (“MC”) Area Element. Overall, the scale of development and mix of uses will remain consistent with what has already been approved by the Commission, which has previously been found to successfully address multiple planning and development priorities set by the District (MC-2.6.5). The proposed program for Parcels 2 and 4 will continue to be responsive to community needs and provide uses and amenities that are accessible to the community (MC-2.6.4), and therefore the Overall PUD Site will remain consistent with the current approved PUD. Specifically, both parcels will continue to contain retail and residential uses, including a grocery store on Parcel 4. Indeed, although the size of the grocery store will be reduced to a range of 10,000 – 22,500 square feet, it will continue to provide the categories and quantities of food products that are typical of a full-service grocery store. Indeed, as discussed in the Economic Development Element section, the proposed size of

<sup>4</sup> The Overall PUD was heard and decided pursuant to the 1958 Zoning Regulations (“ZR58”) that were repealed on September 6, 2016, and replaced with the 2016 Zoning Regulations (“ZR16”) because the original application was filed prior to the repeal date of ZR58, as thus the Overall PUD remained subject to the substantive requirements applicable to it under ZR58. See Order No. 13-14(6) at pg. 1. This bears mentioning as part of this Comp Plan evaluation only because a PUD in an MU-10 (formerly CR under ZR58) zone under ZR16 may currently achieve a greater overall density (8.64 FAR) than was allowed under ZR58. However, this has no bearing on the proposed PUD modification since, even with the modest increase in density proposed in subject PUD modifications, the overall density across the Overall PUD site will remain well below the lesser overall density that was allowed under ZR58.

the grocery store is consistent with post-COVID trends in urban grocery store size both generally, and within the District. The proposed residential program on Parcels 2 and 4 will also continue to be responsive to the needs of the community and the District. As currently approved, the Applicant is required to provide a combined total of 112 affordable units (85 senior and 27 non-age restricted) across Parcels 2 and 4. As discussed further in the Housing Element section, the overall amount of affordable housing proposed across Parcels 2 and 4 will be increased to 135 units, which will also be devoted to deeper levels of affordability than what is currently required (MC-1.1.7). The increase in senior affordable housing is responsive to the growing need for dedicated senior affordable housing in the District, including in Ward 5. Finally, the proposed PUD modification is not inconsistent with MC Area Element policies that specifically pertain to the Overall PUD Site. As proposed, the overall amount of parking on Parcels 2 and 4 will be reduced, thus resulting in an overall reduction in the number of peak hour trips that will be generated by these two parcels regardless of the development program flexibility being requested (MC-2.6.3). The proposed design of the buildings on Parcels 2 and 4 will also continue to be architecturally compatible with the surrounding community, and with the historic character of the McMillan Sand Filtration site. Indeed, the proposed PUD modification will help facilitate the continued redevelopment of the Overall PUD Site toward completion of the Overall PUD, including the full restoration, adaptive reuse, and interpretation of all historic above-grade elements and select underground filtration cells so that the site can finally be fully reopened to the public (MC-2.6.2).

## **Mid-City Area Element Policies Advanced by the Application<sup>5</sup>**

### **MC-1.1: Guiding Growth and Neighborhood Conservation**

- MC-1.1.7: Preservation of Affordable Housing

### **MC-2.6: McMillan Sand Filtration**

- MC-2.6.2: Historic Preservation at McMillan Reservoir
- MC-2.6.3: Mitigating Reuse Impacts
- MC-2.6.4: Community Involvement in Development and Reuse Planning
- MC-2.6.5: Scale and Mix of New Uses

## **LAND USE ELEMENT EVALUATION**

Overall, the Applicant has determined that the proposed PUD modification is not inconsistent with the Land Use Element. The proposal will continue to recognize the potential of the Overall McMillan Site to address a wide range of planning and development priorities, including enhancement of racial equity (LU-1.3.7, LU-2.1.3). As this relates to Parcels 2 and 4, this means the provision of new housing choices, including substantial affordable housing; increasing access to quality shops and services that meet day-to-day needs, such as groceries, dry cleaners, pharmacies, and dining options; providing safe and engaging gathering places; and providing employment opportunities (LU-1.3.1, LU-1.3.5). Indeed, the proposed PUD modification is necessary to allow the Applicant to advance its part of the continued redevelopment of the Overall PUD Site that is already well underway with the recent completion of the community center and park on Parcel 6, and the ongoing construction of the 146 for-sale townhomes on Parcel

<sup>5</sup> 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).

5. Not only will the mix of uses on Parcels 2 and 4 remain consistent with the FLUM and applicable MC Area Element policy guidance, the mix of uses and scale of development will remain consistent with the Commission's prior approvals, and compatible and integrated with surrounding uses and neighborhoods (LU-1.3.2, LU-1.3.6, LU-1.4.6, LU-2.1.1).

### **Land Use Element Policies Advanced by the Application**

#### LU-1.3: Large Sites and the District Fabric

- **LU-1.3.1: Reuse of Large Publicly Owned Sites**
- LU-1.3.2: Mix of Uses on Large Sites
- LU-1.3.5: Public Benefit Uses on Large Sites
- **LU-1.3.6: New Neighborhoods and the Urban Fabric**
- LU-1.3.7: Protecting Existing Assets on Large Sites

#### LU-1.4: Transit-Oriented and Corridor Development

- LU-1.4.6: Development Along Corridors

#### 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 Applicant has determined that the proposed PUD modification is not inconsistent with the policies of the Transportation Element. As will be demonstrated in the Applicant transportation evaluation, overall the programmatic changes proposed for Parcels 2 and 4 will generate fewer peak hour trips than what is currently approved on these two parcels. Similar to the transportation analysis conducted for the Overall PUD, the Applicant has evaluated the potential transportation impacts of the proposed PUD modification using a multimodal approach that builds upon prior evaluations (T-1.1.2). As required under the Overall PUD, the Applicant's transportation evaluation will include updates on implementation of the overall transportation improvement plan ("TIP") and transportation performance plan ("TPP") that are approved for the Overall PUD Site. To the extent necessary, the evaluation will also include updates to the transportation demand management ("TDM") plan and loading management plan ("LMP") for both Parcels 2 and 4 (T-3.1.1). Among the updates included in these plans will be information on the current number of EV charging stations and related infrastructure that are proposed on each of the two parcels (T-5.2.2).

### **Transportation Element Policies Advanced by the Application**

#### T-1.1: Land Use: Transportation Coordination

- T-1.1.2: Land Use Impact Assessment

#### 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 modification is not inconsistent with the policies of the Housing Element; and therefore, the Overall PUD will remain not inconsistent with the Comp Plan when read as a whole. Indeed, as a result of the proposed PUD modification the affordable housing program on Parcels 2 and 4 has the potential to advance Comp Plan Housing Element policies to an even further degree than what is currently required on these two parcels. The proposal for Parcels 2 and 4 will continue to provide a substantial amount of new market rate housing and affordable housing on a former underutilized District-owned large site (H-1.1.1, H-1.1.3, H-1.1.4, H-1.1.7, H-1.2.1). As currently approved, Parcels 2 and 4 would be improved with mixed-use buildings that collectively contain approximately 514 housing units, including 85 senior affordable units and 27 non-age restricted units.

As proposed, Parcels 2 and 4 would contain approximately 584 housing units, including some family-sized units on Parcel 2 (west) and Parcel 4, and 135 senior affordable units located in a standalone building on Parcel 2 (east) (H-1.1.9, H-1.2.2, H-1.2.9, H-1.2.11, H-1.3.1, H-1.3.2). Not only would the number of affordable units be increased, but they will also be devoted to deeper levels of affordability. Specifically, under the current Overall PUD, the senior affordable units on Parcel 4 are required to be set aside for 50% and 60% MFI households, and the affordable units on Parcel 2 are predominately required to be devoted to 80% MFI households. As proposed, the 135 senior affordable units on Parcel 2 will be set aside to households earning up to 30%, 50%, and 60% MFI (H-4.3.2, H-4.3.3).

The proposed housing program for Parcels 2 and 4 aligns with the Applicant's current financing strategy and assumes successful acquisition of the low-income housing tax credits ("LIHTC") needed to provide the proposed 135 senior affordable housing units on Parcel 2 (east). As discussed in the Applicant's statement, the Applicant is also requesting flexibility to construct the currently approved amount of affordable housing (85 senior affordable units and 27 non-age restricted units) on Parcel 2 in case it is unable to obtain the LIHTC for the additional senior affordable units. Notwithstanding this flexibility, even if the amount of affordable housing required under the current PUD approval is constructed, the Applicant will still construct slightly more senior affordable housing at much deeper levels of affordability than what is currently required. Note, under either scenario, the amount of affordable housing provided across the Overall PUD Site will continue to meet or exceed the requirement under the District land development disposition agreement ("LDDA") approved by Council that at least 20% of all housing units on the Overall McMillan Site be devoted to affordable housing, which far exceeds the approximately 10% of affordable housing that would otherwise be required under regular IZ requirements (H-1.2.4, H-1.2.5, H-1.2.7, H-2.1.6). **Table 1** below provides a comparison of the affordable housing currently required on Parcels 2 and 4, and the affordable housing proposed on Parcels 2 and 4 (as proposed and under the requested flexibility).

**Table 1: Comparison of Approved and Proposed Affordable Housing Programs by Percentage of Dwelling Units**

Current Approval (Z.C. Order Nos. 13-14(6) and	Total Units	Required Affordable Units				Total Affordable	Percent Affordable
		30% MFI	50% MFI	60% MFI	80% MFI		
Parcel 2	233	0	2	0	25	27	12%
Parcel 4	281	0		85	0	85	30%
Parcel 5	146	0	9	0	13	22	15%
<b>Total</b>	<b>660</b>	<b>0</b>	<b>96</b>		<b>38</b>	<b>134</b>	<b>20%</b>

Proposed Modification Scenario 1	Total Units	Required Affordable GFA				Total Affordable	Percent Affordable
		30% MFI	50% MFI	60% MFI	80% MFI		
Parcel 2 (East)	135	38	82	15	0	135	100%
Parcel 2 (West)	125	0	0	0	0	0	0%
Parcel 4	324	0	0	0	0	0	0%
Parcel 5	146	0	9	0	13	22	15%
<b>Total</b>	<b>730</b>	<b>38</b>	<b>91</b>	<b>15</b>	<b>13</b>	<b>157</b>	<b>22%</b>

Proposed Modification Scenario 2	Total Units	Required Affordable Units				Total Affordable	Percent Affordable
		30% MFI	50% MFI	60% MFI	80% MFI		
Parcel 2 (East)	88	0		88	0	88	100%
Parcel 2 (West)	125	0	2	0	25	27	22%
Parcel 4	324	0	0	0	0	0	0%
Parcel 5	146	0	9	0	13	22	15%
<b>Total</b>	<b>683</b>	<b>0</b>	<b>99</b>	<b>0</b>	<b>38</b>	<b>137</b>	<b>20%</b>

## Housing Element Policies Advanced by the Application

### H-1.1: Expanding Housing Supply

- H-1.1.1: Private Sector Support
- H-1.1.3: Balanced Growth
- H-1.1.4: Mixed-Use Development
- H-1.1.7: Large Sites
- 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-1.2.4: Housing Affordability on Publicly Owned Sites
- H-1.2.5: Moderate-Income Housing
- 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**

### H-4.3: Meeting the Needs of Specific Groups

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

## ENVIRONMENTAL PROTECTION ELEMENT EVALUATION

The Applicant has determined that the proposed PUD modification is not inconsistent with the policies of the Environmental Protection Element. The proposal will not have any impacts on the previously planned sustainable features of the buildings on Parcels 2 and 4, and it will not create any environmental impacts beyond what has already been thoroughly evaluated for the Overall PUD (E-6.7.2). As required under the Overall PUD, the PUD must be evaluated for LEED-Neighborhood Development and is required to be certified at least LEED-Gold or its equivalent. Each individual building within the Overall PUD must be certified at least LEED-Silver or its equivalent. Both the Parcel 2 building and Parcel 4 building will satisfy this requirement. Each building will utilize cool and green roofs to help reduce urban heat island effects, as well as incorporate sustainable landscape practices around the perimeter of each building and within landscaped building courtyards (E-1.1.2, E-2.1.3, E-4.1.2). Both buildings will also employ energy and water efficient window, electrical, mechanical, and plumbing systems in support of District sustainability and climate change goals (E-3.2.7, E-4.2.1, E-4.4.1, 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-2.1.3: 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-4.2: Promoting Green Building

- E-4.2.1: Support for Green Buildings

#### 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

#### E-6.7: Achieving Environmental Justice

- E-6.7.2: Expanded Outreach to Underserved Communities**

## ECONOMIC DEVELOPMENT ELEMENT EVALUATION

The Applicant finds the proposed PUD modification to be not inconsistent with the policies of the Economic Development Element. With the proposal, the Overall PUD will continue to maximize the site's unique potential as a source for economic growth and advancement of housing and commercial equity in the District (ED-1.1.7). The proposed commercial program for Parcels 2 and 4 will continue to address known gaps in access to neighborhood commercial amenities, including the lack of grocery store access in this part of the city. As discussed in the Applicant's statement, since the Commission's initial approval in 2014, commitments from two (2) potential larger-format grocers to locate in the Parcel 4 Building have unfortunately been lost due to the lengthy appeals process and resulting delays in construction, the COVID pandemic, and the time it takes to secure a PUD modification to accommodate specialized programmatic requirements of an interested grocer. Unfortunately, after intensive efforts to attract another full-service grocer to Parcel 4, the only grocer currently interested in the site only requires approximately 22,500 square feet of space. Although the size of the grocery store will be reduced to a range of 10,000 – 22,500 square feet of GFA, it will continue to provide the categories and quantities of food products that are typical of a full-service grocery store. Indeed, the size of the grocer that is currently interested in the site is consistent with post-COVID trends in urban grocery store size both generally, and within the District, which tend to be smaller. According to recent data published by the Washington, D.C. Economic Partnership,<sup>6</sup> 20 new grocery stores have opened in the District in the past five years that overall have a median size of approximately 29,000 square feet. Notably, the five (5) most recent stores to open have a median size of approximately 27,000 square feet, thus supporting the continued downward trend toward smaller format grocery stores in the District.

In addition to a new grocery store, the proposed commercial program will also continue to bring new retail, service, and eating establishment to the surrounding community (ED-2.2.1, ED-2.2.3, ED-2.2.5, ED-2.2.6, ED-3.1.1). Further, with the flexibility requested to allow lodging use on Parcel 2 (west) and within a portion of Parcel 4 the proposed PUD modification also has the potential to support the District's hospitality industry, and to promote and celebrate the history of the McMillan site and the culture of a part of the District outside of the monumental core (ED-2.3.1, ED-2.3.4). In addition to the substantial CBE and First Source requirements that are already part of the approved Overall PUD benefits package, the potential lodging uses on Parcels 2 and 4 will bring additional jobs and opportunities for District residents (ED-2.3.9, ED-3.2.8, ED-4.2.1, ED-4.2.6, ED-4.2.7, ED-4.2.12)

### **Economic Development Element Policies Advanced by the Application**

#### **ED-1.1: Diversifying the Economic Base**

- ED-1.1.7: Use of Large Sites

#### **ED-2.2: The Retail Economy**

- ED-2.2.1: Expanding the Retail Sector
- ED-2.2.3: Neighborhood Shopping
- ED-2.2.5: Business Mix
- ED-2.2.6: Grocery Stores and Supermarkets

<sup>6</sup> <https://wdcep.com/wp-content/uploads/2023/11/Grocery-Stores-in-DC-One-sheet-v7.pdf>

### ED-2.3: The Tourism and Hospitality Economy

- ED-2.3.1: Growing the Hospitality Industry
- ED-2.3.4: Lodging and Accommodation
- ED-2.3.9: Hospitality Workforce Development

### ED-3.1: Strengthening Retail Districts

- ED-3.1.1: Neighborhood Commercial Vitality

### ED-3.2: Small and Locally Owned Businesses

- **ED-3.2.8: Certified Business Enterprise Programs**

### ED-4.2: Increasing Workforce Development Skills

- ED-4.2.1: Linking Residents to Jobs
- ED-4.2.6: Entry-Level Opportunities
- ED-4.2.7: Living-Wage Jobs
- ED-4.2.12: Local Hiring Incentives

## URBAN DESIGN ELEMENT EVALUATION



Figure 3: Proposed view looking south along Pratt Court toward South Service Court.



Figure 4: View of previously approved pedestrian bridge spanning Pratt Court.

The Applicant finds the proposed PUD modification to be not inconsistent with the policies of the Urban Design Element, and that the proposal even strengthens the Commission's well-founded conclusion that the Overall PUD is not inconsistent with the policies of the Urban Design Element. Generally, the proposal maintains the overall site plan, mix of uses, height, massing, and high-quality building design that has already been approved by the Commission, as well as by the Historic Preservation Review Board (HPRB), on Parcels 2 and 4 and across the Overall PUD Site (UD-1.4.1, UD-2,2,3, UD-2.2.6, UD-3.2.1, UD-4.2.1, UD-4.2.2, UD-4.2.6). The Applicant is only proposing minor adjustments in proposed building height to accommodate retail tenant needs and improve overall dwelling unit quality. Notwithstanding this adjustment, the proposed building height remains below that which is permitted in the CR (MU-10) zone, and well below what is allowed

under a CR (MU-10) PUD. As related to urban design, the most notable modification proposed is the removal of the pedestrian bridge connecting the two blocks of the Parcel 2 Building over Platt

Court (formerly Three-Quarter Street). As shown in **Figures 3 and 4**, the proposed removal of the pedestrian bridge, which was equally disfavored by both the Commission and HPRB during the initial review, will open up an important north-south visual connection along Platt Court, between the North and South Service Courts, thus further reinforcing the compatibility of the McMillan project with the character-defining features of the historic McMillan site (UD-1.4.3, UD-2.2.2).

### **Urban Design Element Policies Advanced by the Application**

#### **UD-1.4: Enhancing Thoroughfares and Gateways**

- UD-1.4.1: Thoroughfares and Urban Form
- UD-1.4.3: Thoroughfare Vistas and View Corridors

#### **UD-2.2: Designing for Vibrant Neighborhoods**

- UD-2.2.2: Areas of Strong Architectural Character
- UD-2.2.3: Neighborhood Mixed-Use Centers
- UD-2.2.6: Large-Scale Development

#### **UD-3.2: Designing the Active District**

- UD-3.2.1: Buildings that Enable Social Interaction

#### **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

## **HISTORIC PRESERVATION ELEMENT EVALUATION**



Figure 5: Proposed view along west side of Parcel 4 Building (looking south from North Service Court along Hazen Court) showing additional retail frontage

The Applicant finds the proposed PUD modification to be not inconsistent with the policies of the Historic Preservation Element. The bulk of the proposal entails programmatic modifications that will have limited impact on the previously approved exterior design of the Parcel 2 and Parcel 4 buildings. Indeed, the exterior changes that result from the proposed programmatic modifications will have favorable impacts as they relate to the character of the historic McMillan Slow Sand Filtration site. Specifically, as discussed above, the removal of the pedestrian bridge over Platt Court on Parcel 2 will open up a north-south visual connection between North and South Service Courts (HP-2.5.3). The importance of north-south connectivity between the service courts was an important consideration

north-south visual connection between North and South Service Courts (HP-2.5.3). The importance of north-south connectivity between the service courts was an important consideration

in both the HPRB and Mayor’s Agent approvals of the Overall PUD. Additionally, as shown in **Figure 5**, the reduction of the grocery store size and insertion of additional retail frontage along the west side of the Parcel 4 Building, facing Hazen Court, will further activate the ground floor of the Parcel 4 Building and the North Service Court.

### **Historic Preservation Element Policies Advanced by the Application**

#### **HP-2.5: Review of Rehabilitation and New Construction**

- HP-2.5.3: Compatible Development

### **POTENTIAL COMP PLAN INCONSISTENCIES**

The foregoing Comp Plan analysis thoroughly demonstrates the numerous ways in which the proposed PUD modification 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 Comp Plan evaluation, finds the proposed PUD modification for Parcels 2 and 4 of the Overall PUD site to be 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. Upon review, the Applicant did not identify any instances where the proposed PUD modification was categorically

inconsistent with specific Comp Plan policies. Furthermore, the Applicant also did not identify any instances where the proposed PUD modification, as a whole or any of its individual modifications or requested flexibilities, would disrupt any part of the Commission's prior Comp Plan determination for the Overall PUD as set forth in the Overall PUD order.