

## EVALUATION OF COMPREHENSIVE PLAN CONSISTENCY

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### INTRODUCTION, BACKGROUND, AND OVERALL CONCLUSION

As set forth below, the proposed voluntary design review application (the “**Application**”) is not inconsistent with the Comprehensive Plan (the “**Comp Plan**”).<sup>1</sup> 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 Project 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 Project, the Commission must consider and balance potential Comp Plan consistencies and inconsistencies to make an overall determination as to whether the Project 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 not subject to any SAPs or other adopted plans or active programs.

The following sections of this exhibit contain the Applicant’s thorough evaluation of the proposed Project’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 Project 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 Project will advance several policies within the Capitol Hill, Land Use, and Housing Elements related to the conservation of housing and neighborhood character, the production of housing, including affordable housing, to achieve District housing goals, the protection of vulnerable populations, and ending homelessness. Upon evaluation of all applicable Comp Plan elements and policies, the Applicant did not identify any policies with which the proposed Project

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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).

is inconsistent. As such, there is no need to acknowledge, balance, and reconcile potential Comp Plan inconsistencies with Comp Plan consistencies.

## GENERALIZED POLICY MAP EVALUATION



Figure 1: Excerpt of GPM showing the Property within a Neighborhood Conservation Area.

The GPM provides “a generalized depiction of anticipated changes through the horizon year of the Comp Plan.” As shown in **Figure 1**, the Property is located within a Neighborhood Conservation Area (“NCA”) on the GPM, which encompasses the large majority of the Capital Hill (“CH”) Planning Area. The general character of the CH Planning Area is predominately established by rowhomes on tree-lined street that are interspersed with low-rise apartment buildings and institutional and cultural uses, with concentrated neighborhood-scale commercial areas along Massachusetts Avenue, 8<sup>th</sup> Street, and H Street. Occasional neighborhood-serving corner stores and other small-scale commercial uses can also be found interspersed throughout the area. 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.”<sup>2</sup>

The proposal is not inconsistent with the GPM as it is: (i) generally consistent with the uses and density contemplated by the FLUM, (ii) consistent with Comp Plan policy guidance related to infill development for housing in historic areas, and with policy guidance regarding compatibility

<sup>2</sup> See Guidelines for Using this Map” printed on the GPM.

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.<sup>3</sup> In this case, the proposed height of the building is compatible with the surrounding context. The increased height resulting from the proposed additional story is appropriate given the Property’s location along East Capitol Street, which has a right-of-way width of 160 feet. Further, the scale of the building with the proposed addition is consistent with the scale of Eastern High School to the north, and a nearby multi-family building to the west.

Not only is the proposal 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 Capital Hill and Urban Design Element evaluations below, the design of the proposal 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 Property is located within an area that is designated for Moderate Density Residential development on the FLUM, which generally encompasses the entire Capitol Hill neighborhood. As described in the Framework Element, the Moderate Density Residential FLUM designation defines “neighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings. In some neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). Density in Moderate Density Residential areas is typically calculated either as the number of

<sup>3</sup> 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 2: Excerpt of FLUM showing the Property within an area designated for Moderate Density Residential development.

dwelling units per minimum lot area, or as a FAR up to 1.8, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The R-3, RF, and RA-2 Zone Districts are consistent with the Moderate Density Residential category, and other zones may also apply.”

The proposal is not inconsistent with the FLUM. The Property’s is currently zoned RF-1 which as noted above is consistent with the Moderate Density

Residential FLUM designation. The Application is not proposing to change the site’s existing zoning. In fact, a change in zoning is not even permitted under the Voluntary Design Review (“VDR”) process. From a use perspective, the Applicant is proposing to convert the existing 56-unit rooming house on the Property to an apartment house containing approximately 56-units by fully renovating and expanding (adding a story) the existing building on the Property. With the additional story, the height of the building will be approximately 45 feet. Consistent with the above FLUM description of the Moderate Density Residential designation, an apartment house is a permitted use in the RF-1 zone. Further, the proposed height of 45 feet is well within the height that is permitted in the RF-1 zone under the VDR process (50 feet), and is only five feet higher than the maximum height of 40 feet that can be achieved in the RF-1 zone. The proposed height of the apartment house is also compatible with the height and scale of the surrounding context, and thus will not disrupt the general development pattern of the existing neighborhood, nor be inconsistent with the general pattern of development that is expected under the Comp Plan FLUM in areas that are designated as Moderate Density Residential.

## CAPITOL HILL AREA ELEMENT EVALUATION

The Project is not inconsistent with the policies of the Capitol Hill (“CH”) Area Element. Overall, the Project will maintain the integrity and quality of Capitol Hill’s established residential character by maintaining a compatible residential use on the Property that is not inconsistent with the FLUM and consistent with the scale and pattern of surrounding development (CH-1.1.1). The Project will renovate and appropriately expand the existing rooming house on the Property and convert it to an apartment house with generally the same number of units which will enhance the Property, respect the unique character of the Capitol Hill neighborhood and East Capitol Street, and provide higher quality affordable housing in the District (CH-1.1.2, CH-1.2.3).

### **Capitol Hill Area Element Policies Advanced by the Application<sup>4</sup>**

<sup>4</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).

### CH-1.1: Guiding Growth and Neighborhood Conservation

- CH-1.1.1: Conserving Residential Uses
- CH-1.1.2: Renovation of Housing Stock

### CH-1.2: Conserving and Enhancing Community Resources

- CH-1.2.3: L'Enfant Avenues

## **LAND USE ELEMENT EVALUATION**

The Project 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 and bike routes and Capital Bikeshare stations for those that do not own an automobile,
- Preserving approximately 56 units of affordable housing in newly renovated units that will now each contain independent kitchen facilities;
- Accommodating modest increases in density to allow preservation and production of affordable housing in high-opportunity, high-cost areas in a manner that is compatible with the design character of existing neighborhoods;
- Employing proven context-sensitive design strategies that are responsive to and compatible with surrounding neighborhood character, and
- Making improvements to surrounding public space. (LU-1.4.2, LU-1.4.3, LU-2.1.1, LU-2.1.3, LU-2.1.8)

### Land Use Element Policies Advanced by the Application

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

- LU-1.4.2: Development Around Metrorail Station
- LU-1.4.3: Housing Around Metrorail Stations

#### LU-2.1: A District of Neighborhoods

- **LU-2.1.1: Variety of Neighborhood Types**
- LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods
- LU-2.1.8: Explore Approaches to Additional Density in Low- and Moderate-Density Neighborhoods

## **TRANSPORTATION ELEMENT EVALUATION**

The Project is not inconsistent with the policies of the Transportation Element. As noted above, the Project will preserve the existing 56 units of affordable housing on the Property, which is in proximity to the Stadium – Armory Metrorail station. The newly renovated affordable units, which will now contain fully-equipped kitchen facilities, will help ensure that the District's

transportation system is accessible to all users, including lower-income households that do not own a vehicle. (T-1.1.7).

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

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

- T-1.1.7: Equitable Transportation Access

## **HOUSING ELEMENT EVALUATION**

The Project is not inconsistent with the policies of the Housing Element. Through the VDR process, the Project will preserve the number of affordable units that are currently on the Property (approximately 56 units) but they will now each be independent dwellings units with fully equipped kitchen facilities, which will provide residents with greater independence and higher quality of living. The preservation of the 56 units of affordable housing will advance Housing Element policies that encourage development of affordable housing in high-cost areas of the District, thus making these areas more inclusive (H-1.1.8, H-1.2.1, H-1.2.10, H-1.2.11, H-2.1.2). The Applicant is a well-established nonprofit organization that has a demonstrated record of providing for the needs of Washington's homeless populations, including the provision of temporary and permanent supportive affordable housing. The additional zoning flexibility that is being requested through the VDR process will allow the Applicant to substantially improve the quality of its existing affordable housing program on the Property and continue to provide residents of the Property with access to its other services, all in a manner that is sensitive to surrounding neighborhood character (H-1.2.6, H-2.1.4, H-2.1.9, H-4.1.1, H-4.1.2, H-4.2.1, H-4.2.2, H-4.2.3). In carrying out the Project, to the extent there is a need to displace existing residents during construction the Applicant will work to ensure that existing residents are relocated to another one of its residential facilities at the same rent level, and at no additional cost to the resident. (H-2.1.1).

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

#### H-1.1: Expanding Housing Supply

- H-1.1.8: Production of Housing in High-Cost Areas

#### H-1.2: Ensuring Housing Affordability

- H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority
- H-1.2.6: Build Nonprofit Sector Capacity
- H-1.2.10: Redevelopment of Existing Subsidized and Naturally Occurring Affordable Housing
- H-1.2.11: Inclusive Mixed-Income Neighborhoods

#### H-2.1: Preservation of Affordable Housing

- H-2.1.1: Redeveloping Existing Income-Restricted Housing
- H-2.1.2: Preserving Affordable Rental Housing
- H-2.1.4: Avoiding Displacement
- H-2.1.9: Redevelopment of Affordable Housing

#### H-4.1: Integrating Vulnerable Populations and Persons with Disabilities

- H-4.1.1: Integration of Vulnerable Populations and Residents with Disabilities
- H-4.1.2: Emphasis on Permanent Housing

#### H-4.2: Ending Homelessness

- H-4.2.1: Ending Homelessness
- H-4.2.2: Neighborhood-Based Services for Persons Living Without Homes
- H-4.2.3: Increasing the Permanent Supportive Housing Supply

### **ENVIRONMENTAL PROTECTION ELEMENT EVALUATION**

The Project is not inconsistent with the policies of the Environmental Protection Element. The Project will incorporate strategies that are known to aid in reducing the urban heat island effect, such as cool and green roofs, and sustainable landscaping (bioretention) and tree planting onsite and in adjacent public spaces (E-1.1.2, E-2.1.3, E-2.1.5, E-4.1.2, E-4.1.3). The Project will also promote energy-efficient building through the use of energy efficient appliances and fixtures, and through compliance with applicable green building codes.

#### 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-2.1.5: Tree Planting on Private Lands

##### 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

### **URBAN DESIGN ELEMENT EVALUATION**

The Project is not inconsistent with the policies of the Urban Design Element. The Project design is responsive to the surrounding context, and specifically the scale and pattern of other nearby multi-family developments along East Capitol Street. Overall, the design is generally complementary to and compatible with the surrounding context (UD-2.2.1, UD-2.2.2). While the Project will add a story to the existing building on the Property, the material and patterning of the new story will be differentiated from the existing building, which will help mitigate the massing of the addition in relation to the lower-scale development pattern of the neighborhood to the south along 18<sup>th</sup> Street, SE (UD-2.2.4). Overall, when viewed in relation to the overall surrounding

context to the south and along East Capitol Street, the proposed additional story will overpower the prevailing scale and pattern of the area (UD-2.2.5).

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

#### **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

### **POTENTIAL COMP PLAN INCONSISTENCIES**

The foregoing Comp Plan analysis thoroughly demonstrates the numerous ways in which the Project 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 Project 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 Project

is inconsistent with specific Comp Plan policies. As such, there is no need to balance any potential inconsistencies with other competing Comp Plan policies or considerations.