

## MEMORANDUM

**TO:** District of Columbia Zoning Commission

**FROM:** David Avitabile  
Meghan Hottel-Cox

**DATE:** March 8, 2019

**SUBJECT:** Z.C. Case No. 17-21 (501 I Street SW) (“Property”): Zoning Commission Authority To Approve a PUD and related Zoning Map Amendment

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The Zoning Commission has the authority to grant a PUD and related Zoning Map amendment for the Property, which is designated for Institutional Use on the District of Columbia Comprehensive Plan. Moreover, such PUD and related rezoning would not be inconsistent with the Comprehensive Plan. Briefly:

- The Comprehensive Plan and Zoning Commission precedents are clear that the Zoning Commission has authority to approve a PUD and related Map Amendment when the Future Land Use Map (“**FLUM**”) designates a property for Institutional uses;
- The Applicant has established that the PUD and map amendment are not inconsistent with the PUD site’s FLUM designation; and
- The Applicant has established that the PUD and map amendment are not inconsistent with the overall Comprehensive Plan.

The PUD’s consistency with the Comprehensive Plan is clearly established through the Applicant’s previous filings before the Commission and is further detailed in this Supplemental Submission. For all of the reasons set forth in the Applicant’s filings and in the discussion below, the Applicant requests that the Commission approve the PUD and map amendment.

## II. ZONING COMMISSION'S AUTHORITY TO REZONE

In filings by its members and its counsel, the United Neighbors of Southwest (“UNSW”) have questioned whether the Zoning Commission is authorized to approve the PUD and map amendment, given the Property’s designation as “Institutional” on the FLUM, without a change to the Property’s FLUM designation by the D.C Council. As explained in the Comprehensive Plan itself and as the Commission has done numerous times before, the Zoning Commission has the authority to approve a PUD and related rezoning for “Institutional” property without an amendment to the Comprehensive Plan.

### A. The Comprehensive Plan Specifically Authorizes the Adaptive Reuse of Institutional Sites without Amendment to the Plan.

The 2006 Comprehensive Plan (the “**Plan**”), adopted by the Council of the District of Columbia, establishes a broad range of goals and policies to guide decisions by both local and federal agencies in the District of Columbia.<sup>1</sup> In addition to its text, the Plan includes the FLUM.<sup>2</sup> The FLUM categorizes different parts of the District showing public policy for uses and intensities between 2005 and 2025.<sup>3</sup> The FLUM provides generalized guides for development and conservation decisions and is “not intended to freeze future development patterns for the next 20 years.”<sup>4</sup>

The FLUM includes the Property entirely within the Institutional category, in recognition of its previous ownership and use by a university and other educational or similar institutional uses. UNSW is correct in that a change to the land use designation on the FLUM from Institutional use to another use requires approval by the D.C. Council. However, this does not mean that all changes to an Institutional property must be approved by the Council. Rather, the Plan specifically recognizes that some change to Institutional sites are expected over the life of the Plan. Since the Plan does not show density or intensity on Institutional sites,<sup>5</sup> an Institutional FLUM designation does not give direct guidance for such change in use. Accordingly, the Plan

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<sup>1</sup> Comprehensive Plan Amendment Act of 2006, codified in part as D.C. Code § 1-306.01, D.C. Law 16-300, 54 D.C. Reg. 924, referred to herein as the “**Comp. Plan**”

<sup>2</sup> 2006 Comp. Plan § 223, 225.

<sup>3</sup> 2006 Comp. Plan § 225.1

<sup>4</sup> 2006 Comp. Plan §§ 226.1; 226(k).

<sup>5</sup> 2006 Comp. Plan § 226.1(h).

states that when “a change in use occurs on [Institutional] sites in the future . . . , the new designations should be comparable in density or intensity to those in the vicinity.”<sup>6</sup>

Put another way, the FLUM tells us to look to the designations surrounding Institutional sites to guide future land use decisions. When a change to an Institutional site is “comparable in density and intensity to those in the vicinity,” it may proceed without amendment to the Plan. To read the Plan in any other fashion would render this guidance about surrounding comparable property unnecessary. If the Institutional FLUM designation were required to be changed before proceeding with a PUD and map amendment, then this guidance to the Commission would serve no purpose.

Therefore, it is clear from the text of the Plan that action by the D.C. Council is unnecessary for changes of use on an Institutionally-designated property when the changes are consistent with surrounding property. Furthermore, the Zoning Commission is empowered to take actions to facilitate such reuse, including amendments to the Zoning Map, so long as the new use is “comparable in density and intensity to those in the vicinity.” This is particularly true for PUD-related map amendments, which are conditional and tied to a specific project. The PUD allows the Commission to adopt limits on height, density, and use that ensure the reuse of the Institutional site is consistent with surrounding sites.

B. The Zoning Commission Regularly Rezones Properties with Institutional Designations, and these Approvals have been Upheld

The Zoning Commission has repeatedly re-zoned properties designated as Institutional through PUDs and authorized non-institutional uses on such properties, deeming these PUDs as not inconsistent with the Comprehensive Plan. A brief summary follows below.

- Zoning Commission Order 03-11 (Columbia Hospital for Women): Zoning Commission approved the adaptive reuse of a former hospital as an apartment building with approximately 235 residential units and ground-floor retail on an Institutionally-designated property.
- Zoning Commission Order 05-42 (Sibley Medical Office Building): Zoning Commission approved a medical office building and parking garage on Institutionally-designated property.
- Zoning Commission Order 06-27 (Old GW Hospital Site/Square 54): Zoning Commission approved a large mixed-use office, retail, and residential project on an Institutionally-designated site owned by The George Washington University.

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<sup>6</sup> 2006 Comp. Plan § 226.1(h).

- Zoning Commission Order 07-27: Zoning Commission approved 237 rowhouses on Institutionally-designated land adjacent to the Paulist's religious order's headquarters.
- Zoning Commission Order 08-21: Zoning Commission approved 34 rowhouses on Institutional land on a former hospital site.
- Zoning Commission Order 15-02: Zoning Commission approving 22 rowhouses with adjacent Institutional use, noting when a project designated for Institutional uses on the Generalized Policy Map is redeveloped, surrounding uses should inform the project.
- Zoning Commission Order 15-24A: Zoning Commission approved a mixed-use project with residential, office, and university uses on Institutionally-designated property adjacent to Gallaudet University.
- Zoning Commission Order 16-17: Zoning Commission approved 80 rowhouses to accompany an existing Institutional use on an Institutionally-designated property.

In each of these cases, the Commission determined the PUD and related rezoning was consistent with the FLUM because it was consistent with the surrounding area's use and density, and, in certain cases, because the Project included institutional or institutional-supporting uses.<sup>7</sup>

None of the PUDs listed above were preceded by an amendment to the FLUM by the D.C. Council. In all cases, the Commission approved the PUDs with the Institutional land use designation remaining in place. The Commission and the Office of Planning recently discussed this issue at a public hearing, noting:

[T]he Comprehensive Plan does address in text how to evaluate a change in land use when it goes from institutional into another use that's not identified through striping or some kind of mapping, and it talks about looking to the surrounding neighborhood and the adjacent uses as a way to find compatibility in terms of density use and the such, and so that this use is both compatible in terms of its general scale with the university as well as transitioning to the market.<sup>8</sup>

Again, the PUD tool, as illustrated by the examples above, allows the Zoning Commission to strictly regulate the uses, height, and densities, often below what the rezoning allows.

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<sup>7</sup> *See id.*

<sup>8</sup> Zoning Commission Case 15-24, June 23, 2016 Public Hearing Transcript, page 92 (discussing the rezoning and mixed-use redevelopment of property adjacent to and owned by a university and designated for Institutional use on the FLUM).

The DC Court of Appeals (“**Court**”) has endorsed the Commission’s approval of PUDs that included a rezoning for properties designated for Institutional uses in the FLUM.<sup>9</sup> For example, in *Foggy Bottom Association v. District of Columbia Zoning Commission*, the Court upheld the Zoning Commission’s approval of the Square 54 GWU case noted above. The Court specifically noted in upholding the case that the Commission’s explanation of the project’s consistency with the Institutional designation was persuasive. Therefore, the Court has upheld the Commission’s decisions to approve map amendments and PUDs that change the use of an Institutional property, without City Council action, to non-Institutional use.

C. The Proposed PUD and Map Amendment is Permitted without Council Action Under the Same Provisions of the Comprehensive Plan

This application is similar to these other PUDs where the Commission approved a PUD and map amendment for an Institutionally-designated property. First, the Project does propose use by the Shakespeare Theatre Company (“**STC**”), which provides an Institutional-type use at the Property with education and administrative services for the non-profit. Second, the non-institutional uses proposed for the Property are comparable to the “use and density” of surrounding properties located in the Moderate Density Residential land use category. As detailed in Sections III and IV below, the Project is therefore not inconsistent with the Maps and other provisions of the Comprehensive Plan and the Small Area Plan.

UNSW notes that the Applicant has proposed an amendment to the FLUM for the Property, which it suggests is evidence that the proposed change in use is significant enough to warrant a Council hearing. However, this FLUM change was proposed by the Applicant as a part of the “open call” for Plan amendments solicited by the Office of Planning in connection with the Council’s overall amendment of the Plan. The pending amendment was requested independent of and as an alternative to the PUD, in order to support a “straight” rezoning of the site. However, the preferred tool for the Commission—and UNSW—is the instant PUD-related rezoning, which allows the Zoning Commission to limit uses, heights, and densities beyond what the proposed zone otherwise allows. The Commission can also impose other limitations and mitigations, and otherwise confirm that the Project is not inconsistent with the Comprehensive Plan.

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<sup>9</sup> See, e.g., *Foggy Bottom Association v. District of Columbia Zoning Comm’n*, 17-AA-1197, Memorandum Opinion at 2.

### **III. MAP DESIGNATIONS AND LAND USE CONSISTENCY**

The Property serves as a “knuckle” in a very diverse urban environment, and the Project proposes an appropriate transitional design for such a site located on an Institutionally-designated Property. To the north and west of the site are residential neighborhoods consisting of two- to three-story rowhouses and three- to four-story apartment buildings. There are institutional uses to the east and southeast, including schools, churches, and the library. To the southwest and further along I Street, there are taller residential uses, including these tall apartment buildings immediately across from existing rowhouses on 4<sup>th</sup> and 7<sup>th</sup> Streets SW. The Comprehensive Plan strikes a balance for sites like the Property to conserve existing residential neighborhoods yet also allow for critical infill development and density, particularly on key strategic sites near Metrorail stations and adjacent to the Central Employment Area (“CEA”). For a site in such a critical, transitional area, the PUD provides an important tool that allows the Commission to have site-specific control and ensure appropriate benefits to provide developments that are consistent with the surrounding context. The Project provides precisely the kind of PUD that is not inconsistent with the Comprehensive Plan’s objectives for such a “knuckle” site.

#### *A. Future Land Use Map*

As detailed above, the Project is located in the Institutional designation on the FLUM, and where, as here, an Institutional property is redeveloped, it should be comparable in use and density with the surrounding area. The surrounding area on the FLUM is designated for Moderate Density Residential use. The Project is not inconsistent with this designation, either in height or design. Further, the proposed MU-4 Zone District is not inconsistent with this designation.

First, the height of the Project is not inconsistent with a Moderate Density designation. Moderate Density residential zones are defined as a mix of three- to four-story townhouses and apartment buildings.<sup>10</sup> By contrast, the Medium Density Residential area is characterized by “mid-rise (4-7 stories) apartment buildings” as the predominant use.<sup>11</sup> In *Durant vs. District of Columbia Zoning Commission*, the Court concluded that a six-story apartment building on property that was designated for low- and moderate density uses and surrounded by a low-

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<sup>10</sup> See 2006 Comp. Plan §225.4.

<sup>11</sup> 2006 Comp. Plan §225.5.

density designation, could not be considered as a “moderate-density” building.<sup>12</sup> However, the Project is distinguishable from *Durant* for several reasons. First, the Project’s proposed four-story main building and five-story annex, where the bottom floor is depressed to read as a four-and-a-half story building, are significantly shorter than the project in *Durant*. Second, here the surrounding Moderate-Density residential designation includes four-story apartment buildings, similar to the use proposed by the Project. Third, the Project incorporates design features such as its three-story primary “townhouse rhythm” and fourth-story setback, which specifically align with the context of the surrounding rowhouses, particularly across 6<sup>th</sup> Street SW. Finally, the specific story descriptions associated with each land use category are not intended to serve as absolute, proscriptive limits akin to zoning limitations on height. Rather, as the Plan notes, they are guidelines and cases like PUDs may result in heights that exceed the typical ranges cited in the Plan.<sup>13</sup> Indeed, the Court has affirmed, “the FLUM definitions themselves recognize their flexibility” and “that in appropriate circumstances the PUD process may permit greater height or density.”<sup>14</sup>

Second, the uses proposed for the Project are consistent with the Moderate Density Residential designation taken together with the full Plan. Although neither the Property nor the surrounding properties are designated as “Mixed Use” under the Plan, this does not preclude a mix of uses on the Property or the application of a “mixed use” zone under the Zoning Regulations. Many zones permit a mix of uses, and these zones are applied throughout the District, even though the Plan designates many if not most of these properties with a solitary “residential” or “commercial” designation rather than the Plan’s “Mixed Use” striping. As the Court noted in affirming the rezoning of the Wisconsin Avenue Giant site now known as Cathedral Commons, mixed uses are not strictly limited to striped areas on the FLUM because the FLUM “does not require that each block strictly correspond with the general description” and the FLUM is not parcel-specific.<sup>15</sup> The Plan’s Mixed-Use striping is only intended to indicate that in some areas a mix of uses is encouraged.

Additionally, the Project provides some institutional uses, which is consistent with the Property’s Institutional designation on the Plan as well as the Southwest Small Area Plan’s

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<sup>12</sup> See *Durant v. District of Columbia Zoning Comm’n*, 139 A.3d 880, 883-884 (D.C. 2006).

<sup>13</sup> 2006 Comp. Plan §226.1(c).

<sup>14</sup> *Union Market Neighbors v. District of Columbia Zoning Comm’n*, 197 A.3d 1063, 1070 (D.C. 2018) (internal quotations omitted).

<sup>15</sup> *Wisconsin-Newark Neighborhood Coalition v. District of Columbia Zoning Comm’n*, 33 A.3d 382, 395-396 (2011) (approving the Commission’s approval of a mixed-use Project on a site without a FLUM mixed-use designation).

specific preference for cultural uses on the Property. The PUD-related rezoning of the Property facilitates the institutional / cultural uses contemplated by these plans. As with “Mixed Use,” the zoning definition of “Institutional” as a use category is not intended to align with the Plan’s concept of “Institutional”; rather, the Plan has a broader definition of Institutional uses that includes educational and arts uses.<sup>16</sup> Therefore, the non-residential STC use proposed at the Project is not inconsistent with the FLUM designation and the broader context of the Plan.

Finally, the map amendment, in connection with the PUD process, is not inconsistent with the FLUM designation. The proposed MU-4 Zone District is a zone that permits “moderate-density mixed use development.”<sup>17</sup> Accordingly, the proposed MU-4 rezoning accomplishes the twin goals of allowing for comparable overall density to the surrounding area yet also accommodating the cultural use called for in the Small Area Plan. When the Office of Planning rejected a taller, denser PUD for the Property in 2016 that involved a rezoning to a higher-density zone district as inconsistent with the Plan, it explicitly recommended the MU-4 Zone District as one zoning category that would be consistent with the Plan.

B. *Generalized Policy Map*

The Generalized Policy Map (“GPM”) also designates almost all of the Property for Institutional use, reflecting its prior educational use. A small portion of the Property is designated as a Neighborhood Conservation Area. Similar to the FLUM, when uses change on Institutionally-designated property, new zoning designation should be comparable in density or intensity to the surrounding uses. As detailed above, the Project is not inconsistent with the surrounding uses and densities. Further, the Project is not inconsistent with the Neighborhood Conservation Area designation, which exists over a small area on the northern side of the site. The Plan notes that infill development can be expected in Neighborhood Conservation Areas.<sup>18</sup> The Project in this area includes the Annex, which reads as a four-and-a-half story residential apartment building, similar to the building immediately to the north of the Project. Therefore, the Project is not inconsistent with the Generalized Policy Map.

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<sup>16</sup> See 2006 Comp. Plan §225.16.

<sup>17</sup> 11-G DCMR §400.3(a).

<sup>18</sup> 2006 Comp. Plan §223.22.



C. *Land Use Element*

The Project is also not inconsistent with the Land Use Element of the Plan, which should be given greater weight than other elements of the Plan.<sup>19</sup> The Project is not inconsistent with the provisions in the Land Use Element that focus on promoting neighborhood conservation.<sup>20</sup> First, the Project does not remove any existing housing, as the Property is currently vacant and was previously used for non-residential uses. Instead, it will add owner-occupied housing units, which will help strengthen and reinforce the existing residential neighborhood. Second, the Project has been designed to appropriately transition to the rowhouses to the north and west of the Property. The 6<sup>th</sup> Street façade has been designed to read as a series of three-story townhouses with ground-entry units and a fourth story set back on a 1:1 basis from the third floor. The Project also uses residential materials, including brick and punched windows, to fit within the neighborhood. While the Project includes some cultural, non-residential uses, such uses are concentrated along the I Street entrance and away from the 6<sup>th</sup> Street façade and neighbors to the north of the Property.

In addition, the Land use Element does not only focus on neighborhood conservation. The Element also identifies “directing growth and new development to achieve economic vitality” and “balancing competing demands for finite land resources” as critical land use issues.<sup>21</sup> The Project also directly promotes these critical issues. The Land Use Element encourages greater infill development at sites located near Metrorail stations, as these areas provide pedestrian-oriented nodes and transit-oriented development opportunities.<sup>22</sup> The Project also contributes to the variety of residential housing opportunities in the immediate area as well as in the broader Southwest community.<sup>23</sup>

UNSW suggests that any development on site would be an infill development and transit-oriented, and therefore these provisions should not be interpreted to allow for multifamily apartment or other development that diverges from the predominant rowhouse form adjacent to much of the Property. That interpretation misunderstands the Land Use Element. The provisions regarding infill and transit-oriented development recognize the strategic value of these properties and specifically encourage denser development for sites that are proximate to Metrorail stations

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<sup>19</sup> 2006 Comp. Plan §300.3.

<sup>20</sup> 2006 Comp. Plan §300.2, 309.12, 311.3, and 311.10.

<sup>21</sup> 2006 Comp. Plan §300.2.

<sup>22</sup> 2006 Comp. Plan §§306.10, 306.11, and 312.9.

<sup>23</sup> 2006 Comp. Plan §309.5.

and along major pedestrian corridors. When properties that ideal for infill and near Metrorail stations, these provisions of the Land Use element rebut the premise that the site must remain exactly as is.

The Project provides the exact kind of transitional design called for on the buffer area surrounding the CEA moving toward residential neighborhoods.<sup>24</sup> The Property is not surrounded on all sides by rowhouse neighborhoods. Instead, the Project serves as an appropriate transition from the higher density along I Street, including high-density projects at the Waterfront Metrorail Station and the Wharf, to the rowhouse neighborhoods to the north and west. The buffering requirements in the Plan exist to prevent a “sharp visual distinction” between extremely tall buildings, like those across and further down I Street, and two- to three-story rowhouses, like those north and west of the Property. A four- and five-story Project provides the precise transitional design called for by the Land Use Element. Therefore, the Project is not inconsistent with the Land Use Element of the Plan.

#### **IV. OTHER COMPREHENSIVE PLAN PROVISIONS**

In addition to the FLUM, GPM, and Land Use Element the Project is not inconsistent with the other elements of the Plan. As detailed in Exhibit D included with this Supplemental Submission, the Project is not inconsistent with the policies of the various citywide elements of the Plan, including the Transportation element, Housing element, and others. In addition to these citywide elements, the Project is not inconsistent with the Lower Anacostia/Near Southwest Area Element or the Southwest Neighborhood Small Area Plan.

##### *A. Lower Anacostia/Near Southwest Area Element*

The Project is not inconsistent with the Lower Anacostia/Near Southwest Area Element that applies to the Property. The Area Element focuses on new development along key corridors and “near the Waterfront/SEU and Navy Yard metrorail stations,”<sup>25</sup> focusing on projects with “mixed use development” including “cultural uses” in the Waterfront area.<sup>26</sup> The Project provides a quintessential development near a Metrorail station with new housing opportunities and a limited amount of cultural uses along a major corridor in Southwest.

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<sup>24</sup> 2006 Comp. Plan §304.13, 311.5.

<sup>25</sup> 2006 Comp. Plan §1908.4.

<sup>26</sup> 2006 Comp. Plan §1911.7.

The Area Element also focuses on the conservation of established waterfront neighborhoods like the residential neighborhood to the west and north of the Property.<sup>27</sup> This neighborhood is characterized by primarily two- and three-story rowhouses and three- and four-story apartment buildings. The Project respects the character of these neighborhoods by serving as an appropriate transition into the lower-density residential area from the higher density mixed uses further along I Street and closer to the high-density areas around the Metrorail Station and at the Wharf. The Project concentrates the non-residential uses along I Street SW, while transitioning to residential uses and residential architecture along 6<sup>th</sup> Street SW and to the rear of the Property. The 6<sup>th</sup> Street townhouse-style façade which reads as three stories in height, coupled with the residential character of the Annex respects and conserves the residential neighborhood to the north and west of the vacant Property.

B. *Southwest Neighborhood Small Area Plan*

There are other factors in addition to the FLUM and GPM that impact the Commission’s analysis of a PUD. The Plan explains that “the zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans.”<sup>28</sup> The Property is subject to the approved Southwest Neighborhood Small Area Plan (the “SAP”).<sup>29</sup> The SAP has a dedicated discussion to the Property. It notes that the “Shakespeare Theater Company (STC), proposed a plan to convert the property into its new headquarters with artist space by tearing the existing building down and erecting a larger building in its place. STC planned to partner with a private developer to include additional market rate housing as well as housing specifically for visiting actors.”<sup>30</sup> The SAP notes community objection to a “6-9 story building” that was initially proposed for the Property.<sup>31</sup> However, the SAP also notes that “a cultural use at this site would be a preferred use going forward.”<sup>32</sup>

While the SAP acknowledges that “to facilitate the full building program” (emphasis added) a land use designation change would be required, the Project as proposed has been significantly reduced from the “6-9 story building” described in the SAP. The Project, as

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<sup>27</sup> 2006 Comp. Plan §1907.2; 1908.2.

<sup>28</sup> 2006 Comp. Plan § 226(d).

<sup>29</sup> See *Southwest Neighborhood Plan, dated June 5, 2015, approved by the DC Council Resolution R21-0128*, referred to herein as “SAP”.

<sup>30</sup> SAP at page 97.

<sup>31</sup> Id.

<sup>32</sup> Id.

proposed, does not require a land use designation change because it is not inconsistent with either the Property's Institutional designation or the Moderate Density Residential designation of surrounding properties, as detailed above.

The Project is also consistent with the Design Guidelines of the SAP because it provides a mix of building heights in comparison to the taller buildings across and further down I Street SW and the similarly-sized apartment buildings in the surrounding neighborhoods, as well as the shorter rowhouses to the north and west of the Property. The Project is a high quality design with a variation in building frontages, with a curved glass façade along I Street and a townhouse-style façade along 6<sup>th</sup> Street. The Project also includes landscaping along the Property's perimeter and sustainable features at the Project, all furthering guidelines and priorities in the SAP. In sum, the Project is not inconsistent with the SAP.

### C. *Draft DC Cultural Plan*

The DC Office of Planning (“**OP**”) is leading the process of adopting a DC Cultural Plan, focused on arts and culture in the District. The draft Cultural Plan (the “**Cultural Plan**”) was developed in connection with DC Commission on the Arts and Humanities (DCCA) and the DC Office of Cable Television, Film, Media and Entertainment (OCTMFE) and with input from artists and stakeholders throughout the District.<sup>33</sup> The Cultural Plan was published publicly in January of 2018 and is undergoing the public process for eventual adoption as an official plan of DC. While the Cultural Plan is still in draft form, it illustrates the District's growing focus on furthering arts and culture within Washington.

The Project furthers numerous goals of the Cultural Plan. First, the Cultural Plan encourages ground floor cultural uses like the ground floor STC use at the Project.<sup>34</sup> Similarly, the Plan calls for “increase[d] options for cultural expression in public space.”<sup>35</sup> The Project furthers these goals by providing cultural use in a visible location along I Street SW and through incorporating art in public space. The Project's art panels along I Street and the rotating costume display incorporate art into the pedestrian experience. The Project also promotes cultural events to residents and strengthens K-12 arts education programming, as called for in the Cultural

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<sup>33</sup> Office of Planning, DC Cultural Plan, Working Draft for Public Review, dated January 18, 2018, *available at* <https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/Draft%20DC%20Cultural%20Plan%20January%202018%20.pdf> (site last visited 3/5/19).

<sup>34</sup> Cultural Plan, Recommendation Space 6 (p. 52).

<sup>35</sup> Cultural Plan, Recommendation Space 2.3 (p. 51).

Plan.<sup>36</sup> The benefits committed to as part of the PUD provide assurances of these art and culture resources for the Southwest community. Finally, the STC housing provides free housing for artists, an important aspect of the Cultural Plan. Therefore, the Project promotes the principles and objectives of the Cultural Plan.

## V. CONCLUSION

The Zoning Commission has the authority to approve a PUD and related rezoning on Property that is designated as Institutional under the Plan so long as the zoning action is not inconsistent with the Plan. Here, the Project is a blend of moderate density residential and institutional uses that is exactly what is envisioned by the Plan for the adaptive reuse of an Institutional site. The Project, as proposed, is not inconsistent with the Plan and other planning guidance, including the FLUM, GPM, Area Element, the SAP, and the draft Cultural Plan. The Project is not inconsistent with numerous provisions of the Plan, as further detailed in Exhibit D included with this Supplemental Submission. Therefore, the Applicant respectfully requests that the Commission approve the Project as not inconsistent with the Plan.

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<sup>36</sup> Cultural Plan, Recommendation Creator 3.1 (p. 43); Consumer 1 (p. 59).