

Exhibit H

COMPREHENSIVE PLAN EVALUATION

1. Introduction

As set forth below, the Project is not inconsistent with the Comprehensive Plan, as recently adopted by the D.C. Council pursuant to D.C. Law L23-0217 (Comprehensive Plan Amendment Act of 2017) and D.C. Law 24-0020 (Comprehensive Plan Amendment Act of 2020), including the Generalized Policy Map (“GPM”) and Future Land Use Map (“FLUM”) (D.C. Resolution R24-0292), collectively referred to herein as the “Comp Plan”.¹

The Comp Plan guides the District’s development, both broadly and in detail, through maps and policies that address the physical development of the District. 10A DCMR § 103.2. The Comp Plan also addresses social and economic issues that affect and are linked to the physical development of the city and the well-being of its citizens. The Comp Plan provides the “big picture” of how change will be managed in the years ahead and, thus, is intended to be interpreted broadly. 10A DCMR § 103.5.

Pursuant to the Home Rule Charter, zoning shall not be inconsistent with the Comp Plan. D.C. Code §6-641.02. As stated in the Framework Element, “[i]n its decision-making, the [Commission] must make a finding of not inconsistent with the [Comp Plan]. To do so, the [Commission] must consider the many competing, and sometimes conflicting, policies of the [Comp Plan], along with the various uses, development standards and requirements of the zone districts. It is the responsibility of the [Commission] to consider and balance those policies relevant and material to the individual case ... and clearly explain its decision-making rationale.” 10A DCMR § 224.8. 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 request is “not inconsistent” with the Comp Plan when read as a whole.

As detailed below, the Project is not inconsistent with the policies and goals of the Comp Plan when read as a whole. The following sections of this statement reflect the Applicant’s thorough evaluation of the Project’s overall consistency with the Comp Plan. Given the wide range of overlapping policy topics addressed in the Comp Plan, certain Citywide Elements may have little to no applicability to a zoning proposal. Such is the case for the Project. Notwithstanding, in conducting its Comp Plan evaluation, the Applicant has thoroughly reviewed the goals and policies of every Comp Plan element. For those Citywide Elements that are more directly applicable to the Applicant’s request, a narrative is provided below explaining the basis for the Applicant’s determination that the Project is not inconsistent with that particular element. Finally, in accordance with the guidance provided by the D.C. Court of Appeals (the “Court”), the Applicant’s evaluation also includes a specific assessment of potential Comp Plan inconsistencies. As discussed below, to the extent the Project is inconsistent with individual Comp Plan policies, such

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

inconsistencies are far outweighed by other Citywide and Upper Northeast Area Element policies relating to, among others, land use, housing, and environmental protection.

2. Racial Equity and the Comprehensive Plan

A primary focus of the recently adopted Comp Plan is racial equity. The importance of equity to District residents was made abundantly clear when the Office of Planning conducted its D.C. Values survey in Spring 2019. In addition to equity, District residents also expressed the importance of other high-level values such as accessibility, diversity, livability, opportunity, prosperity, resilience, and safety. When choosing equity, residents expressed concerns about rising costs and inequitable access to opportunities for housing, businesses, employment, and other necessities. Overall, livability, equity, and safety were considered the most important values. 10A DCMR § 107.17 – 107.22.

As stated in the Framework Element, equity is both an outcome and a process. 10A DCMR § 213.6. Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. It is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. “As an outcome, the District achieves racial equity when race no longer determines one’s socioeconomic outcomes; when everyone has what they need to thrive, no matter where they live or their socioeconomic status; and when racial divides no longer exist between people of color and their white counterparts. As a process, we apply a racial equity lens when those most impacted by structural racism are meaningfully involved in the creation and implementation of the institutional policies and practices that impact their lives, particularly people of color.” 10A DCMR § 213.9

Equity is conveyed throughout the Comp Plan, particularly in the context of zoning, where certain priorities stand out, including affordable housing, displacement, and access to opportunity. To help guide the Commission in applying a racial equity lens to its decision making, the Implementation Element states that “[a]long with consideration of the defining language on equity and racial equity in the Framework Element, guidance in the Citywide Elements on District-wide equity objectives, and the Area Elements should be used as a tool to help guide equity interests and needs of different areas in the District.” 10A DCMR § 2501.6.

As related to zoning actions, racial equity is not a separate consideration from the normal legal standard of review. Rather, the Commission properly considers equity as an integral part of its analysis as to whether a proposed zoning action is “not inconsistent” with the Comp Plan. The scope of the racial equity review and the extent to which Comp Plan policies apply depend upon the nature of the proposed zoning action. In this case, a PUD provides a specific project in terms of size, bulk, design, number of dwellings, bedroom sizes, and neighborhood-serving uses. A PUD also includes a quantified set of public benefits that can be tailored to the specific needs of the surrounding community or neighborhood. Thus, the racial equity lens can be more targeted in addressing the specific needs/deficiencies of the surrounding community to advance racial equity. Guidance on an area’s specific needs/deficiencies is obtained from the relevant Comp Plan area element, in this case the Upper Northeast Area Element, from District policies and initiatives aimed at addressing critical citywide issues (such as housing), and directly from the community during the PUD process.

Of the issues affecting racial equity, access to safe and affordable housing is the most critical. Indeed, rising housing costs and displacement, and the impact this can have on community identity, are among the concerns of residents within the Upper Northeast Planning Area. 10A DCMR § 2407.3. The number of Upper Northeast households that are housing burdened is notable. According to 2014 – 2018 American Community Survey data for the planning area, nearly 54% of households paying rent are housing burdened, and approximately 21% of households with a mortgage are housing burdened.

To address the District’s ongoing housing crisis, the Mayor has set a goal of producing 36,000 new housing units by 2025, of which 12,000 housing units would be affordable. The 2019 Housing Equity Report establishes specific housing goals for each Comp Plan Planning Area to ensure that the production of new housing, and in particular affordable housing, is equitably distributed throughout the city. For the Upper Northeast Planning Area, the Housing Equity Report sets an overall goal of 6,900 new housing units, and an affordable housing goal of 1,350 housing units.

In addition to housing, residents of Upper Northeast have raised other priority concerns and/or interests regarding land use, access to amenities and services, employment, and environmental quality. Residents have concerns over the continued location of unwanted land uses in the area, and the traffic, noise, visual, environmental, and health impacts these types of uses can have on a community. In addition, there is a great interest in having more neighborhood-serving retail and service choices that are more accessible by non-auto modes of travel. *Id.* Residents generally support additional density on sites in proximity to Metrorail stations to help address the Planning Area’s housing and neighborhood amenity needs.

Poverty and unemployment are also major concerns. According to 2014 – 2018 American Community Survey data the unemployment rate in Upper Northeast was approximately 9.3%, which is above the District average. In addition to increasing jobs in the area, residents would like to see an increase in the percentage of Upper Northeast residents filling those jobs. Finally, there is a need for services for older adults given high percentage of older adults in Upper Northeast (approximately 27%), and residents want to see continued improvements to public facilities such as schools, parks, and recreation centers.

Racial Equity as a Process

The Framework Element states that racial equity is a process, and that as the District grows and changes, it must do so in a way that builds the capacity of vulnerable, marginalized, and low-income communities to fully and substantively participate in decision-making processes. 10A DCMR § 213.7. The Applicant believes in inclusive, community engagement, and thus far has worked closely with the community through ANC 5B, the Brookland Neighborhood Civic Association (“BNCA”), and regular meetings with residents that will be most affected by the Project. These meetings started very early in the Applicant’s formulation of the Project, have resulted in several positive changes to the design of the Project, and have directed the proffered benefits and amenities proposed in the Community Benefits Agreement. Overall, the Applicant met with the community ten (10) times prior to filing the PUD application. As submitted, the Applicant believes the Project and proffered benefits and amenities are responsive to much of the

community's input received to date. The Applicant will continue to work with the ANC, BNCA, and community as the Project advances through the PUD process.

Racial Equity as an Outcome

The Framework Element states that “equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. Equity is not the same as equality” 10A DCMR 213.6. As stated above, under the recently adopted Comp Plan, the Commission shall carry out its Comp Plan evaluation for the Project through a racial equity lens. The following table correlates the Project and proffered benefits with a number of equitable development indicators. As the table shows, the Project and proffered benefits will directly address a number of equity issues that Upper Northeast Planning Area residents are experiencing. Furthermore, because the Applicant's benefits and amenities proffered was directly informed by priorities set forth in the Upper Northeast Area Element, and through direct engagement with Upper Northeast residents, there is increased potential that the positive outcomes of the Project will directly benefit Upper Northeast residents.

Evaluation of Equitable Development Indicators		
Indicator	Measure	Outcome / Applicable Public Benefit
Displacement		
Physical	<ul style="list-style-type: none"> Displacement due to redevelopment. 	<ul style="list-style-type: none"> No physical displacement of residents.
Economic	<ul style="list-style-type: none"> Displacement due to housing cost increases. 	<ul style="list-style-type: none"> 15% of residential GFA of affordable housing. <ul style="list-style-type: none"> 5% @ 30% MFI (Extremely Low). 5% @ 50% MFI (Very Low). 80% @ 60% MFI (Low). 10% @ 80% MFI (Low).
Cultural	<ul style="list-style-type: none"> Loss of sense of belonging or shared identity in neighborhood. 	<ul style="list-style-type: none"> Design of Reed Street to support a seasonable Farmers Market. Funding for the start-up (five years) for Reed Street Farmers Market (\$140,000). Funding for Greater Brookland Intergenerational Village (GBIV) focus areas of programs and inclusion to address social isolation in older adults (\$50,000). Funding for the creation of a Dog park (\$50,000). Funding for the expansion of community gardening plots in Noyes Park (\$50,000).
Housing	<ul style="list-style-type: none"> Number of new market rate and dedicated affordable units (per 2019 Housing Equity Report). 	<ul style="list-style-type: none"> Approx. 723 new dwelling units (10.5% of UNE overall housing goal). Approx. 105-110 affordable dwelling units (11% - 12% of UNE affordable housing goal).

Housing Burden	<ul style="list-style-type: none"> Households that pay more than 30% of income (burdened), or 50% of income (severely burdened) on housing. 	<ul style="list-style-type: none"> 10% of affordable units dedicated to extremely low and very low income households. 80% of affordable units dedicated to 60% MFI households. Funding to Mary House Inc. for housing and social services for 3 families in ANC 5B (\$20,000).
Family-sized Units	<ul style="list-style-type: none"> Dwelling units with 3 or more bedrooms. 	<ul style="list-style-type: none"> Minimum of 2 affordable units containing 3 bedrooms (one in Phase I of Project and one in Phase II of Project).
Transportation		
Access to Transit	<ul style="list-style-type: none"> 0.25 miles to transit and other modes of public transportation. 	<ul style="list-style-type: none"> Project is located approx. 0.25 miles to Metrorail and multiple bus lines on Rhode Island Avenue. New Capital Bikeshare station. Transit benefits for residents.
Transportation Improvements / Pedestrian Safety	<ul style="list-style-type: none"> Gaps in pedestrian network. Lack of pedestrian facilities (crosswalks, lighting, seating, etc.). 	<ul style="list-style-type: none"> Dedication of more than 16,000 square feet of private property for roadway and sidewalk purposes. Several transportation calming and pedestrian safety improvements.
Employment		
New Jobs		<ul style="list-style-type: none"> Construction jobs. PDR/makerspace jobs. Building maintenance / management jobs. Funding to the Mint Project, Inc. to support programs for at-risk and homeless young people and students from the community to become Project Management Interns (\$20,300).
Access to Jobs		<ul style="list-style-type: none"> Proximity to multiple modes of public transit. Proximity to numerous other employment opportunities at nearby retail, service, and neighborhood-serving uses.
Education / Health / Wellness		<ul style="list-style-type: none"> Funding to the Noyes Elementary School and the Parent Teacher Organization (\$100,000). Funding for 20 additional community garden plots at Noyes Park (\$50,000). Funding to GBIV (\$100,000). Funding to the Village of Brookland Traditional Public Schools to provide

		opportunities for all student to thrive in the Brookland community (\$60,000). • Funding to the Mint Project, Inc. (\$20,300).
Environmental	• LEED rating. • Use of renewable energy sources. • Storm water management. • Placement of unwanted / high-impact land uses	• LEED Gold certification. • Green roofs. • Solar panels. • Pervious paving system in alleys. • Improved storm water infrastructure. • Removal of vehicle-related / warehouse uses and replacement with residentially appropriate PDR/makerspace uses.
Access to Amenities	• Availability of building amenities. • Proximity/availability of “basic need” uses (grocery, retail, service, eating and drinking).	• High-quality resident amenities. • PDR/makerspace. • Proximity to nearby retail, service, and neighborhood-serving uses.

3. Retention of Areas for Production, Distribution, and Repair (“PDR”) Use

The recently adopted Comp Plan places increased emphasis on the importance of having adequate land available to satisfy the District’s PDR needs. The Comp Plan recognizes the importance of the PDR sector to the District’s economy, and the importance of having adequate land area to accommodate PDR uses for the successful functioning of the city. However, the amount of industrial land has diminished over the past 15 – 20 years due to significant growth in the District’s office and residential sectors.

The Land Use Element contains policies aimed at balancing the needs for competing land uses. It recognizes there are varying levels of industrial activities that need to take place in the District. These range from “high-impact” industrial uses like trash transfer stations and utilities to less intense uses like cottage industries and makerspace. The Comp Plan not only ensures there are areas available for this range of industrial uses, but also assures these uses will be equitably distributed throughout the city.

The Upper Northeast Planning Area contains the largest concentration of industrial land uses in the District, making up about 9% of the Planning Area’s land area. These uses have been concentrated along the CSX heavy rail / Metro tracks, such as with the PUD Site. Historically, these uses were located along the corridor as they were dependent upon direct access to heavy rail to transport goods. As industrial uses along the corridor have changed over time, many existing PDR uses are no longer reliant upon heavy rail access. In addition, retention of some of these uses along the corridor may no longer be appropriate since construction of Metrorail and as a result of the District’s competing land use need for more housing in close proximity to transit. Such is the case with the Project.

The PUD Site currently contains approximately 27,500 square feet of active PDR uses. Generally, these PDR uses include vehicle storage and maintenance, warehouse and supply, auto

repair and light production. In addition to the PDR uses, the PUD Site includes surface parking and office uses, which are not included in the estimate of square feet devoted to active PDR uses.

Given the PUD Site's proximity to transit, several retail and services uses, and other residential uses, including the multifamily uses along Reed Street and the row homes to the east, continued use of the PUD Site solely for PDR purposes is not the most effective use of the site. The recent amendments to the FLUM recognize this by changing the site's designation from solely PDR to Mixed Use containing residential and PDR uses. The Land Use Element states:

“[t]o promote long term retention of PDR uses, development on areas striped to include PDR on the [FLUM] must include industrial space intended for use during the life of the project, and on sites containing existing industrial space the amount of industrial space on-site should be substantially preserved. The mix of uses and site design of these areas must support the long-term retention of PDR uses, and minimize potential conflicts with PDR uses. PDR uses that are less intense and/or have less impacts may be more appropriate for areas striped to include PDR. The Florida Avenue Market Study area shall be subject to the industrial use concepts set forth in that Small Area Plan but is not subject to this policy.” Emphasis added. 10A DCMR § 316.4.

The Framework Element description of the PDR land use category similarly states “[i]n an area striped to include PDR, development must include PDR space, and on sites containing existing PDR space the amount of PDR space on-site should be substantially preserved.” 10A DCMR § 227.14.

Additionally, as long envisioned by the Rhode Island Avenue Small Area Plan, Ward 5 Industrial Land Use Study, and the Upper Northeast Area Element, the area surrounding the Rhode Island Avenue metro station is finally experiencing a transformation into a mixed-use, multi-neighborhood center that will bring new housing, retail, service, and other neighborhood-serving amenities to new and existing residents of Upper Northeast and Ward 5. As envisioned by the FLUM, shifting the PUD Site away from industrial use to allow high- and moderate-density residential use with residentially-appropriate ground-floor PDR/makerspace uses will greatly contribute to the area's continued transformation.

The Project is not inconsistent with the Comp Plan's policies and guidance regarding the retention of PDR land resources and uses. Consistent with the Framework and Land Use Element language above, the Project contains approximately 18,000 GFA of ground-floor PDR / makerspace uses located along Franklin Street and at the intersection of Evarts Street and Reed Street. While the Comp Plan requires developments striped to include PDR to actually contain PDR uses, the language concerning sites with existing PDR space only recommends that the amount of PDR space be substantially preserved.

In this case, the Applicant believes the amount of PDR space in the Project is appropriate given the PUD Site's proximity to transit, adjacent residential uses, other nearby redevelopment projects, and expected market demand for PDR/makerspace uses. The Project maximizes the space available for PDR/makerspace uses along the northern portion of Reed Street and along Franklin Street and away from the area on Reed Street to the south of Evarts Street which abuts apartment

houses that are exclusively residential. The Applicant commits to providing all of the space proposed for non-residential use to PDR/makerspace uses and intends to create a unique mix of uses that could include production, sale, distribution, and/or consumption of food and beverages; small-scale production and repair of goods and related sales; media/communications production and distribution; arts and entertainment; traditional crafts and trades; recreation uses; engineering and design; and technology design and production. All of these PDR uses are compatible with the residential community within which the PUD Site is located while still substantially preserving PDR uses in this area striped for PDR.

Furthermore, the Applicant has designed the non-residential space using criteria that leads to successful PDR/makerspace. The criteria include the following: creating minimum clear heights of approximately 14 feet from ground level slab to the structure above; incorporating electrical supply of 50 watts per square feet; designing a loading dock that can comfortably accommodate PDR uses both in proximity and function; maximizing the bay width to provide for flexible floorplates for the PDR/makerspace; and incorporating sound attenuation, including a minimum thickness of 7" between the ground level and the second level of the building. In the Phase II-A Building, the entirety of the Franklin Street frontage has been dedicated to PDR/makerspace uses given the relatively flat grade and the ability to incorporate these design criteria into that space. In fact, over 40% of the ground floor of the Phase II-A Building is devoted to PDR/makerspace uses. In the Phase II-B Building, PDR/makerspace uses are incorporated along Reed Street in those areas in which the sloping grade allows for the height of the space to be consistent with the referenced criteria. Given the challenges associated with incorporating non-residential use, which are detailed in the Applicant's statement, the Applicant has maximized the amount of PDR/makerspace uses in the Project.

4. Generalized Policy Map

The purpose of the GPM is to categorize how different parts of the District may change between 2005 and 2025. It highlights areas where more detailed policies are necessary, both within the Comp Plan and in follow-up plans, to manage this change. 10A DCMR § 225.1. The GPM is intended to “guide land use decision-making in conjunction with the Comp Plan text, the FLUM, and other Comp Plan maps. Boundaries on the map are to be interpreted in concert with these other sources as well as the context of each location. 10A DCMR § 225.2.

As shown on the GPM, the PUD Site is located within a Neighborhood Conservation Area, which encompasses substantial portions of the Upper Northeast Planning Area including, but not limited to, low density residential areas, industrial areas, and mixed use areas near Metrorail. According to the Framework Element, areas within a Neighborhood Conservation Area designation “have little vacant or underutilized land and are generally residential in character.” 10A DCMR § 225.4. The Framework Element further provides that “[m]ajor changes in density over current (2017) conditions are not expected [within a Neighborhood Conservation Area] but some new development and reuse opportunities are anticipated, and these can support conservation of neighborhood character where guided by [Comp Plan] policies and the [FLUM]. 10A DCMR § 225.4.

The guiding philosophy in Neighborhood Conservation Areas “is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs... 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.” Emphasis added. 10A DCMR § 225.5.

As the Framework Element states, the Neighborhood Conservation Area designation is not intended to preclude development, particularly when, as in this case, the development will help address the District’s housing needs. Indeed, the Project will contribute approximately 723 new housing units, of which approximately 105 to 110 will be dedicated affordable units within the Upper Northeast Planning Area, a designated high need area for new affordable housing. Based upon the Mayor’s 2019 Housing Equity Report, the amount of housing proposed represents approximately 10.5% and 11% - 12% of the overall and affordable housing goals, respectively, for the Upper Northeast Planning Area.

The Neighborhood Conservation Area designation is not intended to be interpreted as requiring conservation of existing development on a particular site or only permitting small scale development. In addition, it 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, with densities guided by the FLUM and [Comp Plan] policies.

The Project is not inconsistent with the PUD Site’s designation on the GPM as a Neighborhood Conservation Area, as it is compatible with the diversity of existing land uses and building types found in the surrounding area. The surrounding area, namely the area generally bounded by Franklin Street, Rhode Island Avenue, 10th Street, and the railroad tracks, has historically been used for light-industrial purposes with residential uses to the east. However, over the past decade, the area surrounding the Rhode Island Avenue Metrorail has experienced a period of major transition away from industrial with the construction of several mixed-use and multi-family developments. This transition is consistent with recommendations set forth in the Rhode Island Avenue Small Area Plan and the Ward 5 Industrial Land Use Study, the latter of which specifically states that “[m]any of the multi-story warehouse buildings are vacant, probably in expectation of market changes due to their proximity to the [Metrorail].” Examples of recent mixed-use and multi-family developments in proximity to the Project and surrounding the Metrorail include Brookland Press (6 stories, 296 units), 2607 Reed Street (90 feet, 353 units), and the multi-phased, multi-building Bryant Street development (65 feet, 1,500+ units, 250,000+ square feet of retail). The residential and PDR/makerspace uses proposed in the Project are consistent with the mix of uses in these recent developments and the established residential neighborhood to the east. Further, the amount and type of PDR/makerspace uses contemplated in the Project will retain an industrial presence on the PUD Site at an appropriate scale and intensity given the current context.

Consistent with the guiding philosophy of a Neighborhood Conservation Area, and with policy guidance provided in the Upper Northeast Planning Area Element and Land Use Element, the Project successfully relates to the scale and character of the surrounding area. As is discussed in greater detail below, the Project proposes greater height and density in the West Building, west

of Reed Street along the railroad tracks and away from the residential uses along 10th and Evarts Streets. The scale of the West Building is further reduced through large east-facing courtyards and minimal use of penthouses and roof structures, all of which help break down the massing and mitigate potential impacts to light and air on the homes along Evarts and 10th Streets. Additional massing reductions are achieved through variations in the West Building's façade articulation and materials, including the use of darker materials at the upper floors. The height, massing, and setbacks of the Phase II-A Building have been significantly informed by the two-story homes on Evarts and 10th Streets, including the provision of a deeper side yard along the east, lower initial building height, upper level setbacks along the east and south, and lack of a habitable penthouse.

5. Future Land Use Map

The FLUM shows the general character and distribution of recommended and planned uses across the city and, along with the GPM, is intended to provide generalized guidance on whether areas are designated for conservation, enhancement, or change. 10A DCMR §§ 200.5 and 224.4. The land use category descriptions on the FLUM describe the general character of development in each area, citing typical Floor Area Ratios ("FAR") as appropriate. However, the granting of density bonuses (for example, through Planned Unit Developments ("PUD") or Inclusionary Zoning) may result in density that exceeds the typical ranges cited. 10A DCMR § 228.1(c).

The Comp Plan does not require that each block "strictly correspond" with the general description of the associated land use designation on the FLUM. *See* Z.C. Order No. 08-15, Finding of Fact No. 74(a). Rather, similar to the GPM, 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," 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." 10A DCMR § 228.1(a). This is particularly relevant for sites with Mixed Use designations. Decisions on requests for rezoning shall be guided by the [FLUM] read in conjunction with the text of the Comp Plan (Citywide and Area Elements) as well as Small Area Plans pertaining to the area proposed for rezoning. *Id.* at § 2504.5.

The Project, including the requested map amendment to MU-6A and MU-4, is not inconsistent with the FLUM. The FLUM designates the west portion of the PUD Site as Mixed Use (High Density Residential / PDR) and the east portion of the PUD Site as Mixed Use (Moderate Density Residential / PDR).

The "Mixed Use" designation is found in areas where two or more uses are encouraged and is generally assigned to commercial corridors or districts that may not contain substantial amounts of housing but where more housing is desired in the future. It is also assigned to development that includes residential uses, particularly affordable housing, and residentially compatible industrial uses, typically achieved through a PUD or in a zone district that allows such a mix of uses. 10A DCMR §§ 227.20(b) and (d). Such is the circumstance in the present case where the PUD Site is located in close proximity to the Rhode Island Avenue corridor and

Metrorail station, and at the same time is supported under the FLUM to be redeveloped with residential and residentially compatible PDR uses.

Typically, the general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown on the FLUM. If the desired outcome is to emphasize one use over the other, the FLUM may note the dominant use by showing it at a slightly higher density than the other use in the mix. The Comprehensive Plan Area Elements may also provide detail on the specific mix of uses envisioned. 10A DCMR § 227.21. In this case, the FLUM itself does not indicate a preference for any particular use on either side of Reed Street, partially because the FLUM does not assign densities to the PDR land use category like it does for residential and commercial categories. However, based upon the following factors, the Applicant believes a reasonable assumption can be made that the Comp Plan generally favors residential use within the PUD Site over any other use, including PDR uses:

- Recent amendments to the FLUM for the PDR Site from solely PDR to Mixed Use;
- Upper Northeast Area Element policies, particularly those for the Rhode Island Avenue Metro Station Policy Focus Area, that encourage “medium- to high-density mixed-use, pedestrian and multimodal-friendly development” and “reuse of older commercial and industrial sites...with mixed-uses, including housing and PDR uses.” 10A DCMR §§ 2415.6 and 2415.7; and
- Rhode Island Avenue Small Area Plan support for rezoning to allow mixed-use development, including housing, up to 6.0 FAR and 90 feet.

The proposed PUD-related map amendment to MU-6A and MU-4 is not inconsistent with the FLUM. The PUD Site’s FLUM designations on both sides of Reed Street call for mixed-use development. Thus, the proposed mixed-use zones are appropriate. Further, while the emphasis of related Comp Plan policies may be on residential use, the presence of the PDR stripe warrants use of a mixed-use (MU) zone to allow for the PDR/makerspace uses that are proposed in the Project. In other words, the proposed MU-6A and MU-4 zones are necessary to achieve the uses desired under the FLUM and not for purposes of height or density.

a. MU-6A Zone / West Building

The proposed MU-6A zone on the western portion of the PUD Site is not inconsistent with the Mixed Use (High Density Residential / PDR) FLUM designation. The purposes of the MU-6A zone are to: (a) permit medium- to high-density mixed-use development with a focus on residential use, and (b) provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the city outside the central core. 11-G DCMR § 400.5.

Despite being a PUD, the West Building will be consistent with MU-6A matter-of-right height and density parameters. Specifically, as a matter-of-right the MU-6A zone permits up to 6.0 FAR (7.2 FAR with IZ), of which 1.0 FAR may be devoted to non-residential uses, and a maximum building height of 90 feet (100 with IZ). The West Building will have a maximum height of approximately 84 feet and a maximum density of approximately 5.22 FAR, of which only 0.07 FAR will be devoted to non-residential use. Thus, consistent with the purposes of the MU-6A zone the West Building is a mixed-use building with a clear emphasis on residential use.

While a mixed-use (MU) zone is needed to satisfy the PDR component of the PUD Site's FLUM designation, the density of the West Building is consistent with the Framework Element's description of the High Density Residential land use category. The Framework Element states that typical (matter-of-right) densities in High Density Residential areas are greater than 4.0 FAR, with higher densities possible when complying with IZ or through a PUD, and identifies the RA-4 and RA-5 zones as consistent. Under a PUD, the RA-4 zone permits 5.04 FAR, and as a matter-of-right the RA-5 zone permits 6.0 FAR. Thus, as described below, the West Building is compatible with high density residential densities as contemplated under the Framework Element while still satisfying its Mixed Use FLUM designation.

b. MU-4 Zone / East Building

The proposed MU-4 zone on the eastern portion of the PUD Site is not inconsistent with the Mixed Use (Moderate Density Residential / PDR) FLUM designation. The purposes of the MU-4 zone are to: (a) permit moderate-density mixed-use development, and (b) provide facilities for shopping and business needs, housing, and mixed uses for large segments of the city outside of the central core. 11-G DCMR § 400.3. The MU-4 zone is described in the Zoning Regulations as, in part, being located in low- and moderate-density residential areas with access to main roadways or rapid transit stops.

Under a PUD, the MU-4 zone permits a maximum height of 65 feet and a maximum density of 3.6 FAR, of which no more than 2.01 FAR may be devoted to non-residential uses. The Phase II-A Building is consistent with this permitted height. However, due to the dedication of a portion of the PUD Site to public right-of-way, which is necessary for the realignment of Reed Street, the Phase II-A Building will exceed the permitted density when computed only on its own land area. Specifically, the Phase II-A Building will have an individual density of approximately 3.72 FAR, of which approximately 0.32 FAR will be devoted to non-residential use. Including the dedicated land area (which is approximately 1,900 square feet), the density of the East Building would be approximately 3.5 FAR, which is consistent that permitted under a PUD in the MU-4 zone. As discussed below, this does not give rise to an inconsistency with the FLUM since, pursuant to 11-X DCMR 303.2, the density of a PUD "shall not exceed the aggregate of the FARs as permitted in the zone or zones included within the PUD boundary."

c. Overall Project Density

As shown in the table below, when computed as an aggregate across the PUD Site the proposed density of the overall Project (4.91 FAR, 769,490 GFA) is far less than what could otherwise be achieved through a PUD under the proposed zoning (7.61 FAR, 1,192,559 GFA). Further, the proposed density of the overall Project (4.91 FAR, 769,490 GFA) is less than what is permitted through a PUD under existing PDR-2 zoning (5.4 FAR / 845,926 GFA).

	Zone	Land Area (sf)	Max. FAR (PUD)	Max GFA (PUD)
Existing Zoning Permitted	PDR-2	156,653	5.4	845,926
Proposed Zoning Permitted				
Phase I & II-B	MU-6A	124,724	8.64	1,077,615
Phase II-A	MU-4	31,929	3.6	114,944
Total (Blended)		156,653	7.61	1,192,559
Proposed Project				
Phase I & II-B	MU-6A	124,724	5.22	650,690
Phase II-A	MU-4	31,929	3.72	118,800
Total (Blended)		156,653	4.91	769,490

6. Upper Northeast Area Element

The Project is not inconsistent with the policies set forth in the Upper Northeast Area Element, and in particular those listed below. The Project will redevelop an older, underutilized industrial site with a new mixed-use development that incorporates significant new housing, including affordable housing at deep levels of affordability, and new PDR/makerspace uses (UNE-2.5.3). The Project promotes growth in a location of the Planning Area where it make sense, in close proximity to Metrorail, the Rhode Island Avenue corridor, and other mixed-use developments (UNE-1.1.3, UNE-2.5.2). Consistent with the planning and development priorities identified in the Upper Northeast Element, the Project will increase access to quality affordable housing, replace existing industrial uses with residentially-appropriate PDR uses, improve the environmental quality of the PUD Site, and improve area public facilities and neighborhood services through coordination and monetary contributions to a number of area-serving institutions and organizations. The Project will also enhance connections, and particularly pedestrian connections, between Rhode Island Avenue and Franklin Street through the realignment and redesign of Reed Street and improvements to the alleys on the south and east sides of the Phase II-A Building (UNE-2.5.4). While remaining a public alley, the newly realigned Reed Street will be constructed with streetscape amenities that will vastly improve pedestrian safety in the area (sidewalks, tree boxes, raised crosswalks, seating, etc.).

The Project advances the following Upper Northeast Area Element policies:

UNE-1.1: Guiding Growth and Neighborhood Conservation

- UNE-1.1.3: Metro Station Development
- UNE-1.1.6: Neighborhood Shopping

UNE-2.5: Rhode Island Avenue Metro Station

- UNE-2.5.2: Rhode Island Avenue-Brentwood Metro Station
- UNE-2.5.3: Redevelopment of Older Commercial and Industrial Sites
- UNE-2.5.4: Pedestrian Improvements

7. Land Use Element

The Land Use Element is the cornerstone of the Comp Plan. It establishes the basic policies guiding the physical form of the District, and provides direction on a range of development, preservation, and land use compatibility issues. The element describes the range of considerations involved in accommodating an array of land uses within Washington, D.C. 10A DCMR § 300.1. Through its policies and actions, the Land Use Element addresses the numerous, challenging land use issues that are present in the District, including, among others:

- Providing adequate housing, particularly affordable housing;
- Conserving, creating, and maintaining inclusive neighborhoods, while allowing new growth that fosters equity, including racial equity, and accessibility;
- Balancing competing demands for finite land resources;
- Directing growth and new development to achieve economic vitality and creating jobs while minimizing adverse impacts on residential areas and open spaces;
- Promoting transit-accessible, sustainable development; and
- Siting challenging land uses.

10A DCMR § 300.2.

More than any other part of the Comp Plan, the Land Use Element lays out the policies through which growth and change occur. The Land Use Element integrates and balances competing policies of all the other District Elements. 10A DCMR § 300.3. The Implementation Element further recognizes the “overlapping nature” of the [Comp Plan] elements, stating that “an element may be tempered by one or more of the other elements,” and further states that “because the Land Use Element integrates the policies of all other District Elements, it should be given greater weight than the other elements.” 10A DCMR § 2504.6.

The policies and actions of the Land Use Element all aim to utilize land resources efficiently to achieve the following goals:

- Meet long-term neighborhood, District-wide, and regional needs;
- To address past and current inequalities disproportionately impacting communities of color;
- Sustain, restore, and improve the affordability and equity of all neighborhoods;
- Provide for additional housing and employment opportunities; and
- Effectively balance the competing demands for land.

10A DCMR § 302.1.

Land Use Element Evaluation

For the reasons discussed below, the Project will help achieve the above-described goals through its consistency with several Land Use Element policies. Upon evaluation of the Land Use Element policies and actions, the Applicant finds the Project to be not inconsistent with the Land Use Element overall, and specifically with the policies listed below.

The Project represents a transit-oriented development, being located only approximately 0.25 miles from the Rhode Island Avenue Metrorail station. The approximately 723 new market rate dwelling units, of which approximately 105 – 110 units will be made affordable, contribute to the burgeoning new neighborhood center that is taking shape around Metro (LU-1.4.2, LU-1.4.3). Together with the ongoing redevelopment of the Rhode Island Avenue Shopping Center, existing uses at the Rhode Island Row and Brentwood Shopping Center, and the future redevelopment of Engine Company 12 and Greater Mount Calvary Holy Church properties, the area around the metro station is fast becoming the new neighborhood center that area residents have long desired (LU-1.4.1, LU-1.4.6, LU-2.4.5). Consistent with the FLUM, the proposed MU-6A and MU-4 zones will facilitate the construction of new, multi-family housing, including substantial affordable housing at a wide range of income levels, in a high opportunity area next to transit (LU-1.4.B, LU-1.4.C, LU-2.1.1).

As discussed in Section 3 of this Comp Plan evaluation, the Project successfully balances the District's interest in retaining PDR uses with the need for greater production of housing and affordable housing (LU-3.2.1). Consistent with the FLUM, the Project proposed a suitable amount of residentially-appropriate PDR/makerspace in the ground floors of the Phase II-A Building and north portion of the West Building. Further, the less intense types of PDR/makerspace uses that are likely to occupy the ground floor of the Project will be less impactful on nearby residents than the existing industrial uses (LU-3.2.3). The proposed rezoning of the PUD Site to MU-6A and MU-4 is appropriate with Land Use Element policies as the PUD Site is in the immediate vicinity of the Rhode Island Avenue Metrorail station (LU-3.2.6). Given the proximity to Metrorail, and proximity to existing nearby lower-scale residential uses, the lower-impact PDR/makerspace uses that will be accommodated in the Project will avoid certain land use conflicts and negative impacts that may result from the existing industrial uses on the PUD Site (LU-3.2.10). There may also be entrepreneurial opportunities for Upper Northeast residents near their homes.

The Project advances the following Land Use Element policies:

LU-1.4: Transit-Oriented and Corridor Development

- LU-1.4.1: Station Areas as Neighborhood Centers
- LU-1.4.2: Development Around Metrorail Stations
- LU-1.4.3: Housing Around Metrorail Stations
- LU-1.4.6: Development Along Corridors
- LU-1.4.B: Zoning Around Transit
- LU-1.4.C: Metro Station and Inclusionary Zoning

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-2.4: Neighborhood Commercial Districts and Centers

- LU-2.4.5: Encouraging Nodal Development

LU-3.2: Taking a Hard Look at the District's Industrial Lands

- LU-3.2.1: Retain Areas for Industrial Uses
- LU-3.2.3: Retain and Support PDR Uses in Areas Designated for Mixed Use PDR Uses
- LU-3.2.6: Rezoning of Industrial Areas
- LU-3.2.10: Cottage Industries and Makers

8. Transportation Element

The Transportation Element provides policies and actions that are devoted to maintaining and improving the District's transportation system and enhancing the travel choices available to District residents, visitors, and workers. These transportation-related policies are integrally related to other Comp Plan policies that address land use, urban design, and environmental protection. The close interplay between these policy areas is necessary to improving safety, mobility, and accessibility in the District. 10A DCMR § 400.1.

The overarching goal for transportation in the District is to create a safe, sustainable, equitable, efficient, and multi-modal transportation system that meets the access and mobility needs of District residents, workers, and visitors. 10A DCMR § 401.1. An important component to achieving this goal is to closely coordinate land use and transportation decisions. The balance between housing and jobs plays a clear role in travel patterns. Generally, when homes and jobs are located close to transit, quality of life is improved and the demands on transportation infrastructure are reduced. The Comp Plan recommends that future efforts take these factors into account to ensure that households with varying incomes and communities of color have equitable access to housing and jobs via safe and efficient transportation options.

Transportation Element Evaluation

The Project is not inconsistent with the Transportation Element. The Project will establish new transit-oriented development within close proximity to the Rhode Island Avenue Metrorail station and in proximity to other forms of public transportation and bicycle infrastructure (T-1.1.4, T-1-1-7, T-2.6.1). The Project includes various transit-oriented development-related improvements, including the construction of new mixed-uses in close proximity to the Rhode Island Avenue corridor, bicycle storage areas, and public space improvements, including the realignment and reconstruction of Reed Street, dedication of land for new public streetscape, traffic mitigation measures, and new paving, lighting, landscaping, and bicycle racks (T-2.3.1, T-2.4.1, T-2.4.2). Further, the Project will incorporate placemaking strategies within the design of the reconstructed Reed Street that will support spaces for gathering and engaging in commerce, including the future Farmers Market that is part of the Applicant's proffered set of PUD benefits and amenities (T-1.4.1).

The Project has been designed to integrate bicycle and pedestrian safety considerations. For example, the Project incorporates secure indoor bicycle parking, including a bicycle repair station within each phase of the Project, and exterior short-term bicycle parking to encourage residents, visitors, and employees of the Project to travel by bike. The Applicant has committed to installing a Capital BikeShare station in general proximity to the Project, as ultimately approved by DDOT. Furthermore, the Applicant will also reconstruct Reed Street alley and other adjacent

alleys according to DDOT's standards, and will otherwise improve the public realm by making new landscape and lighting improvements to enhance the pedestrian experience and general safety of the surrounding area (T-2.3.1). Together, these physical improvements to the streetscape will improve bicycle and pedestrian safety in the area.

As related to transit access, the Project is consistent with policies that require attention to the transportation needs of all District residents, including those that rely heavily on transit for work and other daily needs (T-1.1.7). The Project is located approximately 0.25 miles from the Rhode Island Avenue Metrorail station and in close proximity to multiple Metrobus routes, and will therefore be easily accessible to residents, employees, and visitors of the Project (T-2.6.1, T-2.6.2).

In addition to promoting the use of transit, walking, and bicycle use, the Project will also include a strong TDM program that reduces the number of vehicle trips and miles traveled and increases the efficiency of the transportation system (T-1.1.2, T3.1.1). As part of the TDM program the Applicant will unbundle the cost of parking from the cost of renting or purchasing a residential unit, which will help to discourage residents from buying or renting parking spaces (T-3.2.D). The Project will also include a number of transportation mitigation measures and support facilities that will help address existing transportation issues in the area, and improve transportation safety and access (T-1.1.B).

The Project advances the following Transportation Element policies:

T-1.1 Land Use: Transportation Coordination

- T-1.1.2: Land Use Impact Assessment
- T-1.1.4: Transit-Oriented Development
- T-1.1.7: Equitable Transportation Access
- T-1.1.8: Minimize Off-Street Parking
- T-1.1.B: Transportation Improvements

T.1.4: Placemaking in Public space

- T-1.4.1: Street Design for Placemaking

T-2.3 Bicycle Access, Facilities, and Safety

- T-2.3.4: Capital Bikeshare Expansion
- T-2.3.5: Capital Bikeshare Access
- T-2.3.B: Bicycle Facilities

T-2.4 Pedestrian Access, Facilities, and Safety

- T-2.4.1: Pedestrian Network
- T-2.4.2: Pedestrian Safety

T-2.6 Addressing Accessibility for All Residents

- T-2.6.1: Transportation Access
- T-2.6.2: Transit Needs

T-3.1.1: TDM Programs

- T-3.1.1: TDM Programs
- T-3.2.D: Unbundle Parking Cost

T-5.2: Electric Vehicles

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

9. Housing Element

The Housing Element describes the importance of housing to neighborhood quality in the District, and the importance of providing housing opportunities for all segments of the population throughout the city. 10A DCMR § 500.1. The District continues to face significant demand for more housing, and in particular affordable housing across a range of income levels. Other critical housing issues that the District is facing include furthering fair housing opportunities, especially in high-cost areas; fostering housing production to improve affordability; promoting more housing near transit; maintaining healthy homes for residents; and providing housing integrated with supportive services for older adults, vulnerable populations, and residents with disabilities. 10A DCMR § 500.2.

The overarching housing goal of the Housing Element is to develop and maintain new residential units to achieve a total of 36,000 new units by 2025, 12,000 of which are dedicated affordable, that provide a safe, decent, accessible, and affordable supply of housing for all current and future residents of the District. 10A DCMR § 501.1. To achieve this target, the District must maintain a high rate of housing production at all income levels, with a range of housing types, in all part of the District. While equity is conveyed throughout the Comp Plan, access and availability to quality affordable housing is arguably the most important issue when it comes to racial equity. The Comp Plan recognizes that without increased housing the imbalance between supply and demand will drive up housing prices in a way that continues to create challenges for many residents, particularly low-income residents. However, the District's housing crisis cannot be successfully addressed by solely focusing on housing supply and demand. Rather, issues relating to the equitable distribution of affordable housing and ensuring new affordable housing has equitable access to transit and amenities are other important factors that need consideration.

Housing Element Evaluation

The Project helps meet the housing needs of present and future District residents at locations consistent with District land use and housing policies and objectives. The Project will include a significant number of new residential units within a high need area in in close proximity to Metrorail, including affordable units reserved for households at the 30% MFI (extremely low), 50% MFI (very low), and 60%, and 80% MFI (low) income levels. This will provide a substantial contribution to the District's housing and affordable housing goals set forth in the Housing Equity Report (H-1.1.2, H-1.1.3, H-1.2.1, H-1.2.3, H-1.2.7, H-1.2.11, H-1.3.2). Indeed, the approximately 723 new housing units in the Project represents 10% - 11% of the overall housing goal for the Upper Northeast Planning Area. Further, the Housing Equity Report sets an affordable housing goal of 1,350 units for the Planning Area. With approximately 1,160 affordable units currently in

the pipeline, the Housing Equity Report reports an affordable housing shortage of approximately 190 units. The Project will provide approximately 105 – 110 units of affordable housing, which represents approximately 11% - 12% of the projected shortfall in affordable housing for the Upper Northeast Planning Area. In addition, the Project will facilitate progress toward reaching the Housing Element goal of achieving a minimum of 15% affordable units within each Planning Area by 2050 (H-1.2.9, H-1.2.F).

Finally, the Project has been developed using a whole neighborhood approach (H-1.4.6). The Project will address citywide housing needs by developing new housing on an underutilized property in a rapidly growing and changing mixed-use neighborhood that is developing around the Rhode Island Avenue Metrorail station (H-1.1.4). The affordable housing will be designed and constructed according to the same high-quality architectural design standards used for the market-rate dwelling units, and the interior amenities, including finishes and appliances, will be comparable to the market-rate materials, durable, and consistent with contemporary standards for new housing (H-1.1.5). The Project will also include 3 bedroom units, thus providing housing for larger households. This includes a commitment by the Applicant to provide at least 1, affordable 3-bedroom unit in each of the two phases of the Project (H-1.3.1). The Applicant's proffered benefits include contributions that will help improve neighborhood schools, services, amenities, and transportation facilities. These include contributions toward the following services and improvements:

- Noyes Elementary School for select facility upgrades;
- Noyes Elementary School PTA for special projects, field trips, and electronic equipment;
- Greater Brookland Intergenerational Village for senior programs and assistance;
- The Village of Brookland Traditional Public Schools for select projects, goods, and services;
- Mint Project, Inc. for select projects, goods, and services;
- Mary House Inc. for supplemental housing assistance and other social services;
- New Farmers Market on Reed Street, including both the design of Reed Street to accommodate it as well as funding to ensure the establishment of the market;
- Expansion of gardening plots in Noyes Park;
- New off-site dog park with ANC 5B; and
- New Capital BikeShare station.

The Project substantially advances the following Housing Element policies:

H-1.1: Expanding Housing Supply

- H-1.1.2: Production Incentives
- H-1.1.3: Balanced Growth
- H-1.1.4: Mixed-Use Development
- H-1.1.5: Housing Quality
- H-1.1.8: Production of Housing in High-Cost Areas
- H-1.1.9: Housing for Families

H-1.2: Ensuring Housing Affordability

- H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority
- H-1.2.3: Affordable and Mixed-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-1.2.F: Establish Affordability Goals by Area Element

H-1.3: Diversity of Housing Types

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

H-1.4: Housing and Neighborhood Revitalization

- H-1.4.6: Whole Neighborhood Approach

10. Environmental Protection Element

The Environmental Protection Element addresses the protection, conservation, and management of Washington, DC's land, air, water, energy, and biological resources. This Element provides policies and actions for addressing important issues such as climate change, drinking water safety, the restoration of the tree canopy, energy conservation, air quality, watershed protection, pollution prevention, waste management, the remediation of contaminated sites, and environmental justice. The biological, chemical, and hydrologic integrity of the environment are key indicators of the quality of life in the District. Furthermore, environmental sustainability is linked to resilience, population health, and community prosperity. Good environmental management and pollution prevention are essential to sustain all living things and to safeguard the welfare of future generations. 10A DCMR § 600.1.

As set forth in 10A DCMR § 600.2, some of the critical environmental issues facing Washington, DC that are addressed in the Environmental Protection Element include:

- Restoring the District's tree canopy and expanding green infrastructure (GI);
- Conserving water and energy;
- Encouraging green building techniques and facilitating compliance with green building mandates;
- Growing access to, and use of, clean, local energy;
- Reducing air pollution;
- Eliminating the harmful effects of environmental hazards on all residents, particularly vulnerable populations and to address environmental justice issues; and
- Increasing resilience to urban heat island effect.

The overarching goal for the Environmental Protection Element is to protect, restore, and enhance the natural and human-made environment in Washington, DC, taking steps to improve environmental quality and resilience, adapt to and mitigate climate change, prevent and reduce pollution, improve human health, increase access to clean and renewable energy, conserve the

values and functions of Washington, DC's natural resources and ecosystems, and educate the public on ways to secure a sustainable future. 10A DCMR § 601.1.

Environmental Protection Element Evaluation

The Project is not inconsistent with the policies of the Environmental Protection Element. As part of the Project, the Applicant will reconstruct the streetscape along Franklin Street adjacent to the PUD Site and the public right-of-way of Reed Street that will include new trees that will add tree canopy, provide shade, improve air quality, provide urban habitat, and add aesthetic value (E-1.1.2, E-2.1.2). The Project will also incorporate significant landscaping, including sustainable landscaping practices, which will enhance and beautify the public right-of-way, reduce storm water runoff, and strengthen the character of the public realm (E-2.1.3). This includes the installation of a pervious paving system within the public alleys along the south and east sides of the Phase II-A Building and use of green roofs that will improve storm water management and climate resilience (E-1.1.5, E-4.1.1, E-4.1.2, E-4.1.3).

The Project will be designed to achieve LEED Gold and will incorporate rooftop solar panels capable of generating approximately 1% of the Project's energy consumption (E-3.2.3, E-3.2.7, E-4.2.1).

The Project advances the following Environmental Protection Element policies:

E-1.1: Preparing for and Responding to Natural Hazards

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

E-2.1: Conserving and Expanding Washington, DC's Urban Forests

- E-2.1.2: Tree Requirements in New Development
- E-2.1.3: Sustainable Landscaping Practices

E-3.2: Conserving Energy and Reducing GHG Emissions

- E-3.2.3: Renewable Energy
- E-3.2.7: Energy-Efficient Building and Site Planning

E-4.1: Green Infrastructure

- E-4.1.1: Maximizing Permeable Surfaces
- E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff
- E-4.1.3: GI and Engineering

E-4.2: Promoting Green Building

- E-4.2.1: Support for Green Building

E-4.3: Enhancing Urban Food Production and Community Gardening

- E-4.3.1: Promotion of Community Gardens, Urban Farms, and Educational Growing Spaces
- E-4.3.5: Schoolyard Greening
- E-4.3.6: Produce and Farmers Markets

11. Economic Development Element

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

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

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

Economic Development Element Evaluation

The Project will replace an underutilized industrial site within close proximity to Metrorail and residential uses with a new, mixed-use development that contains approximately 18,000 GFA of residentially-appropriate PDR/makerspace use. The new PDR/makerspace use will create a unique shopping experience along Reed Street, including opportunities for new, potentially locally-owned, neighborhood-serving services (ED-2.2.3, ED-2.2.5, ED-3.2.2). The new PDR/makerspace uses will complement the numerous other existing and new retail, service, and entertainment uses that are taking shape around the Rhode Island Avenue Metrorail station (ED-2.2.9). Consistent with the policies of the Land Use Element, and guidance concerning PDR areas in the Framework Element, the Project's PDR/makerspace uses will support the retention of PDR

space on the PUD Site at a scale and intensity that is appropriate to the current context surrounding the site (ED-2.5.1).

The Project advances the following Economic Development Element policies:

ED-2.2: The Retail Economy

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

ED-2.5: The Production, Distribution, and Repair Economy

- ED-2.5.1: Support for PDR Areas

ED-3.2: Small and Locally Owned Businesses

- ED-3.2.2: Small Business Incubators

12. Parks, Recreation, and Open Space Element

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

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

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

Parks, Recreation, and Open Space Element Evaluation

The Project is not inconsistent with the policies and goals of the Parks, Recreation, and Open Space Element. As part of its proffered benefits package, the Applicant is proposing to contribute up to \$50,000 to the D.C. Department of Parks and Recreation or Friends of Noyes Park Inc. for the creation of an off-site dog park within the boundaries of ANC 5B. There is a growing need and interest by District residents for more dog parks that are easily accessible. This is particularly prevalent in neighborhoods where new multi-family developments have occurred. This contribution is being offered in direct response to community input, and will help update and improve existing parks within the Upper Northeast Planning Area so that new and existing

residents have the facilities they desire within a reasonable distance of their home (PROS-1.2.3, PROS-2.1.4, PROS-2.1.5). Finally, the Applicant proposes to contribute \$50,000 for the labor and materials to construct approximately 20 additional garden plots in an expanded area of the community garden area of Noyes Park, which is approximately one block from the PUD Site. The additional garden plots are consistent with the District's health and wellness priorities, which include physical activity, psychological health, and access to healthy food (PROS-1.3.7).

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

PROS-1.2: Closing the Gaps

- PROS-1.2.3: Responding to Community Change

PROS-1.3: Preserving the Value of Parkland

- PROS-1.3.7: Health and wellness

PROS-2.1: Assessing Recreational Facilities

- PROS-2.1.4: Responding to Local Preferences
- PROS-2.1.5: Adapting to Changing Needs

13. Urban Design Element

The Urban Design Element addresses the District's physical design and visual qualities. It describes ways in which different aspects of the District's landscape, especially its buildings, streets, and open spaces, work together to define impressions of the city and its neighborhoods. The defining urban design qualities of the District derive from the historic Plan of Washington, and the unique characteristics of the city's many neighborhoods. As the District continues to support growth to address housing and economic development needs, several important urban design challenges must be considered. These include strengthening neighborhood quality of life while accommodating growth and change, and providing compatible infill development and appropriate transitions between varying uses and densities. 10A DCMR § 900.1 & 900.2.

The overarching goal of the Urban Design Element is to enhance the beauty, equity, and livability of Washington, DC by reinforcing its historic design legacy and the identity of its neighborhoods and centers, integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and functions of streets and public spaces. 10A DCMR § 901.1. Overall, the Applicant finds the Project to be not inconsistent with the policies and actions of the Urban Design Element, and in particular those listed below.

Urban Design Element Evaluation

The Project is not inconsistent with the policies of the Urban Design Element. In response to the nearby row homes along 10th and Evarts Streets, the massing of the Project has been concentrated on the western side of the PUD Site, along the CSX rail tracks and Metrorail, and incorporates a number of setbacks and transitions (UD-2.2.4).

The West Building will have a maximum height of approximately 84 feet, which is lower than the newly constructed 90-foot multi-family building (plus 20-foot occupied penthouse) to the

immediate east (2607 Reed Street, NE). To minimize the impact of the West Building on the row homes to the east, the Applicant has incorporated a number of design gestures. These include breaking the building down into multiple building blocks that are separated by open courtyards that face Reed Street (UD-2.2.6, UD-4.2.1). This reduces the perceived scale of the West Building and impacts to light and air. The Applicant has also broken down the massing of the West Building by varying the articulation of the building facades; material variety, including use of darker materials on upper floors, and minimized penthouses to only mechanical space and equipment (UD-4.2.4).

The Phase II-A Building incorporates similar design strategies to avoid overpowering the adjacent row homes (UD-2.2.4, UD-2.2.5). In response to community input, the Applicant is providing a larger side yard setback along the east side of the building. Further, the Phase II-A Building will contain a 1:1 setback above approximately 42 feet along the east and south sides, ultimately rising to a maximum height of 64 feet (UD-2.2.6). The massing of the Phase II-A Building is further reduced by an open court that faces eastward, and by the use of darker façade materials on the upper recessed portion of the building (located above 42 feet) (UD-4.2.1, UD-4.2.4). During the course of engagement with the community, the Applicant removed the habitable penthouse from the Phase II-A Building and will only have penthouse mechanical space and equipment.

The Applicant has designed the ground floors of the Project to be engaging to passersby and to support the programmed space that is contemplated along the realigned Reed Street. The use of high quality materials at the ground level will elevate the pedestrian experience and facilitate engagement, particularly the storefronts for the proposed PDR/makerspace uses (UD-4.2.2). The proposed design for Reed Street and the public alleys along the south and east of the Phase II-A Building will also support public engagement and public life through the use of high-quality materials, sustainable landscape features, and a space that can accommodate a new Farmers Market at the intersection of Reed Street and Evarts Street (UD-2.1.5, UD-2.1.7, UD-2.4.1, UD-3.1.1, UD-3.1.4, UD-3.2.2, UD-3.2.5).

The Project advances the following Urban Design Element policies:

UD-2.1: Street For People

- UD-2.1.5: Intersection Placemaking
- UD-2.1.7: Streetscapes That Encourage Activation

UD-2.2: Designing for Vibrant Neighborhoods

- UD-2.2.4: Transitions in Building Intensity
- UD-2.2.5: Infill Development
- UD-2.2.6: Large-Scale Development

UD-2.4: Inclusive Community Spaces

- UD-2.4.1: Inclusive and Diverse Neighborhood Spaces

UD-3.1: Public Life for All

- UD-3.1.1: Freely Accessible Public Space

- UD-3.1.3: Public Spaces for Cultural Expression
- UD-3.1.4: Markets for Small and Local Businesses

UD-3.2: Designing the Active District

- UD-3.2.2: Social and Community Meeting Spaces
- UD-3.2.5: Safe and Active Public Spaces and Streets

UD-4.2: Designing Architecture for People

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

14. Evaluation of Potential Comprehensive Plan Inconsistencies

The foregoing Comp Plan analysis thoroughly demonstrates the numerous ways in which the Project, including the proposed PUD-related map amendment to MU-6A and MU-4, aligns with the policies and goals of the Comp Plan, including the FLUM and GPM. However, as explained in multiple decisions by the Court, it is not sufficient to simply identify the policies that would be advanced when evaluating a proposal for consistency with the Comp Plan. Rather, because there is intentional overlap within and between the Comp Plan elements, a Comp Plan evaluation must recognize potential inconsistencies and explain why the inconsistencies are outweighed by other Comp Plan policies and/or competing considerations. The Court has provided the following specific guidance:

The Comp Plan is a “broad framework intended to guide the future land use planning decisions for the District.” *Wisconsin-Newark Neighborhood Coal. v. District of Columbia Zoning Comm’n*, 33 A.3d 382, 394 (D.C. 2011). Thus, “[e]ven if a proposal conflicts with one or more individual policies associated with the [Comp] Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the [Comp] Plan as a whole.” *Durant v. District of Columbia Zoning Comm’n*, 65 A.3d 1161, 1168 (D.C. 2013). The Comp Plan reflects numerous “occasionally competing policies and goals,” and, “[e]xcept where specifically provided, the [Comp] Plan is not binding.” *Id.* at 1167, 1168. Thus, “the Commission may balance competing priorities” in determining whether a proposal would be inconsistent with the Comp Plan as a whole. *D.C. Library Renaissance Project/West End Library Advisory Grp. v. District of Columbia Zoning Comm’n*, 73 A.3d 107, 126 (D.C. 2013). “If the Commission approves a [proposal] that is inconsistent with one or more policies reflected in the [Comp] Plan, the Commission must recognize these policies and explain [why] they are outweighed by other, competing considerations.” *Friends of McMillan Park v. District of Columbia Zoning Comm’n*, 149 A.3d 1027, 1035 (D.C. 2016).

The Implementation Element reflects similar guidance: “[r]ecognize the overlapping nature of the [Comp Plan] elements as they are interpreted and applied. An element may be tempered by one or more of the other elements.” 10A DCMR § 2504.6.

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

In general, the primary potential policy inconsistency relates to retention and redevelopment of industrial use (LU-3.2.4). As shown in the table below, to the extent the Project is inconsistent with this policy, such inconsistency is far outweighed by other Comp Plan policies and competing considerations that strongly weigh in favor of transitioning the PUD Site away from industrial uses and towards mixed-use development with an emphasis on residential use. Importantly, the outweighing policies identified in the table below are not all-inclusive. While there are several other policies that support the overall determination that the Project is not inconsistent with the Comp Plan, the outweighing policies shown below reflect those that can be directly tied to countering the reuse or redevelopment of the PUD Site with higher value PDR uses.

Potential Inconsistency	Outweighing Policy / Consideration
<p><u>LU-3.2.4: Redevelopment of Obsolete Industrial Uses</u> - Encourage the reuse of nonproductive industrial sites, such as vacant warehouses and open storage yards, with higher value PDR uses, including public works facilities, and other activities that support the core sectors of the District economy (federal government, hospitality, higher education, etc.). 10-A DCMR § 316.5</p>	<ul style="list-style-type: none"> · Housing Equity Report overall and affordable housing goals for the Upper Northeast Area Element. · Proposed amount and levels of affordable housing. · Improved environmental condition of the PUD Site, and sustainability benefits (LEED Gold, solar panels). · FLUM designation: Mixed Use (High Density Residential / PDR) and Mixed Use (Moderate Density Residential / PDR). · <u>Land Use Element policies:</u> <ul style="list-style-type: none"> · LU-1.4.2: Development Around Metrorail Stations · LU-1.4.3: Housing Around Metrorail Stations · LU-1.4.C: Metro Station and Inclusionary Zoning · LU-3.2.6: Rezoning of Industrial Areas · LU-3.2.10: Cottage Industries and Makers

	<ul style="list-style-type: none"> · <u>Housing Element Policies</u> <ul style="list-style-type: none"> · <i>H-1.1.4: Mixed-Use Development</i> · <i>H-1.1.8: Production of Housing in High-Cost Areas</i> · <i>H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority</i> · <i>H-1.2.3: Affordable and Mixed-Income Housing</i> · <i>H-1.2.9: Advancing Diversity and Equity of Planning Areas</i> · <u>Environmental Protection Element Policies</u> <ul style="list-style-type: none"> · <i>E-1.1.5: Resilient Infrastructure</i> · <i>E-2.1.3: Sustainable Landscaping Practices</i> · <i>E-3.2.3: Renewable Energy</i> · <i>E-4.1.1: Maximizing Permeable Surfaces</i> · <i>E-4.2.1: Support for Green Building</i> · <u>Upper Northeast Element Policies</u> <ul style="list-style-type: none"> · <i>UNE-1.1.3: Metro Station Development</i> · <i>UNE-2.5.1: Rhode Island Avenue/Brentwood Metro Station</i> · <i>UNE-2.5.2: Redevelopment of Older Commercial and Industrial Sites</i>
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