

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

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 as they relate to the Project. For those Citywide Elements that are more directly applicable to the Project, a narrative is provided below explaining the basis for the Applicant’s determination that the Project is not inconsistent with that particular element. Finally, consistent with guidance provided by the D.C. Court of Appeals (the “Court”), the following evaluation 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 inconsistencies are far outweighed by other Citywide and Lower Anacostia Waterfront / Near Southwest 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 equity. The importance of equity to District residents was made abundantly clear when the Office of Planning conducted its D.C.

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.

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.

The Framework Element states that equity is both an outcome and a process. 10A DCMR § 213.6. 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

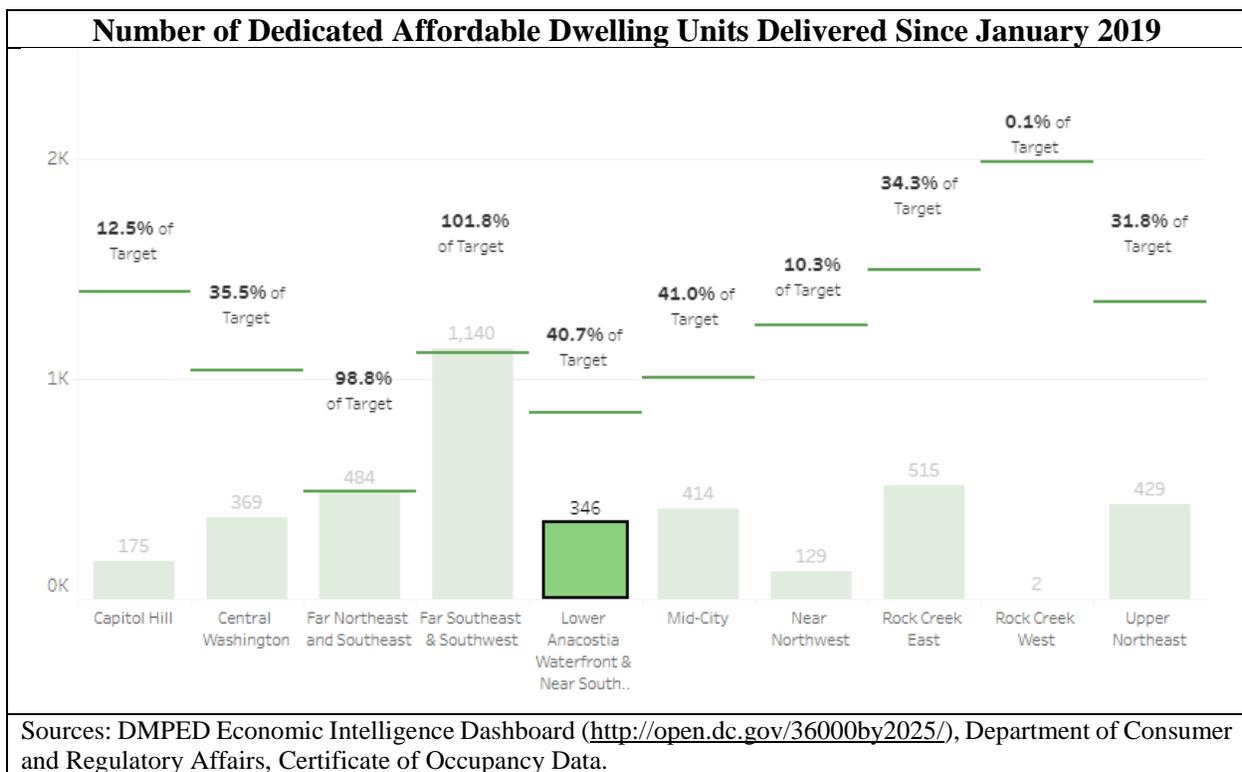
Equity is conveyed throughout the Comp Plan, particularly in the context of zoning, where certain priorities stand out, including affordable housing, displacement, and access to opportunity. As related to zoning actions, racial equity is not a separate consideration from the normal legal standard of review. Rather, the Comp Plan requires the normal legal standard of review to be applied through a racial equity lens. 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 pressing citywide needs and specific needs of the surrounding community or neighborhood. Thus, the racial equity lens can be more targeted toward addressing specific needs/deficiencies. Guidance on an area’s specific needs/deficiencies is obtained from the relevant Comp Plan area element, in this case the Lower Anacostia Waterfront/Near Southwest 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 Lower Anacostia Waterfront / Near Southwest Planning Area. Residents have expressed interest in maintaining diverse housing choices so that a mix of household types and incomes are accommodated, and that affordable housing for moderate-income families and for the District’s lowest-income residents should be part of the equation. 10A DCMR § 1906.3. According to 2014 – 2018 American Community Survey data for the planning area, approximately 38% of households within the Planning Area paying rent are housing burdened, and approximately 22.8% of households with a mortgage are housing burdened. Both of these figures are below the District-wide averages of 47% and 26%, respectively.

The Housing Element establishes a goal of 15% of all housing units within each Comp Plan planning area be dedicated affordable housing. 10A DCMR § 504.27. Figure 5.11 of the

Housing Element states that approximately 22% of housing units in the Lower Anacostia Waterfront / Near Southwest Area are affordable housing.

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. According to the Housing Equity Report, the Lower Anacostia Waterfront / Near Southwest Area contains approximately 6% of the District’s dedicated affordable housing supply. For the Lower Anacostia Waterfront / Near Southwest Area, the Housing Equity Report sets an overall housing production goal of 7,960 new housing units, and an affordable housing goal of 850 units.² According to data published by the Deputy Mayor for Planning and Economic Development, in the three years since the Housing Equity Report was published the Planning Area has already achieved approximately 76% of the overall housing production goal, and approximately 40% of the affordable housing goal. Specifically in regards to affordable housing, approximately 346 of the targeted 850 dedicated affordable dwelling units have already been delivered.³



² With approximately 910 affordable housing units already in the pipeline at the time the Housing Equity Report was published, the Lower Anacostia Waterfront / Near Southwest Area is identified as being on track to reach its affordable housing goal.

³ These numbers do not include the dwelling units, both overall units and affordable units, that have been approved in recent Zoning Commission case. These include, among others: 1333 M Street SE (Z.C. Order No. 20-06), Waterfront Station – Northeast Parcel (Z.C. Order No. 02-38J), Westminster Presbyterian Church (Z.C. Case No. 20-12), 1319 South Capitol Street (Z.C. Order No. 20-18).

In addition to housing, residents of Lower Anacostia Waterfront / Near Southwest have raised other priority concerns and/or interests regarding land use, access to amenities and services, equitable waterfront access, sustainability, and preservation of open space and Southwest's cultural heritage. Residents support continued revitalization of the waterfront in a manner that respects the scale and integrity of adjacent neighborhoods. Additional density along the waterfront is described as one of the best examples of smart growth that can curb urban sprawl by channeling more housing demand back toward the District's center. 10A DCMR § 1906.3. The Southwest Neighborhood Plan (the "SW Plan") also provides valuable insight into what residents see as the "key concerns and opportunities" for the area. Similar to the Lower Anacostia Waterfront / Near Southwest Area Element, the SW Plan emphasizes the need for varied housing choices and economic and racial diversity. The SW Plan also promotes enhanced neighborhood-serving retail; public realm updates, including sidewalk and bicycle infrastructure improvements; and open space and community facility improvements.

Racial Equity as a Process

The Framework Element states 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. To date, the Applicant has worked with the community through ANC 6D. These meetings started very early in the Applicant's formulation of the Project. The Applicant will continue to work with the ANC 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" 10A DCMR 213.6. As stated above, under the recently adopted Comp Plan the Commission shall carry out its Comp Plan evaluation through a racial equity lens. The following table correlates the Project and proffered benefits with a number of equitable development indicators that were derived from language and policies contained in the Framework and Implementation Elements. As the table shows, the Project and proffered benefits will directly address a number of issues and priorities that Lower Anacostia Waterfront / Near Southwest Area residents have specifically identified. Indeed, the positive outcomes of the Project will directly benefit Lower Anacostia Waterfront / Near Southwest residents since the Project's benefits and amenities proffered was directly informed by priorities set forth in the Lower Anacostia Waterfront / Near Southwest Area Element, SW Plan, and through direct engagement with ANC 6D and area 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"> Affordable housing equal to 15% of base building residential GFA devoted to households earning no more than 60% MFI (low income). Affordable housing equal to 15% of penthouse residential GFA devoted to households earning no more than 50% MFI (very low income).
Cultural	<ul style="list-style-type: none"> Loss of sense of belonging or shared identity in neighborhood. 	<ul style="list-style-type: none"> Public art developed with neighborhood input. Pocket plaza / open space for informal gathering. Improvements to Maine Avenue public property with new seating and landscaping. Neighborhood-serving retail and outdoor seating that will facilitate impromptu interactions and informal gatherings.
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. 207 new dwelling units (2.5% of AW overall housing goal). 15% of residential GFA devoted to affordable housing at 60% MFI (low income) and 50% MFI (very low income) (4.1% of AW 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"> Affordable units dedicated to 60% MFI households (50% MFI for any penthouse generated set aside requirement).
Family-sized Units	<ul style="list-style-type: none"> Larger-sized dwelling units. 	<ul style="list-style-type: none"> 2 and 3 bedroom units.
Transportation		
Access to Transit	<ul style="list-style-type: none"> 0.5 miles to Metrorail. 0.25 miles to priority bus corridors and other modes of public transportation. 	<ul style="list-style-type: none"> Approx. 0.3 miles to Metrorail Adjacent to DC Circulator and priority bus corridors. Proximity to Capital Bikeshare stations and several bike lanes.
Transportation Improvements / Pedestrian Safety	<ul style="list-style-type: none"> Gaps in pedestrian network. 	<ul style="list-style-type: none"> Reconstruction of adjacent streetscape.

	<ul style="list-style-type: none"> · Lack of pedestrian facilities (crosswalks, lighting, seating, etc.). 	<ul style="list-style-type: none"> · Other transportation improvement benefits identified through DDOT CTR process.
Employment		
New Jobs		<ul style="list-style-type: none"> · Retail jobs. · Building maintenance / management jobs.
Access to Jobs		<ul style="list-style-type: none"> · Resident proximity to multiple modes of public transit. · Resident proximity to numerous other employment opportunities at nearby retail, service, and neighborhood-serving uses.
Education / Health / Wellness	<p>Access to quality public services and community facilities.</p> <p>Access to safe, clean public gathering spaces, open spaces, and recreation.</p> <p>Healthy natural environment.</p>	<ul style="list-style-type: none"> · Proximity to the waterfront. · Proximity to parks, open space, and recreation. · Proximity to Amidon Elementary School and Jefferson Middle School. · Proximity to Southwest Library. · Proximity to future Southwest Community Center.
Environmental	<ul style="list-style-type: none"> · LEED rating. · Use of renewable energy sources. · Use of green building techniques. · Storm water management. · Placement of unwanted / high-impact land uses 	<ul style="list-style-type: none"> · LEED Gold certification. · Green roofs. · Improved storm water infrastructure. · Green Building Act compliance.
Access to Amenities	<ul style="list-style-type: none"> · Availability of building amenities. · Proximity/availability of uses that meet day-to-day needs (grocery, retail, service, eating and drinking). 	<ul style="list-style-type: none"> · High-quality resident amenities. · Approx. 5,585 GFA of neighborhood-serving retail · Proximity to nearby retail, service, and neighborhood-serving uses. · Proximity to the waterfront. · Proximity to parks, open space, recreation. · Proximity to Amidon Elementary School and Jefferson Middle School. · Proximity to Southwest Library. · Proximity to future Southwest Community Center. · Proximity to numerous cultural attractions (performing arts, art galleries, museums).

3. 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. This designation encompasses the entire Southwest neighborhood with the exception of the Southwest Waterfront (Wharf) and the Southwest Town Center along 4th Street, which are designated as Regional Center and Neighborhood Commercial Center, respectively. 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. 10A DCMR § 225.5.”

As the Framework Element states, the Neighborhood Conservation Area designation is not intended to preclude development. It is also not intended to be interpreted as requiring conservation of existing development on a particular site or only permitting small scale development. Perhaps most importantly, the Neighborhood Conservation Area designation is not intended to be interpreted the same way across the District. Rather, the designation is intended to maintain “the diversity of land uses and building types” of a particular area. Overall, the development pattern of the Southwest neighborhood that the GPM aims to conserve can be characterized as a diverse collection of medium- to large-scale residential towers interspersed with lower-scale townhomes, and cultural, institutional, and open space uses. As discussed in the Southwest Neighborhood Plan (“SW Plan”), this distinctive character is reflective of mid-century planning efforts to completely rebuild Southwest into a “New Town in the City,” which incorporated modern high rises, townhouses, and landscapes. In discussing existing zoning, the SW Plan further states “

“A variety of high and low building heights is unique to Southwest, an intentional mix of townhouses and high-rise towers. Most buildings in the area are under four stories or over eight stories. This defining feature of Southwest is valued by the community; however, most of the current land use and zoning designations call for densities that would not permit new buildings as tall as the existing towers in Southwest and some zoning would permit construction of new buildings in green

space. For example, a medium density residential land use with an [RA-2] zone allows, by right, a maximum height of 50 feet with a 1.8 floor area ratio (FAR). Under this designation, any new development on that parcel would not be able to achieve the current high-low mix as reflected in the existing Southwest area because the zoning height restrictions prevent constructing a building over five floors. Although this model may be desirable in other neighborhoods, in Southwest, it would discourage developers from varying building heights or building upwards to free up more room for open space.”

As to building types, the Southwest neighborhood is predominately characterized by rowhouses and high-rise residential buildings (“towers and townhomes”) with high-density residential and office buildings concentrated at the Southwest Town Center and the Wharf. The unique development character of Southwest is something that is embraced and celebrated by the community. Indeed, community sentiment regarding the importance of conserving current neighborhood character has been translated into a set of design guidelines within the SW Plan, the goal of which is to ensure that new construction and adaptive reuse will contribute positively to the neighborhood’s identity.

GPM Evaluation

The Project is not inconsistent with the PUD Site’s designations on the GPM as a Neighborhood Conservation Area as it is compatible with the diversity of land uses and building types found in the surrounding area, as well as with the scale and character of the neighborhood, both existing and as envisioned in the SW Plan. Further, consistent with the guiding philosophy in Neighborhood Conservation Areas, the Project will contribute to addressing citywide housing needs on a site that is in close proximity to Metrorail and numerous neighborhood services and amenities. The Project consists of a medium-density mixed-use development that is not inconsistent with the FLUM and Lower Anacostia Waterfront / Near Southwest Area Element policies, consistent with the recommendations and design guidelines in the SW Plan, and is responsive to the scale, pattern, and character of the immediate context.

Consistent with the SW Plan design guidelines, the massing and 110-foot height of the Project is consistent with the range of residential building heights in the immediate context, which ranges from 90 – 130 feet). Additionally, the recessed ground-floor and additional plaza / open space provided at street level along 7th Street further relates to the context, and encourages active, pedestrian-oriented street frontages.

4. Future Land Use Map

The Project, including the requested map amendment to MU-10, is not inconsistent with the FLUM.

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). 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.

As recently adopted by the D.C. Council, the FLUM designates the PUD Site as Mixed Use (Medium Density Residential / Medium Density Commercial).

A "Mixed Use" designation on the FLUM is not intended to be interpreted according to its separate land use categories. Rather, "Mixed Use" on the FLUM is a specific land use category unto itself. The Mixed Use designation is assigned to areas where the mixing of two or more land uses is encouraged, but is not mandatory, with the particular combination of uses desired in a given area depicted in the specific striped pattern on the FLUM. The general density and intensity of development within Mixed Use areas are determined by the specific mix of uses shown on the FLUM. If the desired outcome is to emphasize one use over another, the FLUM may note the dominant use by assigning it a higher density. The Area Elements may also provide detail on the mix of uses envisioned for a site. 10A DCMR § 227.21. In this case, the Mixed Use (Medium Density Residential / Medium Density Commercial) FLUM designation does not indicate a preference for a particular use on the PUD site. However, applicable Area Element policies and SW Plan supplemental guidance clearly favor additional residential use on the PUD Site.

FLUM Evaluation

The Project, including the related Zoning Map amendment to MU-10 is not inconsistent with the FLUM. The MU-10 zone is expressly referred to in the Framework Element as being consistent with the Medium Density Commercial land use category, which is used to define:

"...shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses, although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas. Density typically ranges between a FAR of 4.0 and 6.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-8 and MU-10 Zone Districts are consistent with the Medium Density category, and other zones may also apply." Emphasis added. 10A DCMR § 227.12.

As stated above, while the PUD Site’s FLUM designation does not expressly favor one use over another, the policy guidance provided in the Comp Plan elements and the SW Plan consistently promote the need for more housing to help address the District’s housing needs. The MU-10 zone is consistent with this guidance as it generally favors residential use over commercial use by limiting non-residential density. Specifically, under a PUD the MU-10 zone permits an overall maximum density of 8.64 FAR, of which up to 4.02 FAR may be devoted to non-residential uses. As shown in the proposed plans, the Project heavily favors residential use by devoting approximately 97% of proposed density to residential use (8.4 FAR of the total 8.64 FAR.)

With respect to height, the proposed 110-foot height of the Project is consistent with other residential buildings immediately surrounding the PUD Site. Specifically, as shown in the proposed plans, buildings at The Wharf immediately across Maine Avenue are 130 feet and 110 feet. In addition, the Banks development located immediately across 7th Street, and Town Square Condominiums north on 7th Street are both 90 feet in height.

The following table demonstrates how the height and density of the Project is consistent with the PUD Site’s FLUM designation of Mixed Use (Medium Density Residential / Medium Density Commercial).

Project		
	Height	Density
MU-10	110 ft.	8.64 FAR

Framework Element Guidance		
	Height	Density
MU-8 & MU-10	N/A	4.0 FAR – 6.0 FAR (greater density possible w/ IZ or PUD)

ZR16 PUD			
	Height (MOR)	Height (PUD)	Density (PUD w/ IZ)
MU-10	90 ft. (100 ft. w/ IZ)	110 ft.	8.64 FAR

5. Lower Anacostia Waterfront / Near Southwest Area Element

The Project is not inconsistent with the policies set forth in the Lower Anacostia / Near Southwest Area Element, and in particular those listed below. The Project will redevelop an underutilized site in close proximity to the transit, the waterfront, and numerous other neighborhood amenities (parks, museums, retail, etc.) with a new mixed-use development containing approximately 207 new (market rate and affordable) dwelling units and approximately 5,585 GFA of neighborhood-serving retail. Consistent with the FLUM and recommendations of the SW Neighborhood Plan, the Project will bring greater residential and retail development to the Maine Avenue corridor (AW-1.1.7, AW-2.5.2). The Applicant will devote 15% of the Project’s residential GFA to affordable housing, which far exceeds the amount of affordable housing that would be required under the PUD Site’s existing zoning (AW-2.5.2, AW-2.5.11). the Project will even provide more affordable housing than would be required under a standalone MU-10 map

amendment that was subject to IZ+. Finally, the housing within the Project, including the affordable housing will comprise a range of unit types.

The Project advances the following Lower Anacostia / Near Southwest Area Element policies:

AW-1.1: Guiding Growth and Neighborhood Conservation

- AW-1.1.7: Waterfront Area Commercial Development

AW-2.5: Southwest Neighborhood

- AW-2.5.2: Southwest Neighborhood Plan
- AW-2.5.4: An Equitable and Inclusive Southwest Neighborhood
- AW-2.5.11: Affordable and Family-Sized Housing in Southwest

6. 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;
- Directing growth and new development to achieve economic vitality and creating jobs while minimizing adverse impacts on residential areas and open spaces;
- Improving resilience; and
- Promoting transit-accessible, sustainable development.

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; and
- Provide for additional housing and employment opportunities.

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 will promote the continued growth of the urban, mixed-use neighborhood that is developing along the Maine Avenue corridor (LU-1.2.4). The Project will deliver approximately 207 new dwelling units, of which approximately 15% will be dedicated affordable housing for households earning 60% MFI (50% MFI for any penthouse-generated IZ requirement). The mix of uses proposed within the Project (residential and neighborhood-serving retail) are appropriate for the PUD Site’s location along the edge of the Central Employment Area (“CEA”) and proximity to transit (LU-1.2.6, LU-1.4.4, LU-1.4.6). Consistent with the FLUM, the proposed MU-10 zone will facilitate the construction of new, multi-family housing, including affordable housing at 60% MFI (considered low income), in a transit- and amenity-rich area of the city (LU-1.4.C).

The Project balances District goals to increase housing supply, particularly affordable units, with parallel goals to advance sustainability, promote arts and culture, and protect neighborhood character. The approximately 207 new market rate and affordable housing units will greatly assist the achievement of housing goals for the Lower Anacostia Waterfront / Near Southwest Planning Area, and the Applicant’s commitment to achieve LEED Gold will advance District environmental and energy policies. The Project will also incorporate public art along 7th Street, within the proposed pocket plaza, that will be developed with neighborhood input (LU-2.3.12). The height and massing of the Project are consistent with the surrounding context, and the GPM and FLUM. Specifically, the 110-foot height of the proposed building is within the range of 90-, 110-, and 130-foot residential buildings that surrounding the PUD Site. Finally, as shown on the Applicant’s shadow study the height of the proposed building will not have an unacceptable impact on the Jefferson Middle School building, and will not cast any shadow on the Jefferson recreation fields to the north of the school building. Indeed, the vast majority of shadows created by the Project will be cast on the parking and loading areas located at the rear of the school building (LU-1.2.6, LU-2.1.3).

The Project advances the following Land Use Element policies:

LU-1.2: Strengthening the Core

- LU-1.2.4: Urban Mixed-Use Neighborhoods
- LU-1.2.6: CEA Edges

LU-1.4: Transit-Oriented and Corridor Development

- LU-1.4.4: Affordable Rental and For-Sale Multi-family Housing Near Metrorail Stations
- LU-1.4.6: Development Along Corridors
- LU-1.4.C: Metro Station and Inclusionary Zoning

LU-2.1: A District of Neighborhoods

- LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

LU-2.3: Residential Land Use Compatibility

- LU-2.3.12: Arts and Culture Uses in Neighborhoods

7. 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 Metrorail and in proximity to other forms of public transportation and bicycle infrastructure (T-1.1.4, T-1-1-7). The Project includes various transit-oriented development-related improvements, including the construction of new mixed-uses in close proximity to the Maine Avenue corridor, bicycle storage areas, and public space improvements such as new paving, lighting, landscaping, and bicycle racks (T-2.4.1, T-2.4.2). The Project will also incorporate place making strategies through seating and landscaping along 7th Street and Maine Avenue, and through the use of public art (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, and exterior short-term bicycle parking to encourage residents, visitors, and employees of the Project to travel by bike. The Applicant will 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.

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 city's transportation systems (T-1.1.2, T-3.1.1). As part of the TDM program the Applicant will unbundle the cost of parking from the cost of renting a residential unit, which will help 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.B: Transportation Improvements

T-1.4: Placemaking in Public space

- T-1.4.1: Street Design for Placemaking

T-2.4 Pedestrian Access, Facilities, and Safety

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

T-3.1.1: TDM Programs

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

8. 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; and maintaining healthy homes for residents. 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 provide approximately 207 new residential units within close proximity to transit, including affordable units reserved for households at the 60% MFI (50% MFI for any penthouse IZ requirement) that will remain for the life of the Project (H-2.1.6). The additional market rate and affordable housing will contribute to the District's housing goals set forth in the Housing Equity Report (H-1.1.1, H-1.1.3, H-1.2.1, H-1.2.7, H-1.2.11). Indeed, the approximately 207 new housing units in the Project represents approximately 2.5% of the overall housing goal for the Lower Anacostia Waterfront / Near Southwest Planning Area. Further, the Housing Equity Report sets an affordable housing goal of 850 units for the Planning Area. The Project will devote 15% of residential GFA to affordable housing for households earning no more than 60% MFI, and an additional amount of GFA equaling 15% of penthouse GFA devoted to dwelling units will be set aside for households earning no more than 50% MFI. The affordable housing within the Project will help the District achieve the affordable housing production goal set by the Housing Equity Report for the Planning Area. (H-1.2.9, H-1.2.F).

The Project will address citywide housing needs by developing new housing on an underutilized property in a growing and changing mixed-use neighborhood that is developing around along the Maine Avenue corridor (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 housing, 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 contain housing for larger households, including 3 bedroom units (H-1.1.9, H-1.3.1).

The Project substantially advances the following Housing Element policies:

H-1.1: Expanding Housing Supply

- H-1.1.1: Private Sector Support
- H-1.1.3: Balanced Growth
- H-1.1.4: Mixed-Use Development
- H-1.1.5: Housing Quality
- 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-1.2.7: 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-2.1: Preservation of Affordable Housing

- H-2.1.6: Long-Term Affordability Restrictions

9. 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; 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 surrounding to the PUD Site

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 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 green roofs that will improve storm water management and climate resilience (E-4.1.2, E-4.1.3). Finally, the Project will be designed in accordance with LEED Gold standards (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-2.1: Conserving and Expanding Washington, DC's Urban Forests

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

E-3.2: Conserving Energy and Reducing GHG Emissions

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

E-4.1: Green Infrastructure

- E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff
- E-4.1.3: GI and Engineering

E-4.2: Promoting Green Building

- E-4.2.1: Support for Green Building

10. 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; 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 predate 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 commercial site within close proximity to Metrorail, the waterfront, and several amenities with a new, mixed-use development that contains approximately 5,585 GFA of neighborhood-serving retail and service uses (ED-2.2.3, ED-2.2.5).

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

11. 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. The Project will help achieve the goals of the Urban Design Element through its massing and quality materials that respond to the surrounding context, provision of an on-site pocket plaza / open space, and through improvements to adjacent public space (UD-2.2.1, UD-2.2.2). The 110-foot height of the

Project is compatible with existing residential buildings that immediately surround the PUD Site. (UD-2.2.5). As shown in the Applicant’s shadow study, the Project will not cast any shadow on the recreation fields located to the north of Jefferson Middle School. (UD-2.2.7). In regards to the Jefferson Middle School site, any shadow that is cast will be on parking and loading areas, and on the portion of the school building containing the gymnasium. No classrooms will be impacted by shadows created by the Project.

To further relate to the surroundings, the Applicant has further reduced the massing of the Project by recessing the ground floor – which results in additional open space at the ground level – and articulating the upper floors through variation in façade angles and materials. (UD-4.2.1, UD-4.2.4). Finally, the Applicant has designed the ground floor of the Project to be engaging to passersby and to support the programmed space that is contemplated along Maine Avenue. The use of high quality materials at the ground level will elevate the pedestrian experience and facilitate engagement, particularly the retail storefronts (UD-2.1.1, UD-4.2.2).

The Project advances the following Urban Design Element policies:

UD-2.1: Streets for People

- UD-2.1.1: Streetscapes That Prioritize the Human Experience

UD-2.2: Designing for Vibrant Neighborhoods

- UD-2.2.1: Neighborhood Character and Identity
- UD-2.2.2: Areas of Strong Architectural Character
- UD-2.2.5: Infill Development
- UD-2.2.7: Preservation of Neighborhood Open Space

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

12. 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-10, 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 environmental sustainability.

In general, the potential policy inconsistencies relate to the potential reuse of the existing building on the PUD Site. The existing building on the PUD Site was constructed in the 1980s and is currently used for office purposes. While the Applicant potentially could continue to use the building for office purposes, the building would need to be fully renovated even to be competitive in a lower-tier office market (ED-2.1.4, ED-2.1.5, ED-2.1.B). Further, given the PUD Site’s Comp Plan FLUM designation, location, and the critical need for more housing in the District, the continued use of the building is no longer the best use for the site. Rather, redevelopment of the PUD Site in a manner that better utilizes available land area and capitalizes on the site’s proximity to transit and amenities to address citywide housing and sustainability goals far outweighs the continued use of the site for office purposes.

Potential Inconsistency	Outweighing Policy / Consideration
<p><i>ED-2.1.4: Diversified Office Options</i></p> <p><i>ED-2.1.5: Infill and Renovation</i></p> <p><i>ED-2.1.B: Support Low-Cost Office Space</i></p>	<ul style="list-style-type: none"> · Housing Equity Report overall and affordable housing goals for the Lower Anacostia Waterfront /Near Southwest Planning Area. · Proposed amount of affordable housing. · Sustainability benefits (LEED Gold). · FLUM designation: Mixed Use (Medium Density Residential / Medium Density Commercial) · <u>Land Use Element policies:</u> <ul style="list-style-type: none"> <i>LU-1.2.4: Urban Mixed-Use Neighborhoods</i> <i>LU-1.4.4: Affordable Rental and For-Sale Multi-family Housing Near Metrorail Stations</i> · <u>Housing Element Policies</u> <ul style="list-style-type: none"> <i>H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority</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-3.2.3: Renewable Energy</i> <i>E-4.2.1: Support for Green Building</i> · <u>Lower Anacostia Waterfront / Near Southwest Area Element Policies</u> <ul style="list-style-type: none"> <i>AW-2.5.4: An Equitable and Inclusive Southwest Neighborhood</i> <i>AW-2.5.11: Affordable and Family-Sized Housing in Southwest</i>