

Exhibit E

Analysis of the Project's Comprehensive Plan Consistency and Potential Impacts

During the Commission's review of the Project at the September 23, 2019 public meeting, the Commission asked for a more complete analysis of (i) the balancing of the policy objectives of the Comprehensive Plan for the District of Columbia ("Comprehensive Plan"), and (ii) the Project's potential adverse impacts and how those impacts will be mitigated.

I. Comprehensive Plan Balancing Analysis

When the Zoning Commission reviews a PUD application, it must find, based on the evidence presented by the Applicant or otherwise in the record before it, that the proposed development that is the subject of the application "is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site." *See* 11-X DCMR § 304.4. The D.C. Court of Appeals has interpreted the Commission's responsibility as reviewing the proposed development's consistency with the Comprehensive Plan *as a whole*, and has deferred to the Commission's finding of no inconsistency as long as the Commission recognizes any individual policy objectives that conflict with the proposed development and explains why those conflicting objectives are outweighed by other competing considerations. *See Friends of McMillan Park v. Zoning Commission*, 18-AA-698 and 18-AA-706 (D.C. Jul. 3, 2019).

In its initial application materials, the Applicant provided a detailed table analyzing the Project's consistency with the approximately 250 individual policy objectives of the Comprehensive Plan that are relevant to the Project. In sum, the Project is not inconsistent with the Comprehensive Plan when reviewed as a whole. To the extent the Project is inconsistent with individual policy objectives of the Comprehensive Plan, those modest inconsistencies are greatly outweighed by other competing considerations.

More particularly, in the applicant's review of the Comprehensive Plan, it identified a small number of policy objectives with which certain aspects of the Project could be argued to be inconsistent with the Comprehensive Plan. However, the objectives that the Project advances greatly outweigh those with which the Project may be inconsistent. For instance, the Comprehensive Plan "generally encourage[s] rehabilitation and adaptive reuse of existing buildings rather than demolition" and "Discourage[s] the replacement of quality homes in good physical condition with new homes that are substantially larger, taller, and bulkier than the prevailing building stock" 10-A DCMR § 309.9; *see also id.* §§ 309.11, 309.13, 506.7, 2108.8. The Project involves demolishing approximately 63 exiting units of garden apartment-style housing. However, preserving, rehabilitating, and/or adapting the existing units on the Property is simply incompatible with providing the amount of transit-oriented, environmentally-sustainable, permanently-affordable housing and market rate housing that other, competing policy objectives encourage. *See, e.g., id.* §§ 306.11, 309.8, 503.3, 504.8, 509.5, 509.9, 610.3. Moreover, the existing homes are not in good physical condition, and the Project will not be substantially larger, taller, or bulkier than the prevailing building stock in the areas surrounding the Property.

The Comprehensive Plan also encourages “Protect[ing] and conserve[ing] the District’s stable, low density neighborhoods [to] ensure that their zoning reflects their established low density character . . . [and] [c]arefully manag[ing] the development of vacant land and the alteration of existing structures in and adjacent to single family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale” and “Protect[ing] the character of row house neighborhoods by requiring the height and scale of structures to be consistent with the existing pattern.” *Id.* §§ 309.1, 309.12. The Project is slightly denser and taller than the surrounding blocks of lower densities. However, the Project provides an amount of transit-oriented, environmentally-sustainable, permanently-affordable housing and market rate housing that other, competing policy objectives encourage given the Property’s proximity to transit and Central Washington. Moreover, the Project is carefully designed with differing façade treatments and massing strategies to respect heights and densities on opposing blocks.

The Project affirmatively advances the vast majority of the individual Comprehensive Plan policy objectives that are relevant to this application. Accordingly, the Project is not inconsistent with the Comprehensive Plan as a whole. (See Exhibit E for additional discussion and analysis of the Project’s consistency with the Small Area Plan.)

II. Impact Mitigation Analysis

In addition to reviewing an application’s consistency with the Comprehensive Plan, before approving a PUD the Commission must also find that the proposed development “[d]oes not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities” and must instead find the proposed development’s impacts either to be favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.

The Applicant’s initial materials includes a detailed analysis of the Project with respect to more than 20 possible areas of impact. In summary, in most respects the Project will have no impacts, only favorable impacts, or impacts that are capable of being mitigated through design or through regulations or permitting measures already in place. With respect to transportation and construction-period impacts, the Applicant intends to conduct further study and will provide mitigation proposals in advance of the public hearing.

Potential Impact of Project	Mitigation
Zoning Impacts	<u>No mitigation required:</u> The Project has no adverse zoning impacts because this application does not propose to change the existing zoning designation for the property, and the Project is entirely consistent with that existing zoning except with respect to lot occupancy. The Project exceeds the lot occupancy ordinarily permitted in the underlying zone but also is below the height limit allowed pursuant to a PUD. The Project therefore provides a slightly “fatter” building in exchange for respecting the prevailing height of the surrounding buildings. The Project’s lot occupancy flexibility has no adverse impact because the

	Project occupies an entire city block: any potential adverse loss of light or air resulting from the Project's lot occupancy is entirely internal to the Project and has been appropriately addressed through the building's design.
Land Use Impacts	<u>No mitigation required</u> : The Project has no adverse land use impacts. The Project's only use is multi-family residential, which is a use allowed as a matter of right in the zone in which the Property is located and which is the prevailing use in the neighborhoods surrounding the Project.
Historic District Impacts	<u>Mitigated through design</u> : Although the Property is not within a historic district, the blocks immediately east and south of the Property are within the Mount Vernon Historic District. The Project has no unacceptable impacts on the nearby Historic District and its overall design strategy—materials, massing, location of curb cuts, and height—mitigates any potential impacts on the nearby Historic District.
Housing Market Impacts	<u>Favorable impacts and/or mitigated through affordable housing proffer</u> : The Project's addition of new housing and affordable housing is a favorable impact of the Project. In addition, the Project's significantly greater than required amount of affordable housing mitigates any potential adverse impacts of the Project on the surrounding housing market.
Construction-Period Impacts	<u>Further study underway/capable of being mitigated through a construction management plan</u> : Any construction-period impacts of the Project are capable of being mitigated through a construction management plan.
Open Space, Urban Design, and Massing Impacts	<u>Favorable impacts/no mitigation required</u> : The Project's open space, urban design, and massing impacts are all positive relative to the existing underutilized condition of the Property and its existing surface parking lots. There are no open space, design or massing adverse impacts to be mitigated.
Design and Aesthetic Impacts	<u>Favorable impacts/no mitigation required</u> : Similarly, the Project's exemplary design and landscaping and high-quality will have only positive impacts. The Applicant is undertaking a rigorous analysis of its material choices to ensure that the façade materials weather and age well.
Transportation and Mobility Impacts	<u>Further study underway/capable of being mitigated through a TDM plan</u> : The Applicant does not anticipate that the Project will have any adverse impacts with respect to transportation or

	<p>mobility. However, any adverse impacts with respect to transportation are capable of being mitigated and the Applicant will prepare and present to the community and the Commission a Comprehensive Transportation Review and a Transportation Demand Management plan that either confirms no adverse impacts from the Project or that commits the Applicant to develop and operate the Project in such a manner as to mitigate any potential adverse transportation impacts.</p>
Economic Impacts	<p><u>Favorable impacts/no mitigation required:</u> The Project likely has favorable economic impacts on the neighborhood and the District more generally. The Project will have a stabilizing and positive effect on the economy of Ward 6 and the District as a whole. The introduction of new residential uses contributes patrons for the existing businesses. The Project’s intensification of land use on the Property has positive tax revenue effects for the District.</p>
Cultural and Public Safety Impacts	<p><u>Favorable impacts/no mitigation required:</u> The Project has favorable impacts on the culture of the surrounding area and on public safety. The Project adds many new residents who will contribute to the immediate neighborhood and the District in diverse and meaningful ways. The design of the Project adds street activity, promotes “eyes on the street”, adds quality lighting, and makes other improvements all of which have positive effects on crime deterrence.</p>
Environmental, Public Facilities, and/or District Services Impacts	
Water Demand	<p><u>No mitigation required/mitigation measures in place:</u> The average daily water demand for the Project will be able to be met by the existing District water system or through upgrades undertaken in conjunction with this Project per permit-period discussions with DC Water.</p>
Sanitary Sewer Demand	<p><u>No mitigation required/mitigation measures in place:</u> The average daily sanitary sewer discharge for the Project will be made through the existing distribution system or through upgrades undertaken in conjunction with this Project per permit-period discussions with DC Water.</p>
Stormwater Management	<p><u>Mitigated through regulation and design:</u> The Project has been designed to achieve high levels of on-site stormwater retention. The proposed bio-retention basin planters, green roofs, and permeable pavement are designed to meet or exceed all applicable stormwater management retention and detention requirements.</p>

Solid Waste Services	<u>Mitigated through use of a private provider:</u> The Project has no adverse impacts on District services because solid waste and recycling materials generated by the Project will be collected regularly by a private trash collection contractor.
Electrical Services	<u>Mitigated through design:</u> The Project's construction to comply with the Energy Conservation requirements of the District of Columbia Building Code minimizes the amounts of energy needed for the heat, ventilation, hot water, electrical distribution, and lighting systems contained in the building and avoids any adverse impacts.
Erosion Control	<u>Mitigated through regulation and design:</u> During excavation and construction, erosion on the Property will be controlled in accordance with District law and will be managed so as to not adversely affect neighboring properties, the environment or District services and facilities.
Environmental Impacts	<u>Favorable and/or mitigated through location and design:</u> The Project is designed to achieve high levels of environmental performance as evidenced by its satisfaction of the LEED Silver v4 design standards. The location of the Project is a heavily-urbanized and largely impervious site located near transit. The Project's potential environmental impacts are favorable insofar as the Project is located close to transit and Central Washington, therefore allowing residents to live close to employment centers and travel via transit, walking and cycling and avoiding adverse environmental effects associated with driving in from further out locations.
Public Schools	<u>No mitigation required:</u> The Project is highly unlikely to have an unacceptable impact on public schools in the District given the size of the Project, its mix and type of units, and the capacity for nearby public schools to accommodate additional students.
Parks/Recreation Centers	<u>No mitigation required/mitigated through increased tax revenues from residents:</u> The Project has no adverse impacts on District services, such as parks, recreation centers, public libraries, and emergency and health services. To the extent the Project's future residents are new to the District, they will be contributing new tax dollars, both in the form of income taxes and through the indirect payment of property taxes associated with the Project, that facilitate the provision of District-run services. To the extent the Project's future residents are existing District residents, they have no net new impact.
Public Libraries	
Health Services	