

## **Analysis of Potential Inconsistencies with the Comprehensive Plan**

The Applicant provided an analysis of the proposed map amendments against the Comprehensive Plan (“Comp Plan”) policies in its initial Statement, demonstrating that on balance, the proposal is not inconsistent with the Comp Plan or the DUKE Small Area Plan. *See Ex 3E*. The Comp Plan specifically states that in order for the Zoning Commission to make a finding of “not inconsistent with the Comprehensive Plan,” it must balance the competing, and sometimes conflicting, policies of the Comp Plan that are relevant and material to the individual case. *See* 10-A DCMR § 224.8.

At its public meeting on March 28, 2024, the Zoning Commission requested that the Applicant provide an additional analysis identifying which specific Comprehensive Plan policies outweigh the inconsistent ones. Although the Comprehensive Plan requires a general balancing of policies rather than a detailed analysis of counterbalancing policies, the Applicant has identified several policies that outweigh each inconsistent policy.

The Applicant has specifically analyzed the proposed zoning for potential inconsistencies with the Comp Plan. After a full review of the elements, the Applicant has found only a few areas of potential inconsistency which are addressed below:

### **A. LU-2.1.4: Rehabilitation Before Demolition**

Policy LU-2.1.4 aims to ensure that buildings are adaptively reused rather than demolished, particularly those buildings that are architecturally or historically significant. Adaptive reuse of buildings is a sustainable and sometimes economically viable approach that can preserve architectural heritage and cultural significance, save materials, reduce waste, minimize the carbon footprint associated with demolition and new construction, can be more cost-effective than constructing a new building, and may result in a repurposed building with charm and character that new construction may lack.

Adaptive reuse may not be possible due to a building’s deterioration or other structural challenges. Adaptive reuse can also be economically unviable when the cost of renovating a building exceeds the cost of new construction to bring it up to current code and make structural modifications.

The proposed map amendment may be inconsistent with this policy because additional density may not be supported by existing structures on the Property, making rehabilitation of existing structures infeasible.

Policies that address and mitigate this potential inconsistency include:

- MC-1.1.3: Infill and Rehabilitation;
- MC-2.1.1: Revitalization of Lower Georgia Avenue NW;
- MC-2.1.2: Georgia Avenue NW Design Improvements;
- LU-1.4.2: Development Around Metrorail Stations;

- LU-1.5.1: Infill Development;
- LU-2.1.2: Neighborhood Revitalization;
- LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods;
- LU-2.2.3: Restoration or Removal of Vacant and Abandoned Buildings;
- LU-2.2.4: Neighborhood Beautification;
- E-3.2.7: Energy-Efficiency Building and Site Planning; and
- E-4.2.1: Support for Green Building.

These policies support the removal of buildings that cannot be adaptively reused by promoting efficient land use and revitalization efforts. Policies such as MC-1.1.3 and LU-1.5.1 encourage infill and rehabilitation, focusing on redeveloping vacant or underutilized properties to improve the urban fabric and enhance neighborhood character. Revitalization efforts outlined in MC-2.1.1, LU-2.1.2, and LU-2.1.3 emphasize the need to revitalize specific corridors and neighborhoods, replacing blighted structures with vibrant, useful spaces that align with the community's goals and needs. Additionally, design improvements (MC-2.1.2) aim to enhance the aesthetic and functional quality of new developments, ensuring they positively contribute to the streetscape and overall neighborhood environment.

Furthermore, these policies support sustainable urban growth and environmental initiatives. Development around transit hubs (LU-1.4.2) encourages higher-density development near Metrorail stations, making the best use of land near public transportation infrastructure. Policies addressing the removal of vacant and abandoned buildings (LU-2.2.3) directly target the elimination of derelict structures, improving safety and aesthetics, and making way for new development. Neighborhood beautification initiatives (LU-2.2.4) further promote the enhancement of visual appeal, which includes removing unsightly or unsafe buildings. Energy efficiency and green building policies (E-3.2.7 and E-4.2.1) advocate for constructing environmentally friendly and energy-efficient buildings, often necessitating the removal of outdated structures that are not viable for retrofitting. Together, these policies prioritize community revitalization, sustainable development, and enhanced urban design, supporting the strategic removal of buildings that cannot be adaptively reused.

## **B. LU-3.2.1: Retain Areas for Industrial Uses**

Policy LU-3.2.1 seeks to retain an adequate, appropriate supply of industrial land designated for the range of Production, Distribution, and Repair (“PDR”) uses to meet the District’s current and future PDR activities and economic needs. These needs include public works functions, retail warehousing, transportation storage and maintenance, construction staging, such as concrete manufacturing, and back-office service needs. This policy recognizes that these services are a benefit to the entire District, yet impacts are disproportionately borne by those residents living near industrial uses; therefore, opportunities to reduce or eliminate environmental

impacts, abate nuisances, and ensure residents have neighborhood services and amenities shall be considered. 10-A DCMR § 316.2.

Policies that address and mitigate this potential inconsistency include:

- Future Land Use Map (FLUM)
- Generalized Policy Map (GPM)
- LU-3.2.6: Rezoning of Industrial Areas

The proposed map amendment is not inconsistent with Policy LU-3.2.1 because the Property is not designated PDR on the FLUM. The policy more closely pertains to the rezoning of PDR designated property on the FLUM to non-PDR uses and therefore is not applicable to the proposed Petition. Accordingly, the proposed Petition is not inconsistent with Policy LU-3.2.1.

Furthermore, Policy LU-3.2.6 encourages the rezoning of industrial land for non-industrial purposes by setting specific criteria for when such rezoning is appropriate. It encourages rezoning only when the land is no longer viable for industrial or Production, Distribution, and Repair (PDR) activities, and when industrial use is incompatible with adjacent existing uses, as has been identified by the FLUM for the subject Property. This is particularly relevant for land near Metrorail stations and sites surrounded by established residential neighborhoods, where industrial activities may conflict with the surrounding environment.

#### **C. T-1.1.8: Minimize Off-Street Parking**

Policy T-1.1.8 aims to provide the minimum amount of parking necessary for a development to reduce vehicle trips within the neighborhood. Although the neighborhood is transit-rich, required parking would be provided for future development and may result in additional vehicle trips, contrary to this policy.

Although the proposed map amendment may result in inconsistencies with this policy, a minimum number of parking spaces will be required as the Property is developed. However, additional investments in infrastructure will balance additional vehicular trips.

Policies that address and mitigate this potential inconsistency include:

- MC-1.1.8: Multimodal Connections;
- LU-1.4.1: Station Areas as Neighborhood Centers;
- LU-1.4.2: Development Around Metrorail Stations;
- LU-1.4.3: Housing Around Metrorail Station;
- LU-2.4.5: Encouraging Nodal Development; Policy
- T-1.1.4: Transit-Oriented Development;

- T-1.1.7: Equitable Transportation Access;
- T-1.2.1: Major Thoroughfare Improvements;
- T-1.2.3: Discouraging Auto-Oriented Uses;
- T-2.2.2: Connecting District Neighborhoods;
- T-2.4.1: Pedestrian Network;
- T-2.4.2: Pedestrian Safety;
- T-2.6.1: Transportation Access; and
- T-2.6.2: Transit Needs.

These policies counter the potential additional vehicle trips generated by new development by promoting multimodal transportation options and transit-oriented development. Specifically, MC-1.1.8 and T-2.2.2 emphasize enhancing connections between different modes of transportation, making it easier for residents to choose alternatives to driving. By improving these connections, the policies aim to reduce reliance on personal vehicles and encourage the use of public transportation, walking, and biking. Policies such as T-2.4.1 and T-2.4.2 further support this by ensuring that the pedestrian infrastructure is safe and comprehensive, encouraging more people to walk rather than drive.

The development of areas around Metrorail stations as neighborhood centers, as outlined in LU-1.4.1 and LU-1.4.2, also mitigates additional vehicle trips. By focusing development near transit hubs, these policies create convenient access to public transportation, reducing the need for car travel. Similarly, LU-1.4.3 and T-1.1.4 support the creation of residential areas close to transit, which can significantly lower the demand for personal vehicle use by providing residents with easy access to public transit options.

Equitable transportation access is another critical element, highlighted in T-1.1.7 and T-2.6.1. These policies ensure that all community members, regardless of socioeconomic status, have access to diverse transportation options. By offering equitable transit solutions, the need for personal vehicles can be minimized, especially among those who may not have other transportation means. Additionally, T-2.6.2 addresses the necessity to meet transit demands adequately, ensuring that public transportation remains a viable and efficient alternative to driving.

Finally, policies discouraging auto-oriented uses, such as T-1.2.3, and encouraging nodal development, as provided in LU-2.4.5, help in reducing vehicle trips. These policies aim to design urban spaces that prioritize pedestrian and transit access over car travel, leading to less traffic congestion and fewer vehicle trips. Major thoroughfare improvements (T-1.2.1) focus on making key roads more efficient and safer for all users, including pedestrians and cyclists, further promoting non-vehicular travel. Together, these policies create a holistic approach to urban development that reduces the need for additional vehicle trips through enhanced multimodal transportation options and transit-oriented development.

#### **D. H-1.6.5: Net-Zero, Energy Efficient Housing**

Policy H-1.6.5 encourages new housing units in the District to be net-zero energy and water efficient. Future development of the Property will comply with the Green Building Code, resulting in energy efficient features. However, these measures may not result in Net-Zero buildings. The Petitioner will coordinate with DOEE and DOB to meet energy efficiency requirements.

Policies that address and mitigate this potential inconsistency include:

- LU-1.4.1: Station Areas as Neighborhood Centers;
- LU-1.4.2: Development Around Metrorail Stations;
- LU-1.4.C: Metro Station and Inclusionary Zoning;
- LU-1.4.3: Housing Around Metrorail Stations;
- H-1.1.5: Housing Quality;
- H-1.1.8: Production of Housing in High-Cost Areas;
- H-1.2.3: Affordable and Mixed-Income Housing;
- H-1.2.1: Inclusive Mixed-Income Neighborhoods;
- E-3.2.7: Energy-Efficiency Building and Site Planning; and
- E-4.2.1: Support for Green Building.

These policies collectively counterbalance any inconsistencies with policies related to net-zero housing. LU-1.4.1, LU-1.4.2, and LU-1.4.C focus on creating vibrant, mixed-use neighborhoods around public transit hubs. By encouraging development around Metrorail stations, these policies reduce the reliance on personal vehicles, lower transportation energy consumption, and promote more sustainable urban living. This strategic placement of housing near transit also supports the creation of walkable communities, which inherently reduces energy use.

Housing quality and affordability are central to these policies. H-1.1.5 encourages new housing developments to meet high standards, which often include energy-efficient designs and systems. H-1.1.8 and H-1.2.3 promote the construction of diverse housing options in expensive areas, making it possible to integrate energy-efficient features into a broader range of housing projects. These efforts ensure that energy-efficient housing is accessible to a wider demographic, supporting the creation of inclusive, mixed-income neighborhoods (H-1.2.1).

Energy efficient building practices are specifically promoted by policies like E-3.2.7 and E-4.2.1. These policies advocate for incorporating energy-efficient designs and renewable energy technologies into new developments. By encouraging such practices, these policies help reduce the overall energy consumption of housing projects, even if they do not achieve net-zero status.

This incremental improvement in energy efficiency across multiple projects can significantly impact overall energy usage.

Together, these policies create a framework that address energy-efficient housing. While they may not directly achieve net-zero housing, they promote sustainable urban development, high-quality and affordable housing, and energy-efficient building practices. This comprehensive approach ensures progress toward more sustainable and energy-efficient urban living environments.

#### **E. E-3.2.2: Net-Zero Buildings**

Policy E-3.2.2 aims to encourage incentives that enable buildings to achieve net-zero energy design standards, a crucial aspect of DC's broader objective to eliminate all carbon emissions by 2050. At this stage of the Project, the Applicant is unable to verify that future development will consist of net-zero buildings but will continue to evaluate options and opportunities as building design progresses. However, future development will comply with the Green Building Act and the District's storm water management regulations and will be consistent with the Sustainable DC 2.0 Plan.

Policies that address and mitigate this potential inconsistency include:

- MC-1.1.12: Green Development Practices;
- -1.2.6: Neighborhood Greening;
- E-1.1.2: Urban Heat Island Mitigation;
- E-2.1.2: Tree Requirements in New Development;
- E-2.1.3: Sustainable Landscaping Practices;
- E-3.2.3: Renewable Energy;
- E-3.2.7: Energy-Efficiency Building and Site Planning;
- E-4.1.1: Maximizing Permeable Surfaces;
- E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff; and
- E-4.2.1: Support for Green Building.

The policies supporting green development practices and sustainable urban planning effectively counterbalance the policy of a net-zero building by promoting environmentally responsible and energy-efficient strategies. MC-1.1.12 and E-3.2.7 specifically encourage the adoption of practices and technologies that reduce energy consumption and enhance building performance. These practices are essential for achieving net-zero energy goals, as they minimize the building's energy needs and optimize its design for efficiency.

Neighborhood greening initiatives, as outlined in MC-1.2.6 and E-1.1.2, further counterbalance net-zero buildings by enhancing the local environment and reducing urban heat islands, which can decrease cooling energy demands. Policies like E-2.1.2 and E-2.1.3 ensure that new developments incorporate significant green spaces and tree cover, which contribute to energy savings by providing natural cooling and reducing the need for artificial air conditioning.

The promotion of renewable energy sources, as highlighted in E-3.2.3, is crucial for energy-efficient buildings, as it encourages the integration of solar, wind, and other renewable energy systems to offset energy consumption. Additionally, E-4.1.1 and E-4.1.2 advocate for design features that manage stormwater and reduce runoff, which not only supports environmental sustainability but also enhances the overall energy efficiency of buildings by incorporating natural cooling elements.

Lastly, E-4.2.1 underscores the commitment to green building standards, ensuring that new developments meet high environmental performance criteria. This policy aligns with the principles of net-zero construction by fostering buildings that produce as much energy as they consume, through both energy-efficient design and the use of renewable energy. Together, these policies create a robust framework that counterbalance policies related to net-zero buildings, contributing to a more sustainable and resilient urban environment.