

## Exhibit D

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

During the Commission's review of the proposed redevelopment of the Terrace Manor apartments (the "**Project**") at the February 10, 2020 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." 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. *Friends of McMillan Park v. D.C. Zoning Commission*, 211 A.3d 139, 144 (D.C. 2019).

In its initial application materials, the Applicant provided detailed information analyzing the Project's consistency with numerous 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 has not identified any Comprehensive Plan policy objectives with which the Project could be argued to be inconsistent. Moreover, the objectives that the Project advances greatly outweigh those with which the Project may be inconsistent. For instance, the Comprehensive Plan encourages "the private sector to provide new housing to meet the needs of present and future District residents" and "[s]trongly encourage[s] the development of new housing on surplus, vacant and underutilized land in all parts of the city." 10-A DCMR §§ 503.2 and 503.4. The Project involves demolishing approximately 61 existing vacant and dilapidated units of apartment-style housing and replacing the existing buildings with a new 130-unit all-affordable apartment building that will allow the former residents of the existing apartment complex to return to the Property when the Project is completed. While the proposed PUD requests a modest increase in height and allowable density to achieve this end and the Project may result in minor increases in traffic in the area, these minimal impacts are far outweighed by the positive impacts of revitalizing this previously-neglected site and increasing the supply of affordable housing in the District.

The Future Land Use Map designates the Property for Moderate Density Residential land use. The Moderate Density Residential designation “is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings.” 10-A DCMR § 225.4. “The R-3, R-4 [current RF], R-5-A [current RA-1 Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B [current RA-2] district and other zones may also apply in some locations.” *Id.* The Future Land Use Map designation supports the Property’s existing zoning and the Project, including the requested PUD density of 1.296 FAR and height of 47 feet, seven (7) inches. The Project will maintain the general level of residential development currently permitted on the site and in the immediate vicinity, while also providing additional units of affordable housing above what was previously provided on the Property and, thus, is consistent with the Future Land Use Map.

The Comprehensive Plan also encourages strengthening the visual qualities of the District’s neighborhoods, 10-A DCMR § 910.6, which the Project will achieve by replacing the existing dilapidated apartment complex with a new, well-designed and visually attractive building.

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.

**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. 11-X DCMR § 304.3(b).

Here, 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.

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 the existing matter-of-right zoning except with respect to height and FAR. The Project exceeds the height and FAR ordinarily permitted in the underlying zone but is within the height and FAR limit allowed pursuant to a PUD. The Project therefore is able to provide larger units with more

	bedrooms than was planned for the project that the Board of Zoning Adjustment previously approved for the site, with no substantial increase in the number of overall units proposed by the previous project. The Project’s flexibility for height and FAR has no adverse impact because the Property is largely buffered from surrounding development by adjacent open space, except for the small shopping center across Savannah Street SE to the south of the Property.
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 among the prevailing uses in the neighborhoods surrounding the Project.
Historic District Impacts	<u>No mitigation required:</u> The Property has no adverse Historic District impacts since it is not within a Historic District nor located near any Historic District.
Housing Market Impacts	<u>Favorable impacts and/or mitigated through affordable housing proffer:</u> The Project’s addition of new affordable housing is a favorable impact of the Project. In addition, the Project provides a significantly greater amount of affordable housing than required, which will mitigate any potential adverse impacts of the Project on the surrounding housing market.
Construction-Period Impacts	<u>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. The Applicant will submit a Construction Management Plan prior to the public hearing in this case.
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, vacant, and dilapidated condition of the Property. There are no adverse open space, design, or massing impacts to be mitigated.
Design and Aesthetic Impacts	<u>Favorable impacts/no mitigation required:</u> Similarly, the Project’s exemplary design and landscaping and proposed high-quality materials 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	<u>Capable of being mitigated through a TDM plan:</u> The Applicant does not anticipate that the Project will have any adverse impacts

Impacts	with respect to transportation or mobility. However, any adverse impacts with respect to transportation are capable of being mitigated through a Transportation Demand Management plan, the details of which the Applicant will coordinate with the District Department of Transportation.
Economic Impacts	<u>Favorable impacts/no mitigation required:</u> The Project will likely have 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 8 and the District as a whole. The introduction of additional residential units will provide patrons for the existing businesses. The Project’s intensification of land use on the Property has positive tax revenue effects for the District.
Cultural and Public Safety Impacts	<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 will add new residents who will contribute to the immediate neighborhood and the District in diverse and meaningful ways, as well providing a new home for prior residents of the existing dilapidated apartment complex. The design of the Project adds street activity, promotes “eyes on the street,” and makes other improvements to the existing conditions on the site, all of which have positive effects on the strength of the neighborhood, as well as crime deterrence.
Environmental, Public Facilities, and/or District Services Impacts	
Water Demand	<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.
Sanitary Sewer Demand	<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.
Stormwater Management	<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 and green roofs are designed to meet or exceed all applicable stormwater management retention and detention requirements.

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 Gold design standards. Further, the Project will include rooftop solar arrays on the building, green roof, and bioretention facilities, all of which will help to mitigate any environmental impacts the Project may have.
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. The Property is in-boundary for Garfield Elementary School, Johnson Middle School, and Ballou High School. Current data provided by the Office of the Deputy Mayor for Education indicates that Garfield Elementary School has a current utilization rate of 76%; Johnson Middle School has a current utilization rate of 37%; and Ballou High School has a current utilization rate of 77%. Accordingly, the nearby public schools have the additional capacity to accommodate additional students who will live at the Project.
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
Public Libraries	
Health Services	

	<p>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.</p>
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