

Fax Memo

To: Carol Mitten, Chair
Zoning Commission

July 26, 2007

From: Barbara Zartman, Chair
Zoning Subcommittee
The Committee of 100 on the Federal City

Re: Z. C. 07-17 and 04-33B

Attached are two brief statements from The Committee of 100 regarding two rulemaking cases that will be heard tonight.

We appreciate your consideration.



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DISTRICT OF COLUMBIA
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ZONING COMMISSION
District of Columbia

CASE NO. 04-33B

EXHIBIT NO. 23

ZONING COMMISSION
District of Columbia
CASE NO.04-33B
EXHIBIT NO.23

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The Committee of 100 on the Federal City
Statement in Opposition - Zoning Commission Case 04-33B
July 26, 2007

The Committee of 100 finds itself once more perplexed by the opaque and confusing implementation of Inclusionary Zoning provisions. The lengthy set-down report identifies numerous problems in applying IZ in various settings. And it goes on to explore implementing its provisions in R2 zones, where it would be an option only for the comparatively few large parcels that could produce the triggering 10-unit development.

It is not clear what further density property-owners could seek above the IZ bonuses. Obtaining special exceptions or variances could compound the impact on neighborhood form unless limited in some way. Because the R2 sites are relatively concentrated, the impact of such bonus-on-bonus would be felt particularly strongly in these "edge" communities.

Additionally, the R3 and R4 zones continue to be treated as though each contained a single housing type. As an obvious example, in R3 single-family dwellings that are detached or semidetached are entitled to 40% lot occupancy; rowhouses in the same R3 zone are entitled, of course, to a 50% greater lot occupancy at 60%. IZ provisions do not adequately address the fundamentally different types of structures.

In several instances the Office of Planning adds to building height (basically allowing an additional floor) in order to protect light and air available through side and rear yard requirements. Yet just days ago an OP-endorsed Commission rulemaking permitted the violation of these protections to allow construction of accessory buildings, eliminating the light and air that OP argues here should be protected.

The most laudable goal of providing affordable housing in the District continues to suffer from an excessively complex series of implementing mechanisms and the heavy hand of mandated compliance.

As to timing, we have not yet seen the regulations describing administrative processes that OP would use to manage IZ, including the avenues for public and ANC participation. This would seem to be an essential element before the Zoning Commission sets an effective date for this rulemaking.

Barbara Zartman, Chair
Zoning Subcommittee