



Summary of Testimony of Nancy J. MacWood
Chair, The Committee of 100 on the Federal City

Zoning Commission Case No. 08-06A, Subtitles A, X and Z

The Committee of 100 **does not support** the following proposed text amendments and finds that they are either vague, missing important existing standards, or inconsistent with the Comprehensive Plan or current zoning provisions. Suggested changes to each section are in italics.

1. The use of existing residential zone names in Subt. A for proposed new zones is unwarranted and confusing.

The R-1-A & B, R2, R3 zone titles should be maintained for consistency with the Comprehensive Plan and clarity. It is more than confusing to have R-1-B become R2 and R2 become R3.

2. The proposed designation of R5 zones as Apartment Zones does not emphasize that these are residential zones with many different types of housing and levels of density. *The proposed apartment zone should be titled RA to indicate it is primarily a residential zone, like R and RF zones, with varied housing and range of density permission.*

3. The proposed renaming of overlay zones is inconsistent with the Comprehensive Plan. *Zoning changes should not require amendments to the Comprehensive Plan; it is zoning that should follow the designations that relate to land use policies in the Comprehensive Plan. Overlay policies are included throughout the Comprehensive Plan and there are directives to create more of them and no policies to combine them with underlying zoning.*

4. Sec. 304 does not require the Zoning Administrator to notify the Advisory Neighborhood Commission of a request for and approval of modifications to development requirements, which means that ANC would be at disadvantage to know of his action in time to appeal his ruling on these matters. *The Zoning Administrator should be required to notify the relevant ANC when a building permit requiring a zoning deviation or modification approval is being considered and if it is approved in order to preserve the ANC's right to file a timely appeal of his decision.*

5. Subt. X, Sec. 101.8 (d) is vague as it applies to campus plans and private school special exceptions. *The term capacity as it relates to all present and proposed campus development should be defined to require a listing of square footage and/or number of persons.*

6. Sec. 303.4 includes proposed PUD height in C2C that is less than the proposed by right height in Subt. I for the C2C zone; the proposed PUD height for C3C, C4, and C5 is the same as the by right proposed height for these zones in Subt. I. *If the intention is to only use PUDs in downtown zones for bonus FAR beyond what could be achieved with credits, this should be stated in Subt. X. It is questionable policy to require a developer to buy credits before being eligible for a regulatory process when that criterion is not required for any other applicant. Careful consideration should be given to how PUDs would be used in downtown zones and the potential benefits attained from by right height and FAR (after purchasing credits) versus what can be gained through a PUD process.*

7. Sec. 306.4(c) exempts downtown PUDs from housing linkage requirement, which means that if downtown area is expanded, as proposed, a significant area could realize the development benefits of a PUD without providing any affordable housing. *The PUD rules as they will affect downtown should be evaluated with the review of Subt. I.*

8. Sec. 602 is over broad because it grants unlimited discretion to waive height, setbacks, lot occupancy, courts, and building transitions in RF and A zones where predictable development standards are important, partly because they often adjoin low and moderate density R zones. *Development flexibility must be defined and limited to prevent use of design review as a way to achieve PUD-like waivers without PUD-level requirements.*

9. Subt. Z, Sec. 406.1 is overly restrictive of an ANC's ability to testify before the Zoning Commission. *The phrase "wishes to orally recite its written report" should be replaced with "wishes to testify based on its written report." The Office of Planning, which also receives great weight, is not limited in this fashion. Also, ANCs are automatic parties in contested case and the value of ANC participation should be clear. The proposed limitation on the ANC's testimony is inappropriate given its authorized role in these proceedings and the fact that it is likely the only elected representative of the effected District residents participating.*

Submitted by,


Nancy J. MacWood, Chair