The Committee of 100 on the Federal City

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Summary of Testimony of Nancy J. MacWood

Chair, The Committee of 100 on the Federal City

Zoning Commission Case No. 08-06A, Subtitle I

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

1. Sec. 100.2(f) and (g) describe development of public open space and housing as among the purposes of Subt. I. *In fact, this subtitle permits 100% lot coverage and does not meaningfully promote open space. Housing is partly encouraged, but the Zoning Commission should evaluate if the housing permitted by this subtitle should be limited to market rate housing or require affordable housing. The purpose statement should be evaluated at the end of the consideration of this subtitle to ensure that it accurately represents the subtitle.*

2. Sec. 203 through 213 establishes the development standards for the expanded downtown zone. In most zones maximum heights allowed by the Height Act would be by right. *Bonus density is achieved through FAR, which for the first time could exceed 10.0 by removing all limits on FAR. Is this the approach to endorse if the District wants to promote better design and massing? In addition, how would this approach further Comprehensive Plan land use policies? The Zoning Commission should fully explore with the Office of Planning what goal they are trying to achieve and whether that is our shared goal and what zoning measures move toward the shared goal.*

3. Sec. 401.1(b) establishes credit trade areas. *The District is experiencing a building boom. Why is it necessary or desirable to continue this practice, which originally was created to discourage all office space and encourage other uses? The reasons for this program appear to have been replaced with keen interest in downtown development. This program is essentially providing land use schemes to boost developer profits. Instead of requiring developers, in exchange for bonus density, to further a DC policy goal, this system rewards them for doing it voluntarily. This is uniquely offered to downtown developers. The Zoning Commission should evaluate whether this program is achieving Comprehensive Plan objectives.*

4. Sec. 401.7 through 401.9 limits the amount of affordable housing that can be provided in 3 of the 4 zones that have minimum residential FAR requirement. *Is this reverse IZ? What is the rational* *for not* <u>*requiring*</u> *IZ in these zones that would allow 130 foot buildings with unlimited FAR if all housing is provided, and then* <u>*prohibiting*</u> *the production of more than a minimal amount of voluntary affordable housing? The Zoning Commission should ask the OP for an analysis and then evaluate whether this would be consistent with Comprehensive Plan policies aimed at increasing the amount of affordable housing.*

5. Sec. 403.4 limits the area of the ground floor that can be devoted to financial services. *Isn't the goal to ensure interesting frontage? Wouldn't that be better achieved by limiting the frontage of this use?*

6. Chapter 7 is titled Design Review, but it appears to be site planning review. *The title of this chapter should be changed since only Sec. 702.3 mentions architectural design. Even though the enduring criticism of downtown DC is the uninteresting architecture and the lack of quality materials, architectural excellence and quality materials do not seem to be the goal of the design review proposal. The Zoning Commission should raise the standards and consider delegating this role to a licensed committee of professionals.*

7. Sec. 802.5(a) provides credits (TDRs) for creating more IZ housing than required. *Only four (4) of the downtown zones require IZ housing and these zones cover very little of the downtown area north of Pennsylvania Avenue. Three other zones limit how much FAR can be used for affordable housing, if a developer voluntarily wants to create it. Combined these proposals present a picture of a policy that is mostly smoke and mirrors and not intended to actually produce meaningful quanity of affordable housing. The Zoning Commission should consider* <u>*requiring*</u> *IZ throughout Subt. I and eliminate credits as the primary pathway to more affordable housing.*

8. Sec. 804 outlines how credits (TDRs) can be generated for creating public open space. *This appears to be a generous incentive, but at the task force meetings building industry representatives stated that developers would not use this offer when they could more profitably build square footage. Great cities are known for their grand and beautiful public spaces. City regulations continue to favor 100% build-out rather than inclusion of passive or active green space. With housing projected in an expanded downtown, it is time for zoning provisions that will result in community and quality features like public open and green space. The Zoning Commission should not approve this credit and should codify provisions that will achieve the goal.*

9. Chapter 9 describes how the credit system would work. *In most zones a developer can gain bonus density never before offered in the District in exchange for building housing or using existing TDRs. In addition, the developer is allowed to earn credits (aka TDRs) for that amount of housing that exceeds residential requirement, which in most zones is little or nothing. Then the developer can sell those credits to another developer who can use them, not to produce housing, but to avoid producing housing while gaining the bonus density. This is quite a scheme. It does not further the production of housing, and it surely won't result in the creation of affordable housing. The Zoning Commission should reject this scheme and replace it with a responsible assignment of bonus densities, including height, in exchange for furthering our land use policies, like increasing the inventory of affordable units. In addition, there appears to be no reason to continue the credit system, which in practice frustrates our land use goals* *while helping some developers to make additional profit selling credits and other developers to make maximum profit on office development..*

10. Sec. 900.3 uses square footage to describe limits on floor area ratio ("FAR"). *The limitation is on FAR and that term should be used.*

11. Sec. 900.7 restates the maximum non-residential FAR listed in the development tables, but it is confusing because of the way it is introduced. *It would be clearer if the introduction to the table stated that it represents the maximum non-residential FAR allowed before applying credits generated by residential FAR.*

Submitted by,

Nancy J. MacWood

Nancy J. MacWood, Chair