



Coalition for Smarter Growth

DC • MD • VA

November 4, 2013

Mr. Anthony Hood, Chairman
DC Zoning Commission
441 4th Street, NW, #220-S
Washington, DC 20001

RE: Zoning Commission Case No. 08-06A Subtitles X, Y and Z, General Processes and BZA/ZC Procedures

Dear Chairman Hood and members of the Commission:

Please accept these comments on behalf of the Coalition for Smarter Growth. The Coalition for Smarter Growth is the leading organization in the Washington, D.C. region dedicated to making the case for smart growth. Our mission is to promote walkable, inclusive, and transit-oriented communities, and the land use and transportation policies and investments needed to make those communities flourish.

Overall we wish to thank the Zoning Commission, Zoning Office staff and the DC Office of Planning for a more than five year odyssey of hard work and extensive public outreach in every form possible, touching and engaging thousands of DC residents in an otherwise obscure topic. We are glad to be close to the finish of this exhausting process that has found many new ways to engage the public and solicit our feedback. We particularly appreciated the many workgroups conducted by Office of Planning as a more in-depth way to educate and engage stakeholders for their input. This was a place where many residents with all manner of perspectives were able to engage in detailed discussions with each other, planning staff and sometimes consultants. While these workgroups completed their work several years ago, we want to acknowledge the many hours that residents devoted of their free time, representing many different views, discussing how we should revise and update our zoning code.

Additionally, we recognize that the Zoning Commission has conducted dozens of hearings and public meetings to consider in detail the provisions of this ambitious undertaking. Given the length of this effort and the expansive public input that has gone into this zoning revision, we urge the Zoning Commission to conclude its consideration following this last set of public hearings and move quickly to revise and finalize the zoning regulations update. Our 1958 zoning code is woefully out of date. This process has gone on for five long years, during which time many staff members have left, some of our leading civic activists have retired or passed away, and others are burnt out on a process that never seems to end. Our city is undergoing a major change, with rapid population growth and a building boom. We need an updated zoning code that sets the direction for a new century, as the 1958 code did for the last half century.

Subtitle X, 305: Planned Unit Development Public Benefits

Regarding Subtitle X, 305: Planned Unit Development Public Benefits, we recommend deleting the 305.5 (f)(3) clause:

Subtitle X, 305.5 ~~(f)(3) Provides units with 3 or more bedroom.~~ [sic]

We do not agree that providing a 3 bedroom or larger market rate housing unit necessarily benefits the public since the market can supply large units if households will pay for it. Giving preference to affordable housing units with 3 or more bedrooms, may be a good idea, but that would need to be incorporated into section 305.5 (g) which addresses affordable housing.

Please clarify the affordable housing public benefit in 305.6 (g) regarding income level. Subtitle X, 305.6 (g) discusses affordable housing above Inclusionary Zoning (IZ) matter of right provision as a public benefit, specifically for a net gain in gross floor area set-aside for “low-income households.” The definition for “low-income household” for Inclusionary Zoning of C, Chapter 22 is not provided. Nor does Subtitle B: Definitions, provide a definition for IZ “low-income” and “moderate-income” households. Instead Subtitle B refers to Subtitle C Chapter 22, Inclusionary Zoning. We presume 50% of AMI for “low-income” and 80% AMI for “moderate-income.” These definitions need to be added for clarification.

We recommend that “low-income households” meaning 50% AMI, be given preference as a public benefit in section 305.6 (g). Providing affordable housing at this income level – 50% of AMI – is much more beneficial than providing 80% AMI units, given the acute shortage of housing at a below this income level.

Subtitle X, Section 306 Housing Linkage

We recommend deleting 306.2(b):

~~306.2 (b) No income limits shall apply to housing that is constructed on the site of the PUD.~~
~~[Note: Need to coordinate with IZ]~~ [Italicized note in original]

The PUD housing linkage requirement appears to bar affordable housing from being provided in a PUD that is permitted to increase gross floor area devoted to office space over matter of right zoning. We recommend that the goal of providing dwellings affordable to low and moderate-income people be allowed on or off site.

Per the reference to “low and moderate-income people” in section 306.2, we ask that these terms be defined as the same as the IZ definition – which does not appear to be defined, but is presumably 50% AMI and 80% AMI household income, adjusted for family size.

Regarding exclusions in 306.4 (c) which includes a PUD for WMATA property. We question WMATA property being excluded from this requirement as WMATA policy is for its Joint Developments to comply with all local housing laws.

Regarding 306.5, which addresses a PUD applicant fulfilling the housing requirement through constructing or rehabilitating housing, we ask if this provision is better implemented with a fee to the Housing Production Trust Fund given the success of the trust fund, and past experience of not realizing a fair value of the office density increase.

Regarding 306.5 (c) the dwelling unit size minimum of 850 sq. ft. should be reexamined and standardized with IZ standards that provide smaller units size limits of 400 sq. ft for studios, 550 sq ft. for one bedrooms and 800 sq ft. for two bedroom units.

Regarding 306.5 (e) – We recommend that for rental housing, the term be the same as IZ, the life of the building or project, rather than 20 years as proposed here.

Subtitles Y and Z, Chapter 2, Section 206

We would like to address provisions in Subtitles Y and Z, Chapter 2, Section 206 - Filing Documents Electronically, 206.5 (c). We request the following provision be deleted from this section:

~~206.5 (e) Contain the signature of the originator;~~

The current policy that requires a resident to fax or print, sign and PDF a letter in order to have e-mailed testimony accepted is an unnecessary barrier to participation for every day residents. We believe that it is time to update the electronic submission policy for testimony. One of the goals of the zoning update is to make the zoning process more accessible to the public. E-mail is used by most DC residents on a daily basis. E-mail has largely replaced the role of letters sent by US postal service, and few individuals have fax machines at home. Thus, we recommend allowing e-mail communications testimony for Zoning and BZA cases in order to make the process more accessible to residents and allow them to communicate on issues of interest in a standard way. Many other jurisdictions accept e-mail testimony as a form of legitimate input by concerned parties. We think it is time for the Zoning Commission and BZA to allow such modern communications that reduce barriers for people to participate in the deliberations of their local institutions.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cheryl Cort', with a stylized, wavy line extending from the end.

Cheryl Cort
Policy Director