



Zoning Commission Hearing, Case No. 08-06A

Subtitle B

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Chair, The Committee of 100 on the Federal City

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Predictability and clarity are strong attributes of any zoning code. Subt. B, the definition section, should provide a baseline for the meaning of zoning concepts. There are a few definitions that could be improved to further that goal.

One issue is the legal authority of the definitions – do they establish requirements or are they only descriptions of terms? Chapter 1 states that the zoning definitions are not intended to change legal meanings used in other regulations, but it is not stated whether the zoning definitions are actually enforceable provisions of the code or are simply helpful bits of information to orient the code user. For example, the definition of home occupation describes a resident/practitioner relationship, but the Subt. D provisions that establish the rules for home occupations is not clear that the resident must be the business practitioner. So is the definition an additional enforceable provision or not?

Affordable housing— The definition is no more than 30% of household income spent on housing. I don't think that definition is applied to any zoning provisions, but the term is used in the Planned Unit Development provisions. It may also be mentioned in other parts of the code. The confusion arises because Inclusionary Zoning ("IZ") rules apply to a proffer that affordable housing, beyond what is required, will be a benefit of a PUD. IZ has income requirements based on area median income levels and not on the percentage of income spent on housing. It would seem that a clearer definition of affordable housing would relate to the IZ income criteria, which is based on percentage of AMI. There should be a review to determine if the term affordable housing is ever used in the code without referencing IZ regulations. If it always is associated with IZ, a better definition would use the IZ income rules and would cross reference Affordable Housing with definitions for low and moderate income or 30% or 50% of AMI, whichever is clearer reference to IZ.

Apartment building – The current definition describes buildings with 3 or more units. The proposed definition describes buildings with 5 or more units. This may be to distinguish apartment

buildings from 4-unit row houses, but ~~it is not correct since~~ there are existing apartment buildings that will be included in the new Apartment Zone that have fewer than 5 units. The new definition implies that apartment building density has a base of 5 units and that buildings with 4 units are some undefined housing option.

Household—The definition is confusing. OP seems to intend to have this explain how and when numbers of people living together is limited. But OP is only including two types of households and is not including other types of households where the proposed regs would limit the number of people living together. Included in the definition is a family household where everyone is related and the total number of occupants is unlimited, and the other is a group household of no more than six (6) unrelated persons living under one roof with common living features, like kitchen and bathrooms. OP has not included accessory dwelling units even though they create a separate household and OP has included a limit on the number of people living on a lot in Subt. D. To be comprehensive and clear the household definition should include all types of households with accompanying limits on number of occupants.