

Comments of Friendship Neighborhood Association on
Zoning Commission Case No. 08-06A
Zoning Regulations Review: Subtitle X and Subtitle Z
October 28, 2013

Subtitle X, PUD

- Section 301: Schedule of minimum land area for PUDs by zone
 - **The minimum land area requirement for PUDs in Zone Group 6 should be more than 15,000 SF.** The minimum land area requirement for a PUD in Zone Group 6, which includes all of mixed use zones in Friendship Heights, is 15,000 SF. This is unchanged, but many, including participants in the working group, recommended that this minimum land area be increased in the ZRR.
 - **It should be explicit that a waiver of the minimum land area requirement cannot be granted for Zone Group 6.** Section 301.2 gives conditions for waiving a portion of the minimum area requirement for zone groups 1 through 5. In this section, it should be explicitly stated that the Commission cannot waive the minimum area requirement in zone group 6.
 - **It should be explicit that the minimum land area for a PUD with a map amendment is based on the original zone and not the requested zone.**
- Section 303: PUD Flexibility
 - **Maximum FAR with a PUD should not be increased from the current maximums.** In Section 303.3, current table of floor area ratios for PUDs (Section 2405.2) is revised to allow a 20% increase in FAR, above the inclusionary zoning increase, for all zones. For example, for a C-2-A zone, the current maximum total FAR for a PUD is 3.0, but with the ZRR, the maximum total FAR for a PUD in a C-2-A zone would be increased to 3.6. For the C-2-A zone along upper Wisconsin Avenue, the new PUD limits would be for densities that are inconsistent with the Comprehensive Plan designation for that area.
 - **This section should be revised to include a table of maximum FAR with a PUD.** The language in Section 303.3 is confusing, referring to a table which is not in the text.
 - **Section 303.2 should provide the formula for calculation the maximum allowable FAR on a site that includes several zone districts.** It should be made clear that the maximum allowable FAR is calculated as a weighted average of the FAR's for each zoning district, with the weight being the percent of land area in each zone.
- Section 305: PUD Public Benefits
 - **Delete additional market-rate housing as a public benefit.** In Section 305.5(f)(1), the public benefit providing "housing that exceeds the amount that would have been required through matter of right development under existing zoning," should be deleted. This basically defines any provision of market-rate housing as a public benefit.

- o **Clarify when environmental and sustainable elements can count as public benefits.** Section 305.5(k) Environmental and Sustainable benefits should explicitly state that measures that are used to meet the GAR requirement do not count as PUD benefits.
- o **Limit the location of off-site benefits to areas near the PUD site.** Section 305.7, location of off-site public benefits other than affordable housing. Since ANC's can be quite large, the second condition should be edited to strike "or within the boundaries of the Advisory Neighborhood Commission for the area that includes the PUD site," and the condition should read simply: "(b) The off-site benefit shall be located within one-quarter mile of the PUD site."

Subtitle Z, Zoning Commission Practice and Procedure

- Section 400: Setdown Procedures
 - o **The Zoning Commission should be allowed to benefit from information that neighbors and neighborhood organizations can provide prior to the setdown meeting.** The procedures described in sections 400.8 and 400.9 provide only for input from the ANC prior to setdown. Given that the developer had the opportunity to engage the closest neighbors in discussion and make a presentation to the ANC, and given that a copy of the Application is available to the public prior to the setdown meeting, the Zoning Commission should be allowed to read comments sent in by neighbors either in support or opposition to the project. This allows the Commission to use the setdown meeting to highlight issues that the developer might choose to address in the pre-hearing filing. This had been effectively done in the past.
- Section 405: Reports of Public Agencies
 - o **The relevant agency reports should be included in the setdown report.** The September 9 draft of Section 405.2 includes an edit changing "shall" to "may." The relevant agency reports should be included in the setdown report, and this edit should be reversed.