



April 26, 2021

ZC Case 21-02: Comments by the Committee of 100 on the Proposed Text Amendment:
IZ-XL Phase #1 – Exempt Zones and Set-Aside Requirements by Construction Type

This letter responds to the Notice of Public Hearing for the proposed text amendment for IZ-XL Phase #1. The Committee of 100 on the Federal City (“C100”) has consistently advocated for more affordable housing within the City. We share with the Zoning Commission (the “Commission”) the goal of creating more affordable units, which we see as a moral imperative.

I. Extension of Inclusionary Zoning to Many Exempt Zones¹

The text amendments proposed by the Office of Planning (OP) would apply the Regular IZ Program to a number of exempt zones throughout the City, including zones in the Anacostia Historic District, the Georgetown Historic District and the Capitol Hill Historic District. OP originally proposed IZ-XL Phase #1 on January 19, 2021. The set-down hearing was held on January 28, 2021, after which on February 26, 2021 a notice of public hearing was published in the DC Register. OP’s Public Hearing Report is dated April 19, 2021. The docket shows that, as of April 25, 2021, only two public comments had been filed – one by the Coalition for Smarter Growth, a developer funded organization, and one on behalf of Bethel Pentecostal Tabernacle Assemblies of God (which argued that any new rule should not apply to the redevelopment plan it has been working on for several years).

DC’s Inclusionary Zoning rules are complex and not well understood by many. Even OP can misinterpret the rules, as shown by OP’s proposal to revise the rules for Enhanced Inclusionary Zoning (IZ Plus), which were only just approved. Under Inclusionary Zoning, a requirement to provide affordable housing is accompanied by a grant of increased density, height and/or allowed lot occupancy. The proposed text amendment specifies the increased allowances to be granted developers for projects in the exempt zones. C100 believes that informed residents of the affected zones should participate in the review of these trade-offs that will affect their neighborhoods. We would be surprised if many residents who live in the zones affected by the proposed text amendment understand the potential impact on their neighborhoods of the increased density, height and maximum lot occupancy. As noted, as of April 25, 2021, no ANC or any resident of the affected zones had filed a comment on the proposed text amendment.² We suspect that this could be attributable to the large number of pending proposals that are being reviewed (e.g. the proposed amendments to the Comprehensive Plan and the four IZ proposal on the Commission’s docket this year).

¹ The Office of Planning states that the proposed text amendment does not apply to R-1-A/R-1-B and Downtown (“D”) zones that are currently exempt. C100 has previously recommended extension of IZ to Downtown zones and hopes OP will move ahead with that initiative.

² We recognize that OP’s public hearing report reveals that members of ANC 6B apparently met with OP with a specific concern relating to the Capitol Hill Historic District.

As OP points out, the Comprehensive Plan states that “[d]ensity bonuses should be granted in historic districts only if such increased density does not significantly undermine the character of the neighborhood.” For this reason, C100 suggests that the Commission keep the record open and that OP conduct a more rigorous outreach effort to the affected neighborhoods. As part of this effort, OP should provide visuals illustrating the effect of the increased density, height and maximum lot occupancy in each of the neighborhoods, particularly in the three historic districts and the Dupont Circle and Naval Observatory zones.

II. IZ Set Aside Requirements Based on Construction Type

The proposed text amendment also raises the height limit applicable to stick-built (Non-Type 1 Construction) projects from 50 to 85 feet. In our view, this change reflects advances in construction engineering and should be supported.

In conclusion, C100 believes the public should be given more time to review the proposal to extend the IZ program to the exempt zones covered by the proposal. We are available to answer any questions you might have.

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