

The Committee of 100

on the Federal City



Mr. Anthony J. Hood, Chairman
DC Zoning Commission
One Judiciary Square
441 4th St. N.W., Second Floor
Washington, D.C. 20016

Re: Z.C. Case No. 24-12
Harrison Wisconsin Owner, LLC

Dear Chairman Hood and Members of the Commission:

The Committee of 100 on the Federal City (C100) offers these comments on the PUD application (Case No. 24-12) submitted by an affiliate of Donohoe Development Company (“Donohoe”). The PUD application includes a Zoning Map amendment to rezone the R-2 zoned portion of the PUD Site to the RA-3 zone. Our comments focus on Donohoe’s affordable housing proffer.

There are two affordable housing programs in play here – Tax Abatements for Affordable Housing in High-Needs Areas (HANTA) and Inclusionary Zoning. Under HANTA, DC provides tax subsidies to spur the development of new affordable housing units. Under HANTA, one-third of the housing units developed must be affordable and rented by households earning, on average, 80 percent of the Medium Family Income (“MFI”). It is important to recognize that these affordable units are facilitated by a tax subsidy provided by DC. The other program is Inclusionary Zoning (IZ). Under the IZ Program a developer must set aside a certain percentage of rental residential units constructed as being affordable at 60 percent MFI (plus 10 percent of penthouse space at 50 percent MFI). The IZ affordable units are provided by the developer using its own resources. The IZ Program provides for deeper levels of affordability than HANTA.

What is significant in this case is the interplay between the two programs. IZ still applies to projects covered by a HANTA subsidy. The HANTA application states: “Any housing units in the [HANTA] development as part of the Inclusionary Zoning Program shall be counted towards the 1/3 requirement.” Thus, any required IZ units are included within the 1/3 HANTA envelope.

In the first place, C100 would like to commend Donohoe for working with the City to make available affordable units under the HANTA program in Ward 3, where they are needed. However, it is important to recognize that Donohoe has requested a map amendment under which a portion of the property will be upzoned to RA-3. Without the PUD, the upzoning here would trigger IZ-PLUS under which a higher percentage of affordable units would be required. Though IZ PLUS is not applicable to a PUD project, only affordable housing that exceeds what would be required under matter-of-right development can

be considered as part of a required PUD amenity package. Here, and as shown in the application¹, Donohoe is only providing the bare minimum IZ. According to the application, the standard IZ requirement for this project would be 12,894 SF of IZ.

The Committee of 100 requests that the Commission's approval of an amenity package in this case include a higher percentage of affordable units at 60 percent AMI, using the deeper affordability levels of IZ PLUS standard as a guide. By our calculation, the IZ PLUS requirement would be 24,700 SF.²

We would also be remiss if we didn't say that this project should have been included as a single PUD with the approval of Donohoe's project next door at 5151 Wisconsin Avenue approved by the BZA in 2022. Case No. 20638. While Donohoe states that it separated the two projects because it desired to move ahead with the Wisconsin Avenue project, that has not happened. A single combined PUD would have been more appropriate, as the BZA approval of the Wisconsin Avenue project included the transfer of density from the parking lot, exactly the type of situation appropriate for a PUD. It would also have provided the basis for a stronger overall amenity package.

Thank you for the opportunity to provide these comments. Please let me know if you have any questions.

Shelly Repp
Chair, Committee of 100
chair@committeeof100.net; 202-494-0948

¹ Exhibit 3F, PP. 11-12

² Looking at the table included in the IZ PLUS regulations, it is necessary to calculate the "percent increase in Total FAR Utilized as defined in Subtitle C § 1003.5(b)." This project goes from R-2, which for a PUD has a defined FAR of 0.4, to a FAR of 4.31, a ten-fold increase over MOR R-2. The highest category in the table is for an 80% increase of FAR, less than double. For an increase of 80% or more, the IZ-Plus requirement is for 20% of the residential gross floor area. See Subtitle C, § 1003.3(a) Since the residential gross floor area of is 123,499 SF, 20% of the residential gross floor area is 24,700 SF.