The Committee of 100
on the Federal City

November 6, 2025

Re: Case No. 25-12

To: Chairman Hood and Members of the Zoning Commission:

Below are the Committee of 100's Comments on the proposed text amendments to be discussed at the Zoning Commission's Public Hearing on November 6, 2025. At the hearing Meg Maguire will be testifying for the Committee of 100. Please contact Ms. Maguire if you have any questions (202-546-4536; megmaguireconsultant@msn.com).

Penthouse Affordable Housing Contribution Calculation (OP Setdown Report #13)

Brief Summary of the Proposal. The proposed amendment defines "service spaces" within penthouses and excludes them from IZ calculations in habitable penthouse space in residential buildings.

Committee of 100 Comment. The proposed exemption of service spaces from IZ calculations conflicts with the long-standing policy to increase affordable housing. The Zoning Commission made a mistake when it exempted penthouse communal space from the affordable housing calculation after amendments to the Height of Building Act resulted in habitable penthouse uses. Now the Office of Planning recommends that you compound that mistake.

To further lower the amount of square footage that can be used to calculate the affordable housing requirement is unreasonable and unfair. Roof decks, pools, community rooms and other amenity penthouse space add to rents and the marketability of an apartment building but may be only occasionally used by tenants. These types of amenities should be unbundled from rents and should never be encouraged as meriting a reduction in affordable housing units.

By exempting the square footage used for this space from the required amount of affordable housing in a building, the Zoning Commission would incentivize these luxury uses at the expense of affordable housing, sending a message that luxury communal spaces are much more important than housing for those who could never afford these luxury amenities. We urge you to reject the exemption for the communal penthouse space from IZ.

Inclusionary Zoning Opt-In in R2, R3, RF (OP Setdown Report #14)

Brief Summary of the Proposal. The proposed amendment would remove special exception review for opting into IZ in the R-2, R-3 and RF Zones; and allow reduced lot area and lot width permitted under the IZ program as a matter of right.

Committee of 100 Comment. The Committee of 100 opposes eliminating the need for a Special Exception in these residential zones. Currently, developments with 10 or more units in R2, R3, or RF zones can build on a smaller lot size than is normally required for each zone. If the lot width is sub-standard the developer can seek a special exception, which allows a public review process. The reason to not automatically allow smaller width lots is to maintain the pattern of development and open space on a block which contributes to the character of a block and a neighborhood. Any proposed change should be subjected to public review to determine the degree of effect of such a change on the block and to assess how many dedicated affordable housing units would be created. The special exception review remains good policy for mandatory and opt-in IZ.

Special Exception Relief from Front Setback Requirements (OP Setdown #15)

Brief Summary of the Proposal. This proposal would allow for special exception from front setback requirements in R and RF Zones.

Committee of 100 Comment. The OP proposal to change the requirement of "variance" approval for front setback requirements to "special exception" approval is a reversal of OP's vigorously argued position during the ZRR to adopt a front setback regulation. During that process, OP cited examples of intrusive new construction destroying a block face pattern by building far forward of the established line of houses. The result of the new rule is that the developer/landowner must now obtain a variance in order to break the established block face pattern. That means that a developer or homeowner must show that:

- there is no reasonable use of the property without violating the front setback
- that there are unique property conditions that create this hardship, and
- that granting the variance would not alter the character of the neighborhood.

The more rigorous findings required by these standards of review are more appropriate than the standards for a special exception, which are more flexible and involve a lesser level of scrutiny on so important a neighborhood character concern as deviating from the existing front setback pattern. Such a deviation has consequences for everyone on a block, and a request to vary from that established pattern should not be made easier to do through a special exception process.

Redundancy of Building Form Language in Subtitle U, Sec.201(OP Setdown #23)

Brief Summary of the Proposal. Subtitle U, Section 201.1(a) – Matter of Right Uses – provides that:

- In a R-1 Zone, the principal dwelling unit shall be in a detached building;
- In a R-2 Zone, the principal dwelling unit may be in either a detached or a semi-detached building; and
- In a R-3 Zone, the principal dwelling unit may be in either a detached, semi-detached or a row building.

OP states that this subsection is redundant to what is set forth in the Development Standards of Subtitle D §§ 200.3 (R-1 zones); 200.4 (R-2 zones) and 200.5 (R-3 zones). OP therefore proposes to delete the references to building type in Subtitle U.

C100 Comment. Subtitle U provides the building type for R, RF, and RA zones. This is relevant information for how the zone is to be used. There is no information here about development standards which go to the "form" of a building. Thus, there is no redundancy.

We can only surmise by this odd amendment that OP anticipates it will recommend the elimination of any distinction between building types in the R zones. This amendment would be useful as a step in achieving what we acknowledge is speculation on our part. We see no reason to treat the Subtitle U provisions for R zones differently than the RF and RA zones are treated.