The Committee of 100
on the Federal City

October 27, 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 October 30, 2025. At the hearing Brian Blaesser will be testifying for the Committee of 100. Please contact Mr. Blaesser if you have any questions (617-947-5251); brian.blaesser@dinsmore.com).

Split Zoned Lots (OP Setdown Report Item #1)

Brief Summary of the Proposal. OP's proposed amendment would:

(1) **Eliminate** the restriction requiring that the **determination of the ~~bulk~~ density** on the less restrictive portion of a split-zone lot be limited to the first 35 feet

(2) Replace the term **"bulk"** with the term **"density"** in the matter-of-right provision

(3) **Remove the adverse impact standard** for special exception approvals.

a. Committee of 100 Comment on (1)

OP explains this proposed change by stating that it wishes to "add additional flexibility in terms of the amount of density generated on the more restrictive portion of the lot for use on the less restrictive portion of the lot." To do so it proposes to eliminate the provision requiring that the calculation for the additional bulk ["density"] be based on that of the less restrictive portion of the lot within the first 35 feet of the zone boundary line. First, as also discussed below [see Comment on (2) below], we oppose replacement of the term "bulk" with "density" in this provision because the two terms are not the same. Second, OP does not explain why it wishes to allow a greater amount of density on the less restrictive portion of the lot. It merely states that the "height and bulk provisions for the less restrictive zone" would continue to apply so that the additional building(s) "would not result in buildings larger or denser than anticipated by the less restrictive zone." That assurance is not a rationale for allowing the additional density/bulk in the less restrictive zone in the lot, and the Committee of 100 opposes this change.

b. Committee of 100 Comment on (2)

"Bulk" regulations which concern height, width, depth, and overall shape of a building are an effective means of addressing the physical scale of buildings. For this reason, bulk regulations are a critical zoning tool for ensuring that building bulk is compatible with the built environment or character of a neighborhood. The proposal to eliminate this method for regulating a permitted

structure located on a lot, and replacing it with the concept of "density" (which only describes the number of units or structures on a lot), ignores this important means of determining the existing and desired built character of an area.

The substitution of "density" for "bulk" also does not make sense, and only will create problems of interpretation in light of the fact that the amendment proposes to continue to use the concept of Floor Area Ratio (FAR)—a means of measuring the intensity or "bulk" of a building by dividing the total square footage of a building by the square footage of its lot. In other words, FAR is not the same as "density". For this reason, it is simply not correct, as the amendment does, to describe "density" in terms of FAR. Therefore, the Zoning Commission should retain the term "bulk" in this provision governing a zoning boundary line crossing a lot as a means to ensure that structures are compatible with the bulk and character of the surrounding neighborhood.

c. Committee of 100 Comment on (3)

With regard to the BZA standards for granting a special exception to allow the regulations (use, height, and bulk of structures) applicable to a portion of a lot located in a lesser restrictive use zone to be extended to a portion of the lot in a more restrictive use zone, OP suggests that the elimination of the currently applicable "adverse impact" special exception standard is merely a "technical correction" to eliminate a redundant standard in the general standards for special exceptions. However, the two "adverse impact" standards are not the same. In **Section 207.2** the standard states:

> **Section 207.2(c)** The extension shall have no adverse effect upon the present character and future development of the neighborhood.

By contrast, **Section 901** (Special Exception Review Standards) states in **Section 901.2** that "[t]he Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

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> (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps."

The language in the current "adverse impact" standard in Section 207.2 (c), with its explicit focus upon the "present character" and the "future development" of the neighborhood, is most appropriate for the BZA's consideration of so important a neighborhood character issue as the type and intensity of development of a lot with split zoning. Eliminating this standard in favor of the more general special exception standard is not, as OP suggests, a mere "technical correction". Rather, it is a major substantive change to a standard of critical importance for properly considering the preservation of neighborhood character. For this reason, the Committee of 100 strongly disagrees with this proposed change and urges the Zoning Commission to retain the carefully defined "adverse impact" standard for BZA consideration of special exceptions for split-zoned lots.

Zoning Administrator Flexibility (OP Setdown Report Item #2)

Brief Summary of the Proposal. This amendment would give the Zoning Administrator (ZA) flexibility in the review of permit plans for development subject to a BZA Order. Specifically, it allows the ZA:

(1) **To change a use** previously approved in a BZA order to a **new as-of-right to use**, but maintain the Inclusionary Zoning set-aside if the approved plans utilized bonus density or zoning modifications pursuant to Subtitle C, Section 1002

(2) To approve a **deviation from front setback requirements** up to 12 inches if not otherwise authorized by an approved order of the Zoning Commission or the BZA

(3) To increase the building gross floor area, the percentage of lot occupancy, building height, or penthouse or rooftop structure height by 2% or less **without the increase having to be a direct result of structural or building code requirements**

(4) To increase by more than 2% **or one (1) unit, whichever is greater**, the number of **dwelling units** or hotel rooms within the approved square footage

(5) To increase by more than 2% **or one space, whichever is greater**, the number of parking/loading spaces.

a. Committee of 100's General Comment on the Proposed Zoning Administrator Flexibility Changes

Subtitle A, § 304.11 provides for notice to all affected parties, including but not limited to affected ANCs, of proposed modifications to approved plans permitted by Subtitle A, § 304.10. The ANC's and other local residents' input on proposed modifications would be meaningless if the changes requested can be automatically approved by the ZA. This amendment granting the ZA unreviewable flexibility to grant modifications effectively neuters the relevance of the notice provision in Subtitle A, § 304.11.

b. Committee of 100's Comment on (1)

Authorizing the ZA to change the approved use to another use permitted by right in the zoning district without notice of the change to the public is very concerning for three reasons. First, while a different use may technically be permitted in the zoning district by right, the impacts of the new use on surrounding properties and the neighborhood can vary greatly. Without any standards to guide the ZA's review and decision, those impacts could include impacts on parking requirements for the new use, changes in traffic patterns and greater burden on local infrastructure. Local residents who have knowledge and insight into these potential impacts should have notice and the opportunity for input into to such a change-of-use decision. Second, the new use could impact the character of the neighborhood by changing the types and mix of uses that make up the character of the neighborhood, and also impact sensitive areas such as schools or parks in a way that the original use did not. Third, the new use itself may involve physical alterations such as a building addition, new parking layout and also new hours of

operation that may be disruptive to the neighborhood. For all these reasons, giving the ZA this type of unilateral discretion without any notice to the public is bad zoning policy that will have unintended negative consequences for surrounding properties and the neighborhood in general.

c. Committee of 100's Comment on (2)

Deviations from the linear requirements governing front setbacks currently require approval by variance. Front setback requirements are established for the zoning district to preserve the character of a residential block and are important to neighbors who have abided by these requirements. There simply is no defensible rationale provided by OP for giving the ZA this freedom to approve a deviation at will.

d. Committee of 100's Comment on (3)

If the ZA does not have to identify structural or building code requirements as a reason for providing a 2% flexibility in development standards, what would be the reason for making the 2% change? OP gives no rationale for this proposal to eliminate the existing, reasonable rationale for justifying the 2% flexibility.

e. Committee of 100's Comment on (4) – The Committee of 100 does not oppose this proposed change.

f. Committee of 100's Comment on (5)

This proposed change would automatically allow one full additional parking or loading space without any public review. This change has the same potential for unintended impacts on the character of a neighborhood as would replacing an approved use with a new by-right use in the neighborhood. These impacts could include additional impervious surface that would contribute to increased stormwater runoff and, in neighborhoods with small, private driveways, could gradually result in larger parking areas that change the streetscape and resulting neighborhood character.

Light Pole Setback for District Recreation Fields (OP Setdown Report Item #3)

Brief Summary of Proposal. This amendment would allow light poles for public school recreation fields and facilities up to 90 feet with no required setback from lot lines.

Comment of 100 Comment. The Committee of 100 understands OP's general rationale for this proposed change. However, we do not believe that 90-foot light poles should be allowed as a matter of right and without any setback from lot lines in the R, RF, and RA zones. Rather, they should be subject to BZA or Zoning Commission review and approval. We agree with the decision to continue to require a BZA or Zoning Commission public review process pursuant to the Campus Plan requirements for private education uses and other private recreation facilities.

Green Area Ratio (OP Setdown Report Item #8)

The Committee of 100 has no position on this proposal.