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April 20, 2006

Ms Sharon Schellin
Acting Secretary to the Zoning Commission
Office of Zoning
441 4th Street, NW, Suite 200-S
Washington, DC 20001

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RE ZC Case No 04-33

Dear Ms Schellin

Please accept these comments on the draft text amendment on inclusionary zoning that was published in the D C Register In general, I strongly support the objectives of the amendment, wish that it would go further, and would object to any weakening of the proposal Affordable housing is a critical need in the District, and an aggressive mandatory inclusionary zoning requirement is essential to help address such a need

Specific comments to strengthen the proposed amendment are below, where italics indicate proposed additions, strike-outs indicate proposed deletions, and text in brackets provides a rationale for the changes that are proposed here

Sec 2603 3 Inclusionary developments shall set aside *a minimum of* 50% of inclusionary units for eligible low-income households and ~~50%~~ the remainder of inclusionary units for eligible moderate-income households {This clarifies that units that are even more affordable can be built to satisfy this requirement }

Sec 2603 4 Developments shall set aside *up to* 100% of inclusionary units for eligible moderate income households *with the remaining inclusionary units set-aside for eligible low-income households* {This clarifies that units that are even more affordable can be built to satisfy this requirement }

Sec 2604 1 Inclusionary development subject to the provisions of this chapter may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right ("bonus density"), subject to all other zoning requirements *except those requiring the provision of off-street parking related to the additional gross floor area* {Lower income households own far fewer cars than others and off-street parking requirements should not be a barrier to constructing affordable housing units Fewer developers would take advantage of a density bonus and build affordable housing if they are essentially "taxed" by parking construction requirements when building such housing If there is a major fear that such a measure would lead to the issuance of a greater number of inclusionary units}

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residential parking permits (RPPs) and higher than reasonable (however defined) competition for on-street residential parking, this issue should be resolved directly by creating a separate process for issuing RPPs to new buildings that do not comply with what are current off-street parking requirements as a result of this allowance. Such a system could limit permits to the same number that would likely otherwise be granted if "sufficient" (e.g., per current zoning requirements) off-street parking were provided. A good rule of thumb would be to allow only one permit per every two or three units and to require the developer or condominium board to provide an annual list of who could get the RPP permits up to the selected number of names. The District would stay out of deciding which residents get named on such lists. The District could then refuse to issue residents of "marked" addresses who do not make it onto such lists an RPP if they apply, while permits to applicants who do make the lists would be granted. This would be a far superior outcome than having developers choose not to take advantage of the density bonus to construct additional affordable housing units }

Sec 2605 6 STRIKE {High-end amenities are not of paramount importance to those seeking affordable housing }

Sec 2605 7 STRIKE {Very spacious market-rate units, which may be provided in some instances, should not be the basis for determining the appropriate size of affordable units. Instead, reasonable minimum sizes for affordable units should be established citywide. More importantly, when combined with the proposed requirements in Sec 2603 1 and Sec 2603 2 that a portion of building density, rather than of the total number of building units, be affordable, this requirement would have the perverse effect of reducing the total number of affordable units constructed }

Sec 2606 1 The Board of Zoning Adjustment shall, *proportionate to the reduction in permitted development*, reduce the requirements of Sec 2603 {Clarifying}

Sec 2607 3 ADD AT END *If the requirement of Sec 2607 2(a) is waived, such requirement must nevertheless still be met by locating required inclusionary units in an immediately adjacent census tract* {This would help ensure that at least some residents of all income levels could reside in or very near all communities that are undergoing development }

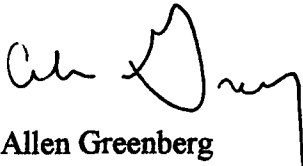
In addition to the proposed specific changes above, a new subsection should be added to Sec 2604 to provide an additional density bonus for providing substantially more affordable housing than that required for the currently proposed density bonus. The current proposal for a 20% density bonus would be provided for matter-of-right development if 50% of the additional construction in high density areas (e.g., as specified in Sec 2603 1) or 75% in low density areas (e.g., as specified in Sec 2603 2) is dedicated to affordable housing units. A developer should be able to earn an additional 5% density bonus if both this new bonus area is dedicated exclusively to affordable housing and the 50%/75% affordable housing requirement applying to the 20% density bonus area is raised to 75%/100%. For a 20,000 square foot matter-of-right development in a high density area, as an example, a 20% density bonus would require 2,000 square feet

dedicated to affordable housing, or 50% of the 4,000 square foot bonus; however, a 25% density bonus would require 4,000 square feet of affordable housing to be constructed (incorporating 75% of the 20% bonus area, or 3,000 square feet, and 100% of the 5% bonus area, or 1,000 square feet), or double the square footage of affordable housing than that required for the 20% density bonus. To enable this, small adjustments would be needed to the proposed allowable IZ Zoning Modifications columns contained in the Sec 2604 2 and Sec 2604 3 charts for instances where a developer sought to take advantage of this additional proposed density bonus

Finally, the proposed requirements should also apply to planned unit developments (PUDs), since PUDs represent a substantial portion of new District developments and applying these inclusionary zoning requirements to them, and also allowing them the density bonuses for building additional affordable housing, would have the effect of adding substantially to the number of critically needed affordable housing units that are constructed

Thank you, in advance, for considering the substance of my comments and for your dedication to expanding affordable housing opportunities in the District of Columbia

Sincerely,

A handwritten signature in black ink, appearing to read 'Allen Greenberg', with a stylized, flowing script.

Allen Greenberg