

WASHINGTON REGIONAL NETWORK FOR LIVABLE COMMUNITIES

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Comments by
Washington Regional Network for Livable Communities and
D C Campaign for Mandatory Inclusionary Zoning regarding

Inclusionary Zoning, Phase 2
Z.C Case No 04-33A
Before the D C Zoning Commission
October 5, 2006

My name is Cheryl Cort and I am the Executive Director of the Washington Regional Network for Livable Communities (WRN) WRN is a non-profit organization that advocates transportation investments, land use policies, and neighborhood designs that enhance existing communities and the environment of the Washington, D.C region. WRN's goal is to create and sustain a network of walkable communities linked by quality transit and surrounded by farms and forests, with the District of Columbia as the hub of the region We also have a special focus on ensuring that smart growth means greater social equity

We are also a member of the D.C Campaign for Mandatory Inclusionary Zoning, a diverse coalition of local labor unions, affordable housing advocates, social service providers, civic associations, and faith-based unions seeking to meet housing needs of working families We are now in the third year of our campaign to get mandatory inclusionary zoning implemented in the District of Columbia My comments will also speak for the Campaign, the original petitioner to the Zoning Commission.

With housing costs at an all-time high and wages for low and moderate income workers stagnating, Washington, D C residents are finding it increasingly difficult to find housing options within their budget That is why it is essential that this policy be applied as effectively, equitably, and simply as possible If mapped appropriately, inclusionary zoning has the potential to create nearly 200 new affordable housing units each year, This makes IZ the second most productive local housing program after the Housing Production Trust Fund. Every year, this will provide a significant number of new homes to working D C families that would have otherwise been left out

We would like to commend the Office of Planning on its straightforward approach to applying inclusionary zoning to certain zones and areas of the District Its approach effectively maximizes the potential to generate affordable units Also, in applying to the widest possible area, it is equitable in enabling most neighborhoods and nearly every developer the opportunity to contribute affordable homes for working families. These contributions are balanced because the OP's analysis shows how most neighborhoods can accommodate changes with only minimal

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changes to neighborhood form while at the same time developers are fairly compensated. Finally, the map is simply applied through zone districts, allowing for predictable, streamlined implementation, administration, monitoring, and enforcement

The Campaign and WRN have three suggestions for how to improve the map

1. **Include the Downtown Development District, but delay implementation by 3 years:** Our initial text amendment called for application to developments in the Downtown Development District after a three year delay. We recognize that densities in the DD are currently restricted by Congressional height limits. A three year delay would allow land prices the time to adjust to the new requirement. We think it is important that housing opportunities be made available in as many neighborhoods as possible, especially those with high concentrations of low and moderate wage jobs and with excellent transit access
2. **Include Planned Unit Developments (PUDs):** We ask that PUDs not be exempt from IZ requirements. Exemptions of PUDs would significantly undermine the goals of the IZ program, particularly the production of affordable units. PUDs are more commonly proposed near Metro stations and in other high growth areas. These are the same areas where we expect IZ to apply, and are critical to linking low and moderate income residents to job opportunities and good public transit services. A IZ program which covers PUDs should generate nearly 200 units per year. If PUDs are excluded, the number of units created could be reduced significantly

Also, we are particularly concerned that the PUD process could be seen as a way to avoid providing the affordable housing required under IZ. Historically, PUDs have provided less affordable housing than would be required under the proposed IZ rules. Additionally, current PUDs have short affordability control periods -- some as short as 10 years -- much shorter than the 99-year period that would apply to developments covered by IZ. Developers may seek to redefine their projects as PUDs to avoid providing affordable units. This not only would undermine IZ in the District, but could also increase the administrative burden on the Zoning Commission.

We respect the desire of the Zoning Commission to ensure that the PUD process continues to be used to secure community benefits other than affordable housing. However, PUDs should nevertheless be required to satisfy the affordable housing requirements that will apply to by-right development projects under the IZ program. Given the history of PUDs in the District, we believe that these principles are not mutually exclusive -- the bonus density provided to PUDs can accommodate both affordable housing as well as other community benefits.

- 3 **Require affordable units on a sliding scale for PUDs:** Our final recommendation is for an affordable housing sliding scale requirement, where developments that receive significantly more than a 20% bonus density, would be expected to provide more than just the minimum requirement as if they were receiving only a 20% bonus density. Currently, according to the D C Office of Planning, PUDs receive an average of 30-40% in bonus density, sometimes securing as much as 80-100% bonus density. This provides sufficient opportunity to achieve both affordable housing and the other community benefits from PUDs. We propose that the Commission adopt a hybrid IZ requirement for PUDs that would establish an affordable housing requirement relative to the bonus density achieved and still allow for other community benefits. This allows for a consistent and predictable application of the IZ requirements--one of the developers' principal requests--while also leaving room for the remaining bonus density to subsidize other community needs.

Thank you for the opportunity to testify