

Testimony of Barbara Zartman, Zoning Chair
The Committee of 100 on the Federal City
Zoning Commission Hearing
Case 04-33A - Mandatory Inclusionary Zoning
(Historic Districts)
October 19, 2006

The Committee of 100 has previously testified about our opposition to the Mandatory Inclusionary Zoning scheme for its cumbersome, opaque, ill-defined quality and its potential to upzone property across the District. We very much support the goal of providing workforce housing that is affordable in many areas of the District; we just think this is a very wrong way to get there.

First, I'd like to speak of historic districts without affection. Although some of us would be guilty of waxing rhapsodic about preservation, these districts must also be viewed as mighty engines of economic development. Trade and commercial activity in historic areas command premiums; tourism and vacationing increase in these districts; universities use their character to attract students (and their families) with an ambiance they find special. Of course construction businesses that specialize in renovation and restoration are largely dependent on these districts.

For others, the preservation and protection of our culture, architecture - our history - is in and of itself a value, one that is protected in a wide range of city policies in the present and proposed Comprehensive Plan, as well as special legislation and regulation.

Initially it was thought that historic districts could be protected from inappropriate development through design review, but closer examination disputes this. PUDs must be (and are) already accommodated in historic districts. Adding this second layer of bonus density may truly challenge even the most creative of architects.

While OP addresses parking lots and open space, we are concerned as much about properties like gas stations and one- or two-story commercial properties of comparatively recent vintage, entities that would be hard to defend as contributing structures. Replacing these properties with double-bonus development would not only be likely to result in out-of-character residences or mixed-use buildings, they would also establish a height and bulk standard that could be used to argue for zoning exceptions on properties that do not trigger IZ requirements.

There is also a little addressed provision (§2606.2) which affects properties initially built with fewer than ten units; if within two years they add units that bring the total to ten, IZ would require the additional 20% development. Thus a project initially acceptable in character and scale would be forced to become a much larger development; I am not sure what a community could do to defend against it.

For all these reasons - and those presented earlier this month - we ask that the Commission not map IZ in historic districts. We would extend this to cover areas that are in the process of applying for designation as historic. One of the concerns we have about rowhouse neighborhoods is the potential to subdivide two properties and create a lot large enough to accommodate ten units. Of course historic districts at least have the ability to oppose the subdivisions before the HPRB (however much we resist the thought of needing to do this with any frequency). But the not-yet-historic districts lack this protection.

Several communities have comparatively large lots, even for what are affectionately called "starter homes." It is not hard to imagine how irresistible subdivisions of these properties would be to some developers, just as surely as it is not hard to imagine the impact such development would have on these stable communities of young families. We would ask the Commission to refrain from mapping IZ in historic districts, and in the communities in the process of being designated.

ZONING COMMISSION
District of Columbia
CASE NO. 04-33A
EXHIBIT NO. 60
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Testimony of Barbara Zartman, Zoning Chair
The Committee of 100 on the Federal City
Zoning Commission Hearing
Case 04-33A - Mandatory Inclusionary Zoning
(Other Than Historic Districts)
October 5, 2006

As we have previously commented, the Committee of 100 very much hopes the Commission will reconsider its support of the inclusionary zoning scheme, period. We strongly support programs to provide more options for affordable housing for the District's workforce, for middle-class families, and for other District residents unable to locate housing within their means. This program isn't the way to achieve those goals:

- It is unwieldy, expensive, opaque, difficult to measure.
- It is pegged at too high an income to meet needs of real District families.
 - It will produce too few units to make an impact.
 - It will result in upzoning of property citywide.

1. There has been testimony from advocates of IZ that the program would have "no cost." We strongly disagree. The administrative costs alone would be burdensome. You have heard from attorneys practicing land-use law that there are serious doubts about the operation of this program, serious concerns about its impact on the residential market, and serious concerns about the inadequacy of the incentives as presently framed. Addressing these concerns - either in the implementing legislation, administrative regulations, or future rulemakings - will result in major costs yet to be measured. And the Office of Planning tells us that, using OP's own best analyses, it will produce only 170 units a year.

We would encourage District actions that would put the resources that would otherwise be drained by this untested but highly impactful program into other programs that can produce predictable results, and that can be managed flexibly to minimize harm. Perhaps there is a role for lotteries targeted to specific workforce groups. But we should at least know what the subsidy cost per unit will be, fully acknowledging administrative and other costs.

Because the implementing legislation currently before Council is, largely, a blank check for the Executive Branch to design the operating rules for this program, the public has no assurances at all about what this program will look like, how much it will change neighborhoods, what harm it will do.

2. The proposals used by OP in community meetings utilize area median income to set the thresholds for eligibility. This forces a District program intended to help our workforce find housing to use a standard that include four of the wealthiest counties in the nation. The attached chart from this morning's Washington Post shows that the same sized family that has a median income of \$94,610 has a District counterpart family whose income is just \$47,221. The current thresholds will make eligible the overwhelming majority of District families, many of whom would not need subsidies to find housing. For whom is this program really designed?

Furthermore, by including the lifetime occupancy, these units could be purchased by new college graduates whose incomes start comparatively modestly and be kept through all the years of income growth. OP staff counters this with their belief that such professionals would not want to live in these quarters, an odd defense of a program they sponsor. In real life, one can look at the stunning experience of New York City's Peter Cooper Village and Stuyvesant Town, where generations of families have enjoyed the submarket housing.

3. Throughout this process, the Committee has asked OP to clarify its demographic data. In the 2000 Census, the District declared that all college and university students were, in fact, DC residents. In prior Census analyses, these individuals were allowed to complete their own forms, declaring their residences to be where the individual claimed. By making this change, an

estimated 70,000 persons were added to the population base, skewing it in ways that directly affect this proposal (and many, many others). Attached as well is the poverty map included in the latest OP report on 04-33A, which shows high poverty rates in west Georgetown, as well as Foggy Bottom.

We have asked to see these number disaggregated, not challenging whether it was proper to make the reclassification. Because this population group is overwhelmingly single-member households, without children, with low personal incomes, any analysis of household size or other social parameters is seriously distorted. What would District median income be if this cohort were reported separately? What level of need for subsidy would we have to respond to?

4. The IZ program is designed to be used in conjunction with PUDs, a double-dipping of bonuses that exacerbates the potential for disturbingly high upzoning of properties in residential communities. OP has not provided even its best-case scenario for how this combination of bonus programs can be kept from wreaking havoc on residential communities, with extraordinary potential for destructive increased density.

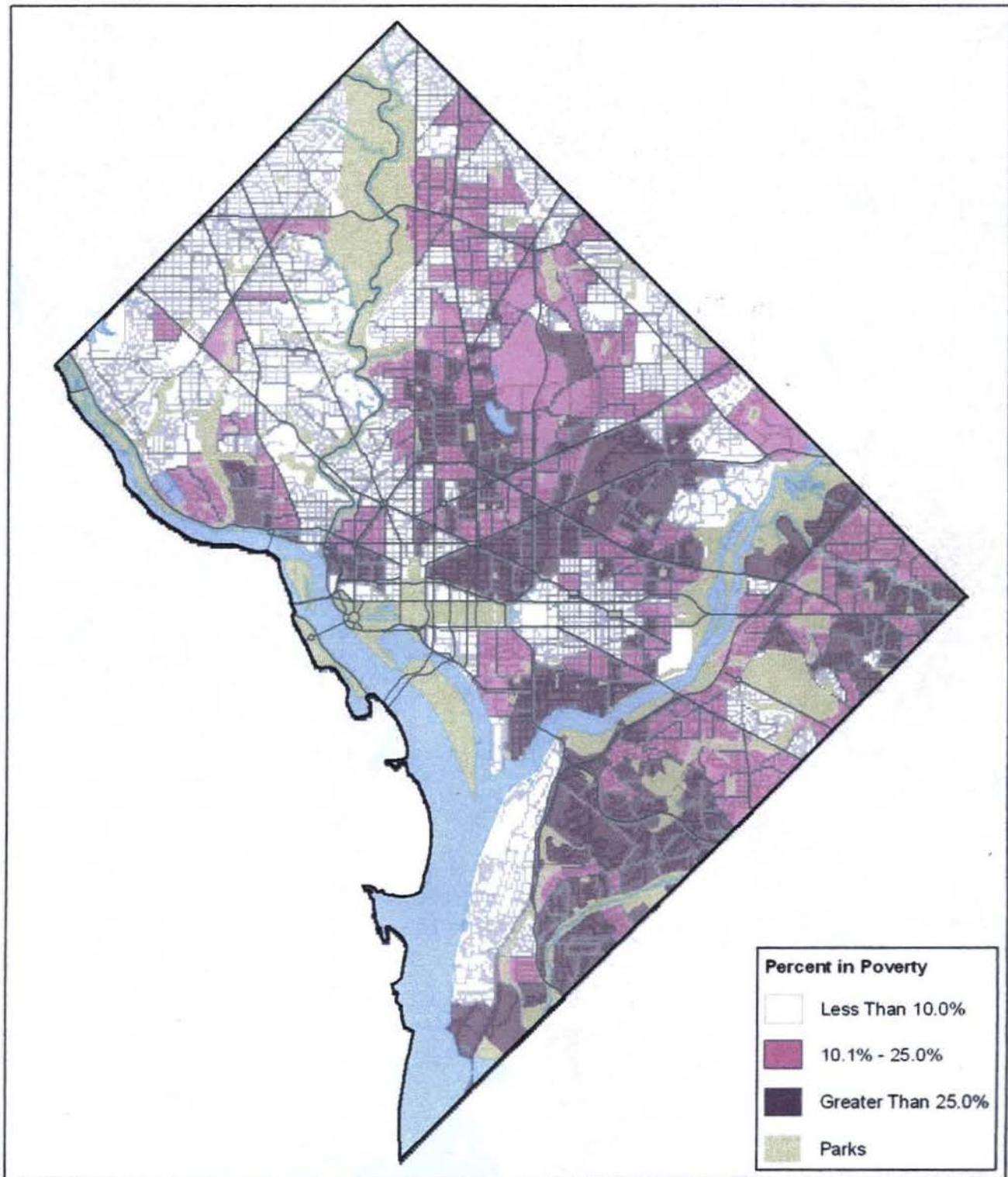
In closing, we ask that any Zoning Commission decision to go ahead with mapping outside the historic districts pay extremely close attention to how the implementation is represented. Implementing such an untested scheme on maps by zone district is a blunt instrument. In the name of simplicity, OP rejected overlays that could be crafted to avoid particular harms, we are left with maps which, while attractive in a graphic sense, are very imprecise at the margins. Our criticisms of the Comprehensive Plan maps need citation again here, since offering both IZ and PUDs - a one-two punch of upzoning - may be affected by the precise placement of a line of a particular color.

It would take tremendous courage to reject a politically popular (and correct) program, but we would hope the Commission can do just that. We can do better for those needing lower-cost housing. We can do better for those whose taxes will pay for it. Both communities, and the developers to whom it will be left to deliver the properties, deserve more than the chalk outline that is before Council. The Commission can fix that by postponing any mapping of this rule.

	MEDIAN HOUSEHOLD INCOME IN 2005	INCOME RANK		RANK CHANGE SINCE 1990
		2005*	1990	
UNITED STATES	\$46,242	.	.	.
Loudoun County	98,483	1	4	3
Fairfax County	94,610	2	1	1
Howard County	91,184	3	2	1
Calvert County	84,388	4	6	2
Montgomery County	82,187	5	3	2
Prince William County	81,904	6	5	1
Arlington County	80,433	7	10	3
Stafford County	78,675	8	9	1
Frederick County	73,149	9	13	4
Anne Arundel County	71,961	10	8	2
Charles County	69,573	11	7	4
Spotsylvania County	68,816	12	14	2
Alexandria	66,116	13	12	1
Prince George's County	63,365	14	11	3
The District	47,221	15	15	No change

SOURCES: U.S. Census, American Community Survey

*Estimate



Map 10. Poverty Levels by Census Block Groups, US Census (see Appendix Map X for 8.5x11).