

	ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS MCLEAN GARDENS • WOODLEY PARK
Single Member District Commissioners 01-Dia Black; 02-Deborah Jane Lindeman; 03-Stephanie Zobay 04-Avram Fechter; 05-Bruce Beckner; 06-Trudy Reeves 07-Sheila Hogan; 08-Catherine May; 09-Nancy MacWood	2737 DEVONSHIRE PLACE, NW WASHINGTON, DC 20008 TEL 202/232-2232 • FAX 202/232-0667 Email anc3cmail@gmail.com Listserv http://groups.yahoo.com/group/anc3cgroup Website http://www.anc3c.org

**ANC 3C Testimony Commenting on Z.C. Case No. 04-33, Text Amendments on
Inclusionary Zoning**

October 19, 2006

**Submitted by
Nancy J. MacWood, Chair, ANC 3C**

I am Nancy MacWood, Chair of ANC 3C, which contains broad areas that have been proposed to be included in a new zoning overlay under the Inclusionary Zoning Program. Our boundaries also include the Cleveland Park Historic District and the Woodley Park Historic District. The Commission approved unanimously a resolution commenting on the mapping proposal at our public meeting on October 16, 2006. I would appreciate some latitude by the Zoning Commission tonight since ANC 3C had not considered a resolution on the mapping proposal in time to testify at the previous hearing.

I want to state at the outset that ANC 3C supports economic, racial, and ethnic diversity in our neighborhoods. As we have in the past, we are currently working with residents to maintain our affordable housing rather than have it converted to luxury apartments which results in the displacement of residents who cannot afford market rates for new or enhanced apartments. Having reviewed the proposed new Chapter 26 and the map submitted by the Office of Planning, ANC 3C has serious concerns and we do not support the inclusion of our historic districts in the proposed new IZ overlay. We understand that only the commercial corridors of the Cleveland Park Historic District would be included, but that all of the Woodley Park Historic District would be included.

Historic districts are areas where developers are restricted; they cannot come in and build whatever the market and zoning will bear. The compatibility standard that the Historic Preservation Review Board (HPRB) applies has very specific requirements that attempt to ensure that the architecture, scale, height, massing, rhythm, site lines, and openness that distinguishes a period in Washington, D.C. history is preserved for future generations and that new construction does not affect the integrity of the historic district. In a city as historic as Washington, historic preservation is a critical national and local legacy.

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Occasionally, in the Woodley Park Historic District the HPRB will approve new construction on Connecticut Avenue that increases the height of a building, but the approved height is always less than the prevailing height of the surrounding buildings and in every case I can remember the addition or new structure was set back from the historic line of buildings to diminish its impact. I cannot recall a single house addition that wasn't characterized by a subordinate roof line and indented side walls that protected the prominence of the original structure and the rhythm of the row of row houses or semi-detached homes that characterize the Woodley Park Historic District. Front façade requests rarely receive ANC support and usually are withdrawn before an application is heard by the HPRB.

In general, ANC 3C commissioners believe that historic districts should be the last place the Zoning Commission targets bonus densities. Inclusion in this case will result in an increased work load for the Historic Preservation Office, which is already overwhelmed with cases, intense pressure on the Historic Preservation Review Board to set aside their commitment to preservation in order to accommodate a worthwhile public policy to provide affordable housing, and more work for the Board of Zoning Adjustment that must approve each exemption from the requirements when HPRB disallows them. Inclusion in this case effectively pits one significant public policy against another important public policy.

Since there have never been any approved demolitions in our historic neighborhoods, it is not very likely that Woodley Park's row houses and semi-detached houses will be torn down to accommodate new 10 or more unit apartment buildings with row house facades and reduced lot areas and widths that would change the rhythm of the housing pattern. So the obvious question is why would you include these stable, built out neighborhoods in the new zoning overlay? The revised Comprehensive Plan states that row houses should not be divided into apartments but should be restored to their original use as single family housing. This policy seems to be at odds with including Woodley Park's R-3 and R-4 neighborhoods in a program that is based on multi-family housing units.

The commercial areas on Connecticut Ave. in Cleveland Park and Woodley Park are also historically designated and in addition are protected as Neighborhood Commercial Overlay Districts to ensure that they reflect the scale of housing in the historic districts and continue the tradition of serving the neighborhood. A critical component of ensuring the integrity of an historic district is making sure that the district's commercial area is zoned to maintain the scale and patterns of the district. You will find this successfully done in both Cleveland Park and Woodley Park.

On Connecticut Avenue the overlays require that at least half of the allowed FAR must be housing in both of the historic district commercial areas. The Cleveland Park overlay even requires that existing 2nd story housing must be maintained as affordable housing. Because the heights and densities of these areas are limited, there are no incentives for developers to expand these properties and raise rents or convert units to

condominiums so the housing remains affordable. If you include our historic district commercial areas in the bonus density program you have provided the incentive.

In the C-2-A Cleveland Park Historic District a developer could get 15% more lot occupancy (60% to 75%), 25% increase in height (40 feet to 50 feet), and an increase in FAR from 2.0 to 2.5. Since this area has attached properties and is backed by an alley it is likely that a developer would use the increase in height to get the maximum increase in FAR. The resulting building would be 25% taller than what has been allowed in the historic district under the overlay.

The same result would occur in the Woodley Park Historic District commercial area which is C-2-A on the west side of Connecticut Avenue and also subject to a neighborhood commercial overlay. According to proposed Section 2604.2, on the east side, which is C-2-B, a developer could get 20 more feet in height going from the overlay limit of 50 feet to the proposed height modification of 70 feet, which is a 40% height increase, and go from 3.0 FAR to 3.5 FAR. On this side of Connecticut Avenue there are row houses that are separated from the commercial area by only an alley. The proposed matter of right increase in height would have a significant impact on these residents.

ANC 3C urges the Zoning Commission to require more analysis of where bonus densities will be offered and to examine whether affordable housing is already being provided at a higher rate than the Inclusionary Zoning Program would require. Many of the buildings on Wisconsin Avenue and Connecticut Avenue in ANC 3C that have been included in the proposed mapping are currently providing 100% affordable units. If these properties are included in the new zoning overlay developers would have an incentive to displace residents so that they can get matter of right bonus densities by providing substantially fewer affordable units. That makes no sense to us and we don't believe that is your intent. Please look at our R-5-A neighborhoods, for example, the area east of the Cleveland Park Historic District, and analyze whether the IZ program will increase or decrease affordable housing. With perhaps a few exceptions, all the areas along Connecticut Avenue and Wisconsin Avenue in ANC 3C that have been mapped are providing affordable housing and they should not be included in the IZ overlay.

ANC 3C urges the Zoning Commission to omit our 3 Neighborhood Commercial Overlay Districts and our historic districts from the proposed IZ overlay. We also urge you to omit the areas on Wisconsin Avenue and Connecticut Avenue in ANC 3C where affordable housing is being provided. We believe the IZ Program should be targeted and limited to areas where it is clear that the infrastructure can support bonus densities, where there would not be incentives for tear downs that compromise goals of preservation and sustainability, and where displacement of low and moderate income tenants will not occur.

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Resolution No. 2006-053
Regarding the Inclusionary Zoning Text Amendment

WHEREAS the Zoning Commission has established an Inclusionary Zoning Program, Order 04-33, that requires new developments of 10 units or more, and existing residential developments with 10 units or more that are undergoing additional construction that would add at least 50% more gross floor area to devote a portion of the gross floor area to affordable housing; and

WHEREAS the Office of Planning has proposed that the Zoning Commission create a new overlay district, to be known as the Inclusionary Zoning (IZ) Overlay District; and

WHEREAS R-1 and R-2 districts are exempt from the IZ Program, as are hotels, housing developed by a college for its students, faculty, or staff, and housing that is owned or leased by foreign missions; and

WHEREAS the proposed overlay would include all properties zoned R-3 to R-5-D; C-1 to C-4; and other zone districts not represented within Advisory Neighborhood Commission 3C (ANC 3C) boundaries; and

WHEREAS all 9 single member districts in ANC 3C would be effected by the proposed overlay; and

WHEREAS ANC 3C has 3 neighborhood commercial overlay districts that ensure a mix of neighborhood serving retail and limit development to enhance the residential districts and these overlays would all be included in the proposed IZ overlay district; and

WHEREAS ANC 3C has two historic districts, Cleveland Park and Woodley Park, and the proposed IZ overlay district would include parts of the historic districts; and

WHEREAS the overlays and historic designation are significant land use policies; and

WHEREAS many of the proposed areas for IZ in ANC 3C already provide affordable housing, with most building units priced for low or moderate income persons; and

WHEREAS developments subject to IZ would be allowed to construct up to 20% more gross floor area than is allowed as a matter of right; and

WHEREAS an inclusionary development that does not employ steel and concrete framing and is located in R-3 through R-5-B or in C-1 or C-2-A would be required to devote the greater of 10% of its matter of right density or 75% of its maximum bonus density to affordable units; and

WHEREAS an inclusionary development that does employ steel and concrete framing and is located in R-3 through R-5-E or in C-1, C-2-A, C-2-B, or C-3 would be required to devote the greater of 8% of its matter of right density or 50% of its maximum bonus density to affordable units; and

WHEREAS 50% of the affordable units in R-3 through R-5-E, C-1, C-2-A would be set aside for low income households (50% or less of AMI adjusted for household size) and 50% for moderate income households (50%-80% of AMI adjusted for household size); and

WHEREAS 100 % of the affordable units in C-2-B (includes the east side of the Woodley Park NCOD and the west side of Rodman St. to Van Ness St.) would be set aside for moderate income households; and

WHEREAS the bonus density could be achieved through proposed reductions in minimum lot width from

- 20-40 feet to 16 feet/R-3
- 18-30 feet to 15 feet/R-4)

and lot area from

- 2,000-4,000 square feet to 1,600 square feet/R-3
- 1,800-3,000 square feet to 1,500 square feet/R-4

and R-3 and R-4 districts are found in Woodley Park, including the Woodley Park Historic District; and

WHEREAS the bonus density could be achieved through proposed new allowances for C-2-A districts:

- lot occupancy from 60% to 75% and
- imposition of the matter of right height standard of 50 feet and
- floor area ratio (FAR) of 2.5

even though the Cleveland Park and the Woodley Park overlays limit the height to 40 feet in their C-2-A districts with the Woodley Park overlay limiting FAR to 2.0 ; and

WHEREAS the bonus density could be achieved through proposed new allowances for C-2-B districts:

- height limits from 65 feet to 70 feet and
- imposition of the matter of right lot occupancy of 80% and FAR of 3.5 even

though the Woodley Park overlay limits the height to 50 feet and the FAR to 3.0

WHEREAS the Woodley Park NCOD requires that at least 60-67% of the maximum allowable FAR be housing and the Cleveland Park NCOD requires that at least 50% of the maximum allowable FAR be housing with a stated goal of retaining affordable housing; and

WHEREAS Section 1305.1 DCMR 11 states that in all NC Overlay Districts the matter of right height and floor area ratio limits shall serve as the guidelines for Planned Unit Developments, but the IZ proposal would go beyond the stated PUD goal; and

WHEREAS the NCODs have served the community well by maintaining a mix of retail and services in commercial areas, some of which are historically designated; and

WHEREAS the IZ Program requires that if ¼ of the affordable units are studios then ¼ of the market-rate units must be studios in the same development, with the same proportions required for other size units; and

WHEREAS the IZ program requires

-affordable units to be comparable in exterior design, materials, and finishes to market-rate units; and

- interior features (such as finishes and appliances) to be comparable to the market rate units, but may be less expensive; and
- affordable units to not be overly concentrated on any floor of a project; and

WHEREAS the Board of Zoning Adjustment (BZA) shall reduce the requirement for affordable units for specific site condition constraints or if development restrictions have been imposed on the property by District (such as the Historic Preservation Review Board) or federal government agencies:

BE IT RESOLVED that ANC 3C supports the need for more affordable housing units and the equitable distribution of these new housing units,

BE IT FURTHER RESOLVED that ANC 3C strongly urges the Zoning Commission to omit the NC Overlay Districts from the proposed IZ overlay because

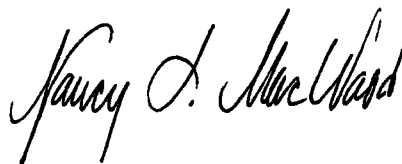
- two overlays are in historic districts and one adjoins an historic district and the goals of historic preservation should not be compromised and
- the overlays are compatible with retaining existing affordable housing and
- the express provisions of the overlays require housing within the maximum allowable FAR and one of the overlays has a purpose of retaining affordable housing,

BE IT FURTHER RESOLVED that ANC 3C urges the Zoning Commission to exempt any areas that have existing affordable housing such as along Wisconsin Avenue and Connecticut Avenue in ANC 3C because implementation of the IZ Program in those areas would actually reduce the amount of affordable housing by providing an incentive for developers to displace low and moderate income tenants,

BE IT FURTHER RESOLVED that ANC 3C urges the Zoning Commission to map the IZ Program in limited, targeted areas where it is clear that the infrastructure can support bonus densities, where goals of sustainability would not be comprised, and where displacement of low and moderate income tenants will not occur and to expand the locations as experience warrants

BE IT FURTHER RESOLVED that ANC 3C authorizes the Chair to represent the Commission on this matter.

Attested by



Nancy J. MacWood

Chair, on October 19, 2006

This resolution was approved by a vote of 7-0 on October 16, 2006 at a public meeting of ANC 3C at which a quorum (7 of 9 members) was present.