



DISTRICT OF COLUMBIA BUILDING INDUSTRY ASSOCIATION

VIA ELECTRONIC AND HAND DELIVERY

Mr. Anthony J. Hood, Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: Zoning Commission Case No. 04-33I – District of Columbia Building Industry Association Comments

Dear Chairperson Hood and Members of the Commission:

I am submitting this letter on behalf of the D.C. Building Industry Association (“DCBIA”). This letter contains DCBIA’s comments on the above-referenced text amendment case which is being heard this evening.

DCBIA commends the Office of Planning and the Commission for incorporating a number of much-needed clarifications into the Inclusionary Zoning (“IZ”) regulations. DCBIA believes that, in general, the proposed amendments will improve the IZ program by resolving ambiguities and filling gaps in the current text of the regulations. The amendments will increase predictability for the development community and have the potential to speed the permitting review process, thereby boosting the production of new units — both IZ and market rate — to better meet the city’s urgent need for additional housing.

DCBIA, however, urges the Commission to not adopt proposed Subtitle U § 1005.7, which would prohibit IZ units in cellar space. A primary tenet of the District’s IZ program, and similar programs throughout the country, is to produce a steady stock of affordable housing that is directly on par with market rate housing, as relates to geographic location, design and construction quality, and unit distribution within individual developments. Indeed, Subtitle C § 1005.5 specifically prohibits the concentration of IZ units on a particular floor and DCRA is vigilant in ensuring compliance with the letter or the spirit of this regulation. However, proposed Subtitle U § 1005.7 would fundamentally contravene this underlying premise of the IZ program.

Moreover, prohibiting IZ units in cellar space makes a statement that is contrary to other District policies — that living space located on a cellar level is undesirable or somehow less than suitable. However, cellar-level habitable space — either as part of a larger unit or as the entirety of a unit — is a significant and vital segment of the District’s housing stock and serves countless residents

throughout the City. Cellar space is valuable space, to developers and to residents, and, indeed, the IZ regulations recognize this reality in counting cellar space to determine a project's IZ set-aside requirement, currently and after the proposed text amendments.¹

We greatly appreciate the opportunity to provide comments on these important text amendments and would be happy to provide additional information if helpful.

Sincerely

A handwritten signature in black ink that reads "Lisa Maria Mallory". The signature is written in a cursive, flowing style.

Lisa Maria Mallory
CEO

¹ We also note that the proposed text is ambiguous as to whether IZ units would be permitted to include cellar space as part of a larger unit or whether any unit including cellar space would be prohibited from being set aside for IZ. This unanswered question is especially critical for rowhouse and flat developments, where a substantial percentage of units include, but do not consist entirely of, cellar space.