

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

ROUNDTABLE ON INCLUSIONARY ZONING

+ + + + +

THURSDAY  
OCTOBER 10, 2002

+ + + + +

The Roundtable Meeting of the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

OFFICE OF ZONING:

|                 |              |
|-----------------|--------------|
| CAROL J. MITTEN | Chair        |
| ANTHONY HOOD    | Commissioner |
| JAMES HANNAHAM  | Commissioner |
| PETER MAY       | Commissioner |

|                 |           |
|-----------------|-----------|
| ALBERTO BASTIDA | Secretary |
| SHARON SANCHEZ  | Staff     |
| SARA BARDIN     | Staff     |

OFFICE OF PLANNING:

|                      |                    |
|----------------------|--------------------|
| ARTHUR ROGERS        | Office of Planning |
| VENITA RAY           | Office of Planning |
| JENNIFER STEINGASSER | Office of Planning |

I N D E X

|   |    |
|---|----|
| Preliminary Matters.....                                  | 3  |
| Presentation by Arthur Rogers, Office<br>of Planning..... | 5  |
| Commission Questions.....                                 | 22 |
| Other Witnesses:  |    |
| Annie Long.....   | 32 |
| Tad Baldwin.....  | 33 |
| Margo Flug.....   | 38 |
| Mary Spencer.....   | 44 |
| Ossie Coley.....  | 48 |
| Janet Brown.....  | 51 |
| Dorothy Miller ANC 2A05.....                              | 54 |
| Barbara Zartman.....                                      | 58 |
| Robert Pohlman.....                                       | 71 |
| Jenefer Ellingston.....                                   | 76 |
| Yavaka (phonetic) Young ANC 6C09.....                     | 80 |
| Rose Marie Flynn.....                                     | 82 |
| Josh Gibson ANC 1C07.....                                 | 95 |
| Elizabeth B. Elliott ANC 2A01.....                        | 97 |

P-R-O-C-E-E-D-I-N-G-S

6:30 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen, I want to welcome you to the Zoning Commission of the District of Columbia. Today is Thursday, October 10th, 2002.

Tonight we are conducting a roundtable on the subject of inclusionary zoning and other zoning provisions to support affordable housing.

My name is Carol Mitten and I am the Chair of the Commission. And joining me this evening are Vice Chairman, Anthony Hood, and Commissioner James Hannaham and we're expecting two other commissioners to join us shortly. And we also have Ms. Ray and Mr. Rogers and Ms. Steingasser from the Office of Planning. And we have Ms. Sanchez and Mr. Bastida and Ms. Bardin from the Office of Zoning.

As is the case in many jurisdictions, the strength of our real estate market has contributed to rising prices and rising rental rates. As a result, many individuals and families can no longer afford to live in the District of Columbia.

Through this Roundtable, we hope to begin a dialogue that will help the Commission explore whether and how the zoning regulations should be used

1 to support affordable housing in the District. We  
2 look forward to constructive input from the many sides  
3 of the affordable housing issue including housing  
4 providers, developers, property owners and individuals  
5 who are the beneficiaries of affordable housing.

6 I'd like to begin by thanking Art Rogers  
7 of the Office of Planning for preparing a primer for  
8 the Zoning Commission on inclusionary zoning and he  
9 will start us off, along with his colleagues, this  
10 evening with a brief overview presentation to  
11 establish the background for our discussion this  
12 evening.

13 We have a sign-in sheet on the table near  
14 the door. After the presentation by the Office of  
15 Planning, I will call the witnesses forward first who  
16 signed up in advance and then we will go to the sign-  
17 in sheet. If you have a written statement to submit,  
18 please hand it to Ms. Sanchez before giving your  
19 testimony. We will also leave the record open at the  
20 conclusion for any additional written materials that  
21 folks would like to submit to the Commission.

22 Okay, I've now been informed that there  
23 actually is no sign-in sheet, so we'll just call you  
24 up, anybody that wants to go, we'll just call you up  
25 at the end. Now, in order just to help our court

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 reporter, this is being recorded this evening so just  
2 so he can identify each person as they speak, I'd ask  
3 you to fill out two witness cards and those are  
4 located on the table near the door. And then as you  
5 come forward to testify, give the cards to the court  
6 reporter.

7 In order to conduct the Roundtable in a  
8 reasonable period of time, we will adhere to the  
9 following time constraints this evening.  
10 Organizations and ANCs will have five minutes.  
11 Individuals will have three minutes. In order to  
12 proceed without interruption, I would ask that you  
13 turn off all beepers and cellphones at this time. And  
14 as I said, we will be taping this session so when you  
15 come forward to speak, make certain that your  
16 microphone is on and that you speak clearly.

17 Now we'll go to the presentation by the  
18 Office of Planning.

19 MR. ROGERS: Good evening, my name is  
20 Arthur Rogers. I am a special assistant to the  
21 Director at the D.C. Office of Planning and I want to  
22 thank everyone for coming out here and I want to thank  
23 the Zoning Commission for offering to have this  
24 Roundtable discussion on inclusionary zoning.

25 I'll just, am I on the five minute clock,

1 too?

2 CHAIRPERSON MITTEN: No.

3 MR. ROGERS: Oh, okay. I'll try to be as  
4 brief as I can.

5 CHAIRPERSON MITTEN: Not unless you want  
6 to be. We'll be flexible.

7 MR. ROGERS: Just as introduction, as you  
8 referred, we wrote the primer and posted it on our  
9 website. And essentially what I'll be doing here  
10 tonight is sort of summarizing that briefly for those  
11 people who are not, didn't get a chance to read it off  
12 of the web. And there are copies of the report at the  
13 entrance to the chambers.

14 I'm going to be talking about just three  
15 things briefly tonight, housing in the District, what  
16 is inclusionary zoning and what are the questions that  
17 are needed, that need to be answered if a policy is to  
18 be formulated.

19 This is just a summary of the chart of  
20 changing the housing values in the District from 1990  
21 to the most recent second quarter of 2002. It  
22 basically demonstrates that since '97, housing values  
23 on average have been rising in the District and since  
24 about '98, '99, they've actually been outpacing the  
25 rise in the U.S. Over the past five years in general,

1 on average, values of housing have risen by 71  
2 percent.

3 In part, this has caused a lot of  
4 construction interest by the private sector and by  
5 nonprofits constructing housing in the District. You  
6 can see from this chart, the number of new housing  
7 construction permits issued over the past 11 years,  
8 since 1991, in '96, there were zero new construction  
9 permits and over the past several years, we've been  
10 averaging around 800 and I think this is unique. In  
11 fact, one of the developers was recently quoted in the  
12 paper as saying D.C. has not seen this kind of  
13 construction since the 1930's.

14 We've seen peaks in, for a year, in the  
15 80s but then the years following would drop off  
16 dramatically. As you can see from this chart, over  
17 the past several years, we've had sustained production  
18 of new housing. This chart will summarize what's been  
19 completed in the past couple of years, what's under  
20 construction, what's planned, what's proposed and I'll  
21 define proposed for the audience. And then what is  
22 the result of requests for proposals that the District  
23 has issued on District-owned property.

24 As you can see since 2000, almost 4,000  
25 units have been completed. This will include not only

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 new construction but the substantial rehab of vacant  
2 buildings. Alban Towers is an example that would not  
3 be considered new construction under the graph that we  
4 have but was a vacant building and has been remodeled  
5 and is now occupied. Under construction, and as you  
6 can see, this is roughly over 7,000 units and this  
7 will include the total project numbers for projects  
8 that have at least started construction on some of the  
9 units, for instance Henson Ridge is a 600 unit  
10 development. Maybe only 50 or 75 of the permits have  
11 been issued for the single family homes. So this  
12 includes the full 600 of that project.

13           Planned or projects that have either  
14 received funding commitments from the District, have  
15 gone through BZA or Zoning Commission and are waiting  
16 to file for building permits, there's roughly about  
17 8,000 units at that state right now. And proposed is  
18 largely the larger redevelopment projects that the  
19 District has been working on including things like  
20 Arthur Capper-Carrolsburg which is certainly to be  
21 expected and I think projects like the Southeast  
22 Federal Center. And I think we can estimate that  
23 we'll probably be seeing those units within ten years.

24           And then finally, as I mentioned, about  
25 1,500 units are the result of requests for proposals

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 including the wax museum, the sites at Columbia  
2 Heights and a couple others. And now they're building  
3 them.

4 This chart or these maps show where the  
5 projects have been going in the District. About a  
6 year and a half ago, the Office of Planning in  
7 cooperation with other departments of the District,  
8 took a look at the neighborhoods across the city and  
9 tried to establish what we called a composition, a  
10 measurement of how the neighborhoods were doing. And  
11 you can see that the green areas are stable  
12 neighborhoods. The blue neighborhoods are what we  
13 call transitioning. They're showing lots of signs of  
14 improvement. The yellowish neighborhoods, sort of tan  
15 yellowish neighborhoods, are emerging. They show  
16 strong signs but they are, across most  
17 characteristics, what we call under performing. And  
18 then declining, the dark red, are generally  
19 neighborhoods that are distressed. They're showing  
20 negatives signs caused by many different factors. We  
21 looked at education levels, we looked at crime rates,  
22 housing values and so on and so forth.

23 And the red dots you see on the map are  
24 the locations of market rate projects on the left and  
25 affordable projects on the right. And almost

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 exclusively the market rate projects were happening in  
2 stable and transitioning neighborhoods and the  
3 affordable projects that were being built were  
4 happening more often in the emerging and declining  
5 neighborhoods.

6 Now I'll just go briefly into what is  
7 inclusionary zoning, what's a little bit of its  
8 history, what are its components. Essentially it's a  
9 land use technique that cities have used to link the  
10 development of market rate housing and affordable  
11 housing together. Some of the policy goals that it  
12 tries to achieve include the development of affordable  
13 housing, deconcentrating poverty and also sustainable  
14 economic growth.

15 In some areas of the country, as we said  
16 in the report, some areas have been growing so rapidly  
17 that they've been attracting high income working  
18 individuals who are driving up the price of housing.  
19 Similar to what's been happening in D.C., San  
20 Francisco is an excellent example of this. And  
21 they've found that the other people who are necessary  
22 to the economy were being pushed out and forcing them  
23 to travel long distances, commit burdensome levels of  
24 their income to housing and things like that. And so  
25 really there's also an economic growth component to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 inclusionary zoning.

2 Briefly, its history, its been around for  
3 about 25 years. Montgomery County, our neighbor to  
4 the north, has been doing it. They were the first  
5 jurisdiction to enact it and pass it and use it. And  
6 since then, in the past 25 years, 13,000 units have  
7 been built, the moderately priced dwelling units they  
8 call them, have been built. And they've been built  
9 right next to the market rate units whether they're  
10 town homes or garden apartments or so on and so forth.

11 Since then, several other jurisdictions  
12 have created similar ordinances. And here's a chart  
13 that's in the paper that lists a few of them including  
14 San Francisco; Cambridge, Massachusetts; Dallas,  
15 Texas; Orlando, Florida, and they vary by component  
16 whether, and we'll get into the components of  
17 inclusionary zoning. Just for comparative purposes,  
18 San Francisco and Cambridge, you could probably argue,  
19 are fairly similar to the District. They're largely  
20 urban areas, most of the development opportunities are  
21 in field development. They have comparable density  
22 levels and, in some cases, height restrictions, too.

23 Some of the common components of  
24 inclusionary zoning that are found in the  
25 jurisdictions across the country are a mandatory

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 component which would require all projects to have a  
2 portion of the units be affordable. Some  
3 jurisdictions use a voluntary program that's more  
4 based on incentives. Common are density bonuses that  
5 are used to help balance the requirement placed on the  
6 development community. Often what happens is the  
7 bonus density units, the value of that, will help pay  
8 for the cost of construction and so on and so forth  
9 for the affordable unit and that's what we mean by  
10 it's capitalizing the land value. The land value of  
11 those bonus units is often used to absorb that.

12 Typically it targets moderate levels,  
13 moderate income levels, sliding scales, depending on  
14 the percentage of the units and the bonus density  
15 that's granted. Another component is the sliding  
16 scale based on the income, the target incomes and the  
17 base density of the underlying zone. In more dense  
18 zones such as downtown areas, either the percentage  
19 requirement of affordable units is often smaller, and  
20 Montgomery County is an example of that, or the target  
21 income range is a little bit higher than what would be  
22 required across the rest of the jurisdiction.

23 Public housing authority option to buy,  
24 Montgomery County's been doing this and this is a tool  
25 that they've used to serve lower incomes than what

1 would be typically targeted by the bonus densities and  
2 the other incentives. And then finally, a common  
3 component is a developer buyout option. In cases, the  
4 developer may argue that they can provide a greater  
5 impact for affordable units if they're allowed to  
6 buyout of their requirement and that money would go to  
7 build units somewhere else or go into a housing trust  
8 production fund.

9 This chart just shows what are the sort of  
10 family types that might be helped by a program like  
11 this. It breaks down what we often use as a, to  
12 evaluate these, are a percentage of the metropolitan  
13 area needing income. It's a common thing that HUD  
14 uses in their programs and this chart just shows  
15 sample families who would qualify at 30 percent of the  
16 AMI and 80 percent of the AMI. So, for instance, a  
17 museum technician, and there's probably a couple of  
18 those in D.C., with two children earns roughly about  
19 48, 49,000 dollars. That would, with two children,  
20 they would meet the 80 percent of AMI income bracket.

21 Here's an example of how it might work  
22 using a bonus density as an incentive. The graphic  
23 shows a sample parcel that's divided into five units.

24 If we decrease the size of the lots by just 15  
25 percent, in that same area of land, we can fit a sixth

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 unit. And so what might happen is, an example of a  
2 property that has, would normally have ten units, we  
3 would add a 20 percent bonus and then the inclusionary  
4 requirement would probably have one, maybe two, both  
5 of those units as affordable. One unit would be an  
6 eight percent requirement affordable units with a 20  
7 percent bonus. And I'll go into it later but  
8 typically, most jurisdictions might use 20 unit  
9 projects or 50 unit projects as the starting point at  
10 where inclusionary zoning would trigger.

11 Some of the legal challenges that are  
12 involved, basically if a case can be made that is in  
13 the public good, that land uses can be regulated  
14 through zoning ordinances similar to this, what has to  
15 be proven is a link between the market rate housing  
16 and the affordable housing. And that's a test that is  
17 needed to overcome challenges of takings, that your  
18 taking is a legitimate interest because you've proven  
19 that the market rate housing has a relationship to the  
20 affordable housing. And then finally, in several of  
21 the jurisdictions, again as I mentioned, bonus  
22 incentives are used to sort of compensate the  
23 developers of the housing.

24 So what are the questions then that are  
25 needed to be answered for a policy to be formed. Of

1 course, and I'll go through the list briefly and then  
2 each one individually. Is it appropriate for the  
3 District, the most basic question. A mandatory or  
4 voluntary programs. Are we trying to achieve mixed  
5 income neighborhoods or are we more interested in  
6 affordable housing production.

7 What is the level of the impact or what is  
8 the service we're trying to provide. In other words,  
9 what's the income ranges we're trying to serve, what  
10 percentage of the units we're trying to target and  
11 then what's the project size that we would look at to  
12 use inclusionary zoning. What are the appropriate  
13 incentives. And there's more than just bonus density,  
14 there are other incentives that can be done, height,  
15 and I'll go into a little bit about height.

16 This is getting more and more specific as  
17 we go on. Ownership and rental units, how they're  
18 treated differently. The length and the type of  
19 control that's used to enforce the affordability  
20 requirements. How one reaches very low income  
21 households. Typically the incentives used for  
22 inclusionary zoning often don't reach, are not able to  
23 reach very low incomes without additional incentives.

24 And then what's the administration and the  
25 enforcement of it. How is that done. And that's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 crucial because the developers obviously want to see a  
2 smooth program. Otherwise, it effects them in other  
3 ways besides their bottom line, the time and logistics  
4 and paperwork and so on and so forth.

5 So in giving a little bit more information  
6 about each of those questions, first, is it  
7 appropriate to the District. What I would just lay  
8 out right now is some of the critical steps we would  
9 think need to be done if we're going to give a good  
10 thorough look at this. We're here tonight to gather  
11 public comment. That's, I think, one of the first  
12 steps needed. Identifying a need, who do we want to  
13 serve with this type of program. Determining a link,  
14 as I mentioned earlier, demonstrating that link  
15 between the market rate housing and the affordable  
16 housing.

17 Assessing the impact, how is this going to  
18 effect the development of housing in the District. We  
19 obviously don't want to develop a program that brings  
20 the development of all housing to an end. And then  
21 finally formulating the policy on all the questions.  
22 And then finally, just to raise a critical issue,  
23 there's a fiscal issue. Certainly there is real  
24 estate taxes and things like that that the District  
25 gathers revenues but also one might think of the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 continuing subsidies that are needed to help  
2 distressed communities that have concentrated levels  
3 of poverty.

4 Over and over again, jurisdictions are,  
5 invest their community block grant funds and so and so  
6 forth in distressed communities where the poverty is  
7 highly concentrated. The basic question between mixed  
8 income neighborhoods and affordable production is  
9 components of inclusionary zoning like buy-out options  
10 and offsite provisions can increase the number of  
11 units that might be produced, the affordable units,  
12 but they might sacrifice the ability of achieving  
13 mixed income neighborhoods and that's sort of a  
14 breakdown of the question that needs to be answered.

15 Mandatory and voluntary programs, there  
16 are pros and cons to each one. Mandatory has greater  
17 tests to pass. Voluntary programs typically don't  
18 produce as many units. And you can see other issues  
19 facing mandatory and voluntary programs.

20 Again, what is the level of service we're  
21 trying to provide and what's the impact. The type of  
22 households we're trying to help, low income households  
23 and working families, what's the percentage of unit.  
24 At what point are we achieving neighborhood diversity  
25 versus at what point are we creating, again, a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 concentration of too many low income households.  
2 What's the project size, it's typically based on the  
3 availability of land in the jurisdiction and also the  
4 feasibility.

5 Some of the other incentives besides  
6 increase in density are many jurisdictions use sort of  
7 rapid permit processing to speed the permit process  
8 for developers, reimbursement of fees that are  
9 typically charged for building permits, increased  
10 density, as I mentioned, and in some cases increased  
11 height.

12 When it comes to deciding how the program  
13 would effect ownership and rental, basically the  
14 economics of developing ownership and/or rental  
15 properties is different and so they are affected  
16 differently by an inclusionary requirement. So that's  
17 a thing that has to be answered. And then another  
18 thing is jurisdictions often use the incentives or  
19 what type of requirements they're placing to encourage  
20 home ownership units. In the long run, those offer  
21 greater stability to households and help that  
22 household with an asset for the future.

23 Length and type of control, again, one of  
24 the issues is if the length of the enforcement is  
25 shorter than a typical development cycle, you'll never

1 be providing a sort of stable stock of housing. The  
2 expiration of the enforcement will expire before  
3 another development cycle comes in to build more  
4 units. And over long term, it's possible that the  
5 cost of managing properties would outpace the income  
6 derived from low income households and so when it  
7 comes to rental properties, over a period of time,  
8 that burden can become too great.

9 And then finally, the length and type of  
10 control, again, goes to the household. Are we trying  
11 to create assets for that family or are we trying to  
12 preserve a stock of affordable housing for other  
13 households.

14 Reaching very low incomes, some of the  
15 techniques include reducing the percentage of units  
16 required, the buy-out options being used to target  
17 projects that are focusing on lower incomes and then  
18 also, as I mentioned earlier, the public right of  
19 first refusal to purchase those affordable units.  
20 That way the housing authority in Montgomery County,  
21 it's the Housing Opportunities Commission, has a right  
22 to purchase one-third of the affordable units in a  
23 project and use those to serve lower income  
24 households.

25 And then basically, finally, again it's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the issues of how we administer the program and how  
2 it's enforced. Land use controls, whether its zoning,  
3 the building permits, issuing the certificate of  
4 occupancy to verify that those units will be  
5 affordable and then finally covenants and deed  
6 restrictions. And then what are the agency types that  
7 would be involved in administering the program.

8 And in this I use specific examples from  
9 the District that have some sort of jurisdictions in  
10 these issues, the Building and Licensing Department of  
11 DCRA, Office of Zoning, Office of Planning when it  
12 comes reviewing the projects and then how operations  
13 and management and enforcement is done, the Department  
14 of Housing and Community Development and the D.C.  
15 Housing Authority do that for their own properties  
16 that they invest in and then finally in the District,  
17 with rent control, there's a Rental Housing  
18 Commission. Right now, the Rental Housing Commission  
19 has a staff of one, I think, so I don't know if they  
20 would be a good choice without additional staff for  
21 this type of program.

22 And that's basically all we wanted to do.  
23 Again, this was a summary of the primer we wrote.  
24 People can find us on our website at [planning.dc.gov](http://planning.dc.gov)  
25 and if they wish to contact me, my e-mail and the

1 phone number of the office are on the website also.

2 CHAIRPERSON MITTEN: Great.

3 MR. ROGERS: And that's all we have to  
4 say. Thank you.

5 CHAIRPERSON MITTEN: Thank you. Let me  
6 see if the Commission has any questions before we go  
7 to the testimony. Any questions from the Commission?

8 VICE CHAIRPERSON HOOD: Madam Chair, I  
9 just have one question. Mr. Rogers, first of all, I  
10 think it's definitely helping me out and I think  
11 you've done a good job with your report. But one of  
12 my concerns is talking about affordability. And I  
13 notice in the last, the last slide we had, the  
14 operations and management, the Housing Finance Agency  
15 was left off. I think they should be included,  
16 wouldn't you agree?

17 MR. ROGERS: Yes, they certainly also have  
18 the responsibility of insuring that the properties  
19 that they finance are actually going toward the  
20 targeted income ranges, the households and, yes,  
21 certainly they could be added to that list also.

22 VICE CHAIRPERSON HOOD: The other thing  
23 is, and I don't know if it's in this package I have  
24 here, but I'm concerned about the concentration across  
25 the city. I was kind of looking for some numbers

1 there. I don't know if you have it or maybe I just  
2 overlooked it but I'm concerned about affordable  
3 housing across the city because I'm also wondering if  
4 it's just stopping at moderate, it's not getting to  
5 the lower income folks because I see we've done Henson  
6 Ridge and some other issues and that's been my concern  
7 all along. Is it really reaching, is it, I guess, is  
8 it going across the board. Are we touching everyone  
9 as opposed to just stopping at moderate.

10 MR. ROGERS: As I said, there are other  
11 ways of, within the inclusionary program, that  
12 jurisdictions have reached lower incomes. Either it's  
13 a sliding scale that if someone wants to reach lower  
14 incomes their burden, the number, the percentage of  
15 units that they're required to build would be  
16 decreased. So instead of 10 percent or 20 percent at  
17 80 or 65 percent of the AMI, they might only be  
18 required to do five percent to households at 30 or 40  
19 percent of the AMI.

20 I think Montgomery County, as I said, has  
21 used the purchase rights to serve lower incomes and  
22 they've done a very good job of managing those  
23 properties and insuring that it doesn't negatively  
24 impact the surrounding properties that are built. So  
25 there are other ways of reaching the lower incomes and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that's all in the program, in the policy design really  
2 and certainly though, as we tried to show with the  
3 map, that there are certainly concentrations right now  
4 of affordable housing and basically the market rate  
5 housing and affordable housing doesn't mix that much.

6 So certainly that's an issue is improving that mix.

7 VICE CHAIRPERSON HOOD: Also, Mr. Rogers,  
8 you mentioned a map. I think from my perspective, I  
9 would have liked to have seen or maybe you can help me  
10 later, to see the break-out like I said in wards, Ward  
11 1 has a stable, transitioning, emerging, declining, if  
12 we could see that. I want to see how it looks across  
13 the board in wards, Wards 1 through 8.

14 MR. ROGERS: That's one of the things  
15 we're engaging right now. We've mapped the Section  
16 Eight properties. We've received data from the HUD  
17 website. We have the data on the low income tax  
18 credit properties. The map that I showed is the  
19 current pipeline of projects over the past four years  
20 that have gone through either HFA, Housing Authority  
21 or DHCD.

22 And then there are additional properties  
23 that we need to identify that have received other  
24 subsidies through HUD besides the tax credits whether  
25 it's 221Ds and there's all sorts of different programs

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that HUD has. We've yet to receive that data so we  
2 can map it and show it where all those properties are.

3 Also, the deputy mayor did take a or has  
4 been taking a look at the Section Eight properties and  
5 trying to determine which of those expiring ones are  
6 expiring and then opting out or which ones of those  
7 are being actually kicked out because of maintenance  
8 problems. And so we do have the information on where  
9 those are mapped. So I think if the conversations go  
10 any further, yes, certainly we would want to know  
11 exactly what's the percentage of total units in a  
12 given neighborhood that is affordable and you can  
13 probably define that as a deed restricted property  
14 that has affordability requirements.

15 VICE CHAIRPERSON HOOD: Thank you, Mr.  
16 Rogers and thank you, Madam Chair.

17 CHAIRPERSON MITTEN: Thank you. Mr.  
18 Hannaham?

19 COMMISSIONER HANNAHAM: I'd like to thank  
20 you, too. I thought that was a beautiful  
21 presentation. I'm looking forward to reading the full  
22 report. One of the things that struck me was, in the  
23 beginning, you showed how this increase in housing  
24 activity all across the country of which the D.C. is  
25 sharing in all of this, I'm wondering how long will

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 this go on and what's driving it. Is it possible that  
2 we've got a bubble here and we get to concern  
3 ourselves about minutia and this whole thing could  
4 fade?

5 MR. ROGERS: That's a very good question  
6 and it's certainly a very important issue because, as  
7 I said, we don't want to create a program that would  
8 bring this revitalization of the District to a halt,  
9 screeching halt. I think from, and it's one of my  
10 jobs in the office to track real estate development in  
11 the office, there are anecdotal examples of the Bryant  
12 School Condominiums and Town Homes in Capitol Hill  
13 selling out in a day or two. And that's the most  
14 recent example I've heard of the continued shrink of  
15 the housing market.

16 There was an article in Monday's paper of  
17 the Post talking about what could be a glut of the  
18 luxury units that are under construction right now,  
19 particularly in downtown. There's two to three  
20 thousand units that are either have broken ground and  
21 well on their way toward construction or should be  
22 breaking ground in the next year or two. The article  
23 talks about how that might create an oversupply of  
24 units on the market.

25 Certainly there's a lot of demographic

1 information that says it should continue, that this  
2 growth should continue. We know that, for instance,  
3 empty nesters are taking a greater interest in the  
4 District. They no longer need to worry about schools  
5 because their children have left. They want to live  
6 closer to their job. They don't want a large property  
7 to maintain, all those kind of issues and they're also  
8 hitting their prime earning years.

9 And so that market, that market segment is  
10 probably one of the major factors behind driving up  
11 what researchers, market researchers would call the  
12 investment grade properties, the properties like Alban  
13 Towers on Massachusetts and the Roosevelt that's being  
14 rebuilt on 16th Street and the Post Property Project  
15 that's almost completed now on Massachusetts.

16 So demographically, there's a lot to  
17 suggest that that market segment will only grow. But  
18 certainly with the down turn in the economy, the other  
19 challenges facing the District, it could decline  
20 somewhat. Based on all this activity though, we made  
21 an estimate toward COG that the District's population  
22 should be growing in the long term over the next 20 to  
23 25 years. Of course, there'll be dips and declines  
24 and rises again but I think we're pretty optimistic  
25 about it. We see a lot happening, a lot of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 opportunities for additional housing, the Southeast  
2 Federal Center and Arthur Capper-Carrolsburg, the  
3 Southwest Waterfront, so there's a lot of  
4 opportunities to keep this growth going and create  
5 viable, sustainable, you know, active communities.

6 COMMISSIONER HANNAHAM: Thank you.

7 CHAIRPERSON MITTEN: I just had one  
8 question and I don't know if you're familiar enough  
9 with the other jurisdictions to know the answer to  
10 this question but in some other areas where we've  
11 tried to use zoning to solve a social problem, it  
12 hasn't, the incentives that we can provide through  
13 zoning are not sufficient for zoning to solve the  
14 problem alone.

15 In other jurisdictions, do you know if  
16 they've been able to layer zoning restrictions and  
17 incentives together along with financial incentives  
18 and I'm thinking, and just as a for instance for us,  
19 we have the Housing Production Trust Fund. Well, if  
20 we were able to target the money from the Housing  
21 Production Trust Fund and couple it with zoning, we  
22 could make that money go a lot farther if that was  
23 used to help, you know, sort of boost the economics to  
24 make it feasible to do affordable housing. Does that  
25 work in other jurisdictions, do you know?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   MR. ROGERS:       Yes, I would have to  
2 investigate the other jurisdictions as to what other  
3 incentives they add to it. Certainly the things that  
4 I mentioned, the fast track processing and fee  
5 reimbursement, tax abatements of real estate taxes is  
6 fairly common, even when there's not an inclusionary  
7 requirement. In the housing bill that was passed last  
8 year, we did pass, part of the bill was a tax  
9 abatement program and basically the regs have to be  
10 written for that but from what I've heard, there are  
11 several developers who have contacted either our  
12 office or the deputy mayor's office and expressed  
13 interest in that.

14                   So there are certainly other ways to layer  
15 additional incentives along with the inclusionary  
16 zoning requirements and benefits.

17                   CHAIRPERSON MITTEN:       Okay, any other  
18 questions before we go to public testimony? Great,  
19 thank you very much. And I don't know if you have any  
20 more copies but for anybody who didn't get a copy of  
21 the piece that the Office of Planning put together on  
22 inclusionary zoning, you could get it off their  
23 website.

24                   So we'll go first to the sign-in sheet, or  
25 to the people who called in advance and then we'll

1 just call for anyone else who would like to testify.  
2 I notice that a number of people came in late. If you  
3 plan on testifying this evening, I'd just ask you to  
4 fill out two of the witness cards that are on the  
5 table near the door. It'll help the reporter keep  
6 tract of who is speaking. And so when you come up,  
7 hand them to the reporter.

8 We'll start with Annie Long and I will put  
9 together panels at the table here. Are you going to  
10 move your stuff. Oh, okay, so we can put four people  
11 up. Ted Baldwin, come on and have a seat at the  
12 table. Yavaka Young? Is Ms. Young here? Margo Flug.  
13 Jenefer Ellingston. Okay, we'll call her later.  
14 Will Ward, okay, we'll skip him. Is Harriet Hubbard  
15 here? I didn't see her yet. I'm sorry. What's your  
16 name, ma'am?

17 MS. SPENCER: Mary Spencer.

18 CHAIRPERSON MITTEN: Mary Spencer is  
19 substituting for Will Ward. Okay. When it's your  
20 turn to speak, I see you're already ready and your mic  
21 is on. We just need you to turn on the mic and as you  
22 begin speaking state your name and address for the  
23 record and keep an eye on the clock. Ms. Long has  
24 three minutes, she's an individual.

25 Just to repeat the time, individuals have

1 three minutes. Organizations and ANCs have five  
2 minutes. So I'd just ask you to keep an eye on the  
3 clock and I'll interrupt you after the bell rings if  
4 you keep going, okay?

5 MS. LONG: Should I start?

6 CHAIRPERSON MITTEN: Sure.

7 MS. LONG: Good evening, Chairman Mitten,  
8 and Commissioners. I'm Annie Long. I live at 409 V  
9 Street, N.E., Washington, D.C. 20002, Ward 5. I'm  
10 here to echo the voices of little people. Thanks for  
11 this opportunity to speak. The five million dollars  
12 in the Housing Production Trust Fund is not the  
13 answer. The Housing Production Trust Fund has been  
14 really treated worse than a stepchild from twenty-two  
15 million dollars and now down to a measly five million  
16 dollars.

17 Even if the Housing Production Trust Fund  
18 was fully funded, we still need to have the private  
19 sector involved. Please consider through studies,  
20 debates, et cetera, an affordable housing program  
21 through inclusionary zoning that mandate private  
22 builders and developers to contribute to help  
23 ameliorate the housing needs in D.C. My vision as a  
24 native Washingtonian is to see mixed income  
25 communities throughout the city in my lifetime. Thank

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 you.

2 CHAIRPERSON MITTEN: Thank you, Ms. Long.  
3 Mr. Baldwin's next. I just want to make sure you get  
4 the clock right. Five minutes for Mr. Baldwin.

5 MR. BALDWIN: Good evening and thank you  
6 for the opportunity to testify. I'm Tad Baldwin and I  
7 live at 3507 Morrison Street, N.W. in Washington,  
8 testifying tonight for the Washington Regional Network  
9 for Livable Communities and a new group, Ward Three  
10 Smart Growth Advocates pushing for higher density in  
11 Ward Three, believe it or not.

12 CHAIRPERSON MITTEN: Oh!

13 MR. BALDWIN: And I'm going to briefly  
14 address some incites from inclusionary zoning in  
15 Montgomery County 1974 through 2002 and I don't know  
16 if Bernie Tato is going to be speaking later but he  
17 was my boss during that period and Director of Housing  
18 Opportunities Commission.

19 But during the years I was there, I was  
20 responsible of head of development and bought hundreds  
21 of MPDUs for the public agency. In the last 13 years,  
22 I was working with and president of a non-profit in  
23 the county that also bought up to 70 units, I believe,  
24 by the time I left and we turned around and rented  
25 those units.

1           And the experience in the early days was  
2 with largely suburban units in which the program  
3 worked very well indeed. In the last five years,  
4 suburban production has declined as the land supply  
5 has been built out and the urban higher density  
6 developments have not produced as many MPDUs as many  
7 of us anticipated. I'll say I believe inclusionary  
8 zoning is an important way to produce more affordable  
9 units with less cost and time than normal affordable  
10 housing programs.

11           In fact, I was going to put it in an  
12 opening comment here, this program is not as  
13 complicated as I believe the rundown of all the issues  
14 that was presented to us. Actually the issues that  
15 are controversial, I think, are less than a handful  
16 and that there's a lot of consistency in these  
17 programs. Most importantly, I think this is the only  
18 way within the District to get a dispersion of  
19 affordable units into higher cost areas such as Wards  
20 One, Two and Three and Four. And D.C. is potentially  
21 on the front page of smart growth inspired  
22 development, so this is an appropriate time to be re-  
23 examining this tool.

24           Let me point to just a few of the crucial  
25 components of the Montgomery County program, crucial

1 in my mind. And one of the crucial ones is from the  
2 beginning the Public Housing Authority, HOC was given  
3 the right to purchase a third of the for sale units  
4 graded under the program. And it's crucial because  
5 these are some of the few units that are going to  
6 remain affordable in perpetuity. Normally, this is  
7 the first or maybe second home buyer advantage and  
8 it's lost over time. And these units, if they're in  
9 good locations will become gentryfied and high cost as  
10 well. They're usually only price controlled for ten  
11 or 20 years at most. And the needs of the low  
12 moderate income households really don't disappear  
13 after some artificial date.

14 HOC, as I pointed out, owns about 1500 of  
15 these now and the nonprofits were amended into the law  
16 in 1979, only owning a little over a hundred units at  
17 this time. The second point is the fact that two-  
18 thirds or 60 percent of the units in later years go to  
19 starter households, is a way for both the children of  
20 middle class parents and many immigrant families to  
21 get a foot in the Montgomery County housing market.  
22 This is important for the political support since  
23 sometimes citizens get weary paying tax dollars to  
24 benefit only the poor.

25 Thirdly, the fact that the units are price

1 controlled at a level needed to cover their cost is  
2 obviously beneficial but to answer a question that was  
3 asked earlier, this does not make them affordable to  
4 low income and very low income people. You've got to  
5 pile on subsidies on top of that and you pile it on to  
6 the units that are owned by the public agencies and  
7 the nonprofits. In the early 70's we were using  
8 Section Eight vouchers with the MPDUs to make them  
9 affordable and to the very lowest income people. And  
10 while it lasted, HUD allowed some of the units to be  
11 bought into the public housing program, new  
12 construction.

13 And then in the 80's, the state of  
14 Maryland opened up a program allowing for write-down  
15 of unit costs by housing authorities. Next the  
16 federal tax credit program came along and that, in  
17 turn, was used. You talk about layering, this is the  
18 kind of layering that goes on in these things to make  
19 them work for the variety of people you want to have  
20 happen. And in the later years, we've been using the  
21 Montgomery County Housing Trust Fund which is funded  
22 now fortunately at 15 to 16 million a year and it  
23 takes, buying townhouses at 95,000 a piece, we were  
24 laying 50 to 60 thousand dollar second trust on top of  
25 them to make them affordable to people earning 35,000

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 a year. So it takes a lot of money on top of what  
2 this program can do.

3 I guess I'm running out of time. And I'd  
4 just say there are obviously some real program  
5 problems when you're going in a high rise from mid  
6 rise structures, you've got to go into tax abatement,  
7 et cetera, to make it work. And I'd be glad to help  
8 in the future, if I can be, on this program. Thank  
9 you very much.

10 CHAIRPERSON MITTEN: Thank you, Mr.  
11 Baldwin. Ms. Flug? You need to turn the mic on  
12 first.

13 MS. FLUG: Good evening. My name is Margo  
14 Flug and I'm a student in the D.C. Division of the  
15 Federal Legislation Clinic, a locally focused policy  
16 clinic at Georgetown University Law Center. I'm  
17 testifying on behalf of our client, the Washington  
18 Legal Clinic for the Homeless.

19 We are very pleased that the Commission  
20 has convened this roundtable to explore inclusionary  
21 zoning. For more than a year, our clinic has been  
22 studying various inclusionary housing programs  
23 throughout the United States. We have concluded that  
24 a well designed inclusionary program will help address  
25 the District's housing crisis and protect the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 District's diversity. My testimony will discuss the  
2 main issues that must be resolved in order to develop  
3 an effective program and will describe particularly  
4 effective inclusionary policies.

5 There are four general issues that the  
6 city should address in order to design an effective  
7 inclusionary program. To insure that these issues are  
8 considered appropriately, the Zoning Commission should  
9 undertake a comprehensive study of the District's  
10 housing market and continue to conduct a wide ranging  
11 public debate about the city's housing priorities.

12 First, the Zoning Commission should  
13 promote studies and debate regarding the private  
14 developers role in the housing crisis. This should  
15 lead towards formal findings detailing how private  
16 development strategies have contributed to the current  
17 crisis and showing that private developers have a  
18 corresponding responsibility to address that crisis.

19 Our clinic has identified a number of  
20 justifications for mandating that private developers  
21 contribute to the affordable housing supply. And  
22 these reasons have been the basis for strong  
23 inclusionary programs throughout the country. For  
24 example, in San Francisco's inclusionary ordinance is  
25 based in part on findings that new market rate

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 residential developments increased the demand for  
2 affordable housing because those developments attract  
3 new residents to the city. The new residents increase  
4 the demand for services which, in turn, increases the  
5 need to house the lower income employees who provide  
6 those services.

7 Similarly, Montgomery County's ordinance  
8 is based on the premise that the opportunity to profit  
9 from high demand for luxury housing deters developers  
10 from building affordable housing. Therefore, some of  
11 their profits should be used to enhance the affordable  
12 housing supply. The ordinance in Montgomery County is  
13 also based on findings that the private sector should  
14 be required to build affordable housing because the  
15 sector can build it more efficiently.

16 We believe that similar reasoning applies  
17 in the District where current development is targeted  
18 to attracting more high income residents to the city  
19 and where developers are profiting from the demand for  
20 luxury housing and are best equipped to build  
21 affordable housing efficiently.

22 A second set of issues to consider in  
23 designing an effective inclusionary program involves  
24 the parameters of the type of affordable housing that  
25 will be produced. Given constitutional principles

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 limiting government takings, an inclusionary housing  
2 program must balance the city's housing related  
3 objectives with its ability to compensate developers  
4 who fulfill those objectives. The program should aim  
5 to create the greatest amount of affordable housing  
6 for the longest duration of the highest standards and  
7 for the lowest income residents. However, cost  
8 constraints may force the program to make trade-offs  
9 among these aims.

10 To make the most efficient trade-offs,  
11 studies should determine the community's housing  
12 priorities and the relative costs of implementing  
13 them. I've talked about several of these examples in  
14 my written testimony and in a chart in the testimony.

15 We recommend that the District conduct careful impact  
16 studies and engage the wider community in full  
17 discussions about the community's preferences. This  
18 will allow the city to define its housing priorities  
19 and to balance those priorities efficiently against  
20 adequate and available resources which is the third  
21 issue that must be addressed.

22 As I've just stated, the more compensation  
23 that the city makes available to developers, the more  
24 it can require them to build the kind of housing that  
25 the city needs. Our study has identified very

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 creative and aggressive methods used by other  
2 jurisdictions. The key to finding adequate  
3 compensation for developers will be to consider a  
4 variety of resources available from different areas of  
5 the District government through authorization by the  
6 city council including DCRA and OTR. And this will be  
7 in addition to efforts by the Zoning Commission.

8 I've listed several examples including  
9 density bonuses and decreased minimum lot sizes which  
10 would cost less to the city in addition to fast track  
11 government processing and two other tools would also  
12 be reductions in deferrals of construction-related  
13 fees and reductions in taxes. In addition, there are  
14 several creative strategies that the city could pursue  
15 such as San Diego's Fund to Insure Developers Against  
16 Construction Defect Litigation.

17 Moving to the fourth recommendation. A  
18 final issue is to resolve how much flexibility should  
19 be built into the program to accommodate developers.  
20 Some jurisdictions have developed voluntary programs  
21 or given exceptions to different developments. To  
22 insure that adequate affordable housing production,  
23 however, we recommend that the District adopt a  
24 mandatory program that will apply generally to all  
25 residential housing projects and to projects in which

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 existing affordable housing is being replaced.

2 The District's program, like the programs  
3 in San Francisco and Denver, should be authorized by  
4 legislation and administered at the highest possible  
5 government level. This will enable the program to  
6 utilize a range of government mechanisms for  
7 compensating developers and to apply broadly to new  
8 residential developments. I'm sorry I've gone over my  
9 limit.

10 CHAIRPERSON MITTEN: That's fine. I'm  
11 very glad you submitted this in writing. It's going  
12 to be very helpful for us. So, if you want to give a  
13 closing thought?

14 MS. FLUG: Sure, well, I just want to  
15 thank you very much for considering our testimony and  
16 also for considering the inclusionary program. With  
17 all the different resources that the city can provide,  
18 it should be very helpful for the housing crisis.

19 CHAIRPERSON MITTEN: Thank you. Ms.  
20 Spencer.

21 MS. SPENCER: Thank you. Good evening.  
22 My name is Mary Spencer and I'm a lifer here in this  
23 beautiful Washington, D.C., capitol of the United  
24 States. And I'm coming before this Commission to  
25 voice my concerns as such and as an Acorn member. My

1 concerns are for the conditions in our neighborhoods,  
2 the developments that are coming into the community  
3 and what impact it will play on existing residents and  
4 wonder what kind of benefits we, the residents,  
5 believe the community should receive in return from  
6 these developments.

7 I feel that first we need to consider an  
8 inclusionary zoning policy whereby the long time  
9 residents are not displaced. We need to be sure that  
10 while we are not opposed to new development, we don't  
11 want to be outpriced with all these new lofts that are  
12 being developed. We want to be sure that our senior  
13 citizens are able to purchase some of these residences  
14 as well as our low income residents. We need to look  
15 at the impact that the low rent housing, we need to  
16 look at the impact of the low rent housing within the  
17 various communities being eliminated.

18 Where are all of these people going that  
19 lived in these low income properties. And are they  
20 going to be able to afford to move into these lofts  
21 that are being built at 500,000 dollars a whop. I  
22 personally have already begun to feel the impact of  
23 these new developments as a homeowner through my taxes  
24 this year. The residents of the District of Columbia  
25 who own properties being taxed due to these new

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 developments and we're not seeing any new benefits.

2 We are concerned about those that are  
3 losing their low rent housing and are being displaced  
4 because of these developments. We're concerned for  
5 our senior members in the upswing of the expenses that  
6 they're being, that's been put upon them. We feel  
7 that inclusionary zoning is something that needs to be  
8 considered to insure equality into the community and  
9 encourage as well as insure that some portion of these  
10 new developments are affordable and limits the  
11 displacement of old residents.

12 We want something added to our communities  
13 to help with the now community. We need to have some  
14 of the benefits that should be generated by these  
15 developments, jobs, set asides, and no buy-out  
16 options. Thirty percent of housing units for low  
17 moderate income residents allow those that provide  
18 important civic duties to have access to the new  
19 developments that are taking place. The police,  
20 teachers, school attendants, nurses, allow those that  
21 will help build these units to live in them. Allow  
22 our senior members to reap some of the benefits from  
23 the taxes they are being demanded to pay.

24 Understand that the income within the D.C.  
25 area is approximately 30,000 dollars per household. I

1 support inclusionary zoning. Give us something back.

2 Thank you.

3 CHAIRPERSON MITTEN: Thank you. And Ms.  
4 Spencer, if you wanted to, either now or at a later  
5 time, submit your testimony in writing so we can  
6 reflect on it later.

7 MS. SPENCER: Thank you.

8 CHAIRPERSON MITTEN: We'd appreciate that.  
9 I want to see if anyone, any of the Commissioners  
10 have questions for the panel. Any questions? Mr.  
11 Baldwin, I wanted to know when inclusionary zoning was  
12 put into place in Montgomery County, was there any  
13 perceptible change in land values as a result? Can  
14 you turn on your mic?

15 MR. BALDWIN: I don't believe there was  
16 really.

17 CHAIRPERSON MITTEN: Well, that's good to  
18 hear. It sounds like that it was a neutral kind of,  
19 the way that at least the program was put into place.

20 MR. BALDWIN: Yes, it did show that you  
21 could build houses on smaller lots and still maintain  
22 the land value. In the District environment, if  
23 affordable housing is required, it will see itself in  
24 a somewhat lower land price, I think there'll be an  
25 adjustment process, but if you enact a law and put it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 out two years later, the market will adjust to that  
2 and the landowner will just end up getting a little  
3 bit less perhaps for a while.

4 CHAIRPERSON MITTEN: All right.

5 MR. SPENCER: But not much less.

6 CHAIRPERSON MITTEN: Thank you. And Ms.  
7 Flug, I would encourage you to talk to Mr. Rogers and  
8 vice versa. It sounds like you guys have been  
9 duplicating your efforts and you could probably share  
10 some information. Any other questions? All right,  
11 thank you all for coming down.

12 Ossie Coley and I should acknowledge we've  
13 been joined by the Director of the Office of Planning,  
14 Andy Altman, in the back row there. Janet Brown,  
15 Dorothy Miller, Dan Hull, is Dan Hull here? Barbara  
16 Zartman. Mr. Coley, you can go first.

17 MR. COLEY: Can you hear me?

18 CHAIRPERSON MITTEN: Yes.

19 MR. COLEY: Good evening Zoning  
20 Commission. My name is Ossie Coley and I'm a member  
21 of Shaw Education For Action, Shaw community action  
22 group. I'm here today to express to you why  
23 inclusionary zoning is a necessary vehicle that can be  
24 used to drive toward the solution for our affordable  
25 housing crisis in the District of Columbia.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Developers, large and small, have a social  
2 and civic obligation to provide housing at reasonable  
3 rates especially when their development is made  
4 possible by benefits provided by the people through  
5 the city. Building capital comes from the people by  
6 way of federal and city funding grants and discounted  
7 city land. Zoning adjustments and variances make  
8 certain developments possible. Though this is a  
9 capitalist free market society, the economic year of  
10 2002 has reminded us through cookbook scandals and  
11 major corporation money scandals that monetary profit  
12 has to be coupled with social sensitivity and concern.

13           This is especially true when we are  
14 dealing with public dollars and benefits. We must not  
15 forget this if we are to be a perpetually progressive  
16 country the founding fathers envisioned. It is my  
17 humble belief that people are the greatest and most  
18 precious investment and this could not be realized any  
19 better than having four out of ten houses built so  
20 that average service workers, your janitors, childcare  
21 workers, cashiers, teachers and firemen, as well as  
22 police officers, can afford them.

23           Through our action research and  
24 collaboration with fair housing groups, SEA has  
25 determined that this translates into requiring 20

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 percent of new development be affordable to people at  
2 30 percent of the AMI and another 20 percent at 50  
3 percent of the AMI. Statistics show that quality  
4 affordable housing encourages teachers to teach better  
5 and heightens public servant job performance by having  
6 them have a stake in their neighborhoods.

7 Affordable housing also reduces city  
8 expenses in social services and creates safer  
9 neighborhoods. Let's work for long time residents who  
10 have endured the tumultuous days of dilapidated  
11 buildings, less public service and violence. These  
12 residents worked hard when developers were speculating  
13 on abandoned property and refused to develop in lower  
14 income neighborhoods like Shaw. Now that the  
15 revitalization that these developers banked on is  
16 here, let's make sure it is equitable.

17 Our research in Shaw has also shown us  
18 that developers can afford to include affordable  
19 housing. Developments like Harrison Square and the  
20 Ellington Apartments along U Street are bringing in  
21 millions of dollars of profit to developers with no  
22 benefits to current residents. We need to make sure  
23 that some of this profit benefits our neighbors by  
24 requiring affordable housing.

25 Though the details of inclusionary zoning

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 are obviously not worked out, let's be responsible and  
2 respectful to all our citizens. Inclusionary zoning  
3 should require that housing be built in the  
4 neighborhoods where the non-affordable housing is  
5 being built. We do not want development money. We  
6 want housing, pure and simple. We all do not want to  
7 live southside and fall vacant to the strategic  
8 planning of affordable housing in one section or  
9 quadrant and out of the others where we've created  
10 lives for ourselves.

11 In closing, there's a hit movie out  
12 entitled Barbershop where the protagonist challenges  
13 with the offer money, at the end realize the most  
14 important investment is the rich, and, yes, lucrative  
15 one of people. I hope you'll do the same. Thank you  
16 for your time.

17 CHAIRPERSON MITTEN: Thank you, Mr. Coley.  
18 Ms. Brown?

19 MS. BROWN: I'm Janet Brown. I also work  
20 with the Washington Regional Network. I'm on their  
21 board and I do a lot of their housing advocacy in D.C.

22 I'm very glad of this opportunity to come  
23 here and happy that you're holding a hearing, it's  
24 really the first showing of official interest in the  
25 public's reactions and opinions about inclusionary

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 zoning. WRN and a number organizations have been  
2 pushing the concept of inclusionary zoning in every  
3 way we can in the District in the last two years.  
4 We've studied a lot of other jurisdictions and what  
5 they've done and we're convinced that we need an  
6 inclusionary zoning program in D.C. sooner rather than  
7 later for two main reasons.

8 One is that it's the most direct way to  
9 get the private sector involved. We are not going to  
10 solve this housing problem in the city and it is a  
11 crisis. If you look in Mr. Rogers' report and where  
12 he talks about the percentage, 43 percent of the  
13 families in the District are paying more than 30  
14 percent, 25 percent are spending more than 50 percent  
15 of their income. We have a crisis in the city and the  
16 private sector has got to be brought in a much larger  
17 way to contribute to its solutions.

18 Secondly, inclusionary zoning is the only  
19 way to get a really mixed neighborhoods in this city.

20 This is a city of extremes. We heard more evidence  
21 last week of the division, growing divisions between  
22 rich and poor. And in our city, those rich and poor  
23 are largely living in ghettoized communities where  
24 they don't know each other. The only hope of ever  
25 getting any really affordable housing anymore in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Northwest Washington, up Connecticut Avenue and  
2 Wisconsin Avenue corridors, is to have real  
3 implementation of inclusionary zoning. Otherwise that  
4 is just going to become a more and more exclusive  
5 community by class. And we'll have east of the river  
6 and Northwest Washington.

7 I really think also that this has got to  
8 be enacted by law and sooner rather than later. Let  
9 me just give you a little bit of the history. When  
10 the mayor unrolled his legislation for the housing act  
11 almost two years ago, he said at that press release  
12 that inclusionary zoning programs must follow this  
13 proposed legislation. Steve Green, the housing guru  
14 in Mr. Price's office told us that the way to do it  
15 was to push it through the comprehensive plan. Well,  
16 the revised Comprehensive Plan has now been put off to  
17 2005 so that doesn't really look very hopeful.

18 Last December, Mr. Green before the  
19 council, said that he had proposed, that he was  
20 opposing Mr. Graham's inclusionary zoning amendment  
21 which some of us had problems with, too, it didn't go  
22 very far. And he said that they were preparing an  
23 alternate plan. And under questioning he was asked  
24 when it would be ready and he said in a few weeks.  
25 And pressed some more he said the first of the year in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 January. We haven't heard anything else yet until  
2 this very nice report which Mr. Rogers has framed the  
3 questions.

4 CHAIRPERSON MITTEN: I'd like you to wrap  
5 up.

6 MS. BROWN: I will. There are 20 or more  
7 housing advocates, organizations in the city that are  
8 determined that one of our priorities this year is  
9 going to be inclusionary zoning legislation. We think  
10 that we've had enough studies and we're going to put  
11 together a coalition. We're going to bring in our own  
12 experts to educate some of our advocates on the  
13 council and we'll have legislation this year I hope.  
14 And I invite the city administration to be a part of  
15 this and to push it along as rapidly as possible.  
16 Thank you.

17 CHAIRPERSON MITTEN: Thank you. Mrs.  
18 Miller.

19 MRS. MILLER: Good afternoon. I'm Dorothy  
20 Miller. I'm Vice President of the Columbia Plaza  
21 Tenant's Association as well as their ANC Commissioner  
22 for ANC2A05 where the Comprehensive Plan and the  
23 zoning orders have brought about near total  
24 destruction of affordable housing and no reasonable  
25 remaining space left to build such accommodations and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 where planned unit developments, PUD, whose amenities  
2 should have made such accommodations possible, have  
3 conversely destroyed any possibility of what the  
4 Office of Planning is suggesting tonight to occur, can  
5 occur.

6 My question to the recent members of OP  
7 staff who wrote this report is what do San Francisco,  
8 Santa Fe, Davis, Cambridge, Montgomery County, Plotkin  
9 County, Dallas, Hilton Head, Orlando, have in common  
10 with the District of Columbia except they're inhabited  
11 by people and they're cities. The District consists  
12 of 29,784 acres of land of which 42 percent is shared  
13 with the federal government and an additional 11  
14 percent is exempted from D.C. tax and zoning  
15 regulations leaving less than 50 percent to be covered  
16 by this OP report.

17 Attached is the statement confirming these  
18 figures from Congressman Norton's office as well as  
19 some figures supplied by OP in 1999 which I would love  
20 to get updated because since that time about six or  
21 seven more pieces of land have been purchased by the  
22 University. I strongly indulge the need to strengthen  
23 and update the zoning regulations concerning  
24 affordable housing now, not seven years from now, or  
25 we will be completely overrun with hotels, office

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 buildings, non-residential and luxury apartments.

2 But more important is how the regulations  
3 are interpreted and applied by the Zoning Commission  
4 and orders written by a non-use land lawyer. The  
5 Office of Planning report suggesting inclusionary  
6 zoning misses the track on many points. The federal  
7 government and the District of Columbia got together  
8 back in the early 60s and decided to upgrade a  
9 degenerate area and build affordable housing to lure  
10 back to the District middle income residents and to  
11 aid in stabilizing the District's financial base.

12 This undeveloped area was call Foggy  
13 Bottom. The property acquired by HUD was acquired.  
14 HUD agreed to arrange the financing and real estate  
15 companies were solicited. The results was an  
16 exceptional project, the Columbia Plaza Apartment  
17 Complex. Five buildings, 850 apartments with  
18 reasonable parking, commercial plaza that included a  
19 bank, Safeway stores, drug stores, cleaning shops,  
20 beauty shops and a restaurant. In fact, it was so  
21 successful, there was a two year wait to get an  
22 apartment in the complex.

23 Now what do we have? A complex now houses  
24 almost 2,000 transit, non-income, taxpaying George  
25 Washington students. Lost my place. While on this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 subject, this is only one of 20 previously affordable  
2 housing projects in Foggy Bottom/West End that have  
3 been turned into virtual dormitories. And to add, the  
4 PUDs that have been approved for Foggy Bottom/West End  
5 without amenities being assessed and what we have is  
6 an overdeveloped, congested area with poor air  
7 quality, grossly inadequate parking and no affordable  
8 housing.

9 Where were the District agencies that are  
10 supposed to enforce the Comprehensive Plan objectives  
11 and the zoning regulations designed to prevent this.  
12 It is not the regulations per se but the lack of  
13 follow through and enforcement oversight that is  
14 missing that has created the current situation. What  
15 is needed is real planning for residential  
16 neighborhoods that will protect them from  
17 institutional encroachment and run amuck economic  
18 development without adequate planning for  
19 transportation, parking and other essential needs.  
20 And I thank you for listening to my views.

21 CHAIRPERSON MITTEN: Thank you, Mrs.  
22 Miller.

23 MS. MILLER: And I do call your attention  
24 to the attachment.

25 CHAIRPERSON MITTEN: Thank you. Ms.

1 Zartman?

2 MS. ZARTMAN: Thank you. Good evening.  
3 I'm Barbara Zartman and I chair the Historic  
4 Preservation Planning and Zoning Committee of the  
5 citizens association for Georgetown. I welcome the  
6 opportunity to speak to you tonight on behalf of the  
7 citizens association and its more than 1,000 members.

8 To begin with, the goal of assuring that  
9 there is a supply of affordable housing for those who  
10 work in the District is, of course, laudable and  
11 widely supported. I must observe, however, and I am a  
12 tough sell, that the materials made available a week  
13 ago don't form enough of a basis for any decisions by  
14 the Commission or really by the public.

15 Having met with OP leadership in recent  
16 months, I understood that future proposals would be  
17 based on fact-based planning. But the primer seems to  
18 rely less on District facts than on advocacy positions  
19 of, among others, the Innovative Housing Institute and  
20 its parent, the Enterprise Foundation. Perhaps  
21 additional information has been made available to the  
22 Commission but the public has had to make do with a  
23 week's notice and an incomplete report.

24 If I may, missing from what I have in  
25 front of me is answers to a series of questions. How

1 much land is available for new development? Where is  
2 it? Who controls it? How much is federally held?  
3 How much is in urban renewal sites?

4 Second, what are the competing demands on  
5 the available sites. Must policies balance demands or  
6 prioritize them. Third, what is the impact of the  
7 comparatively high District tax levels on  
8 affordability of living in the District.

9 Four, what's the impact of the existing  
10 incentive program such as TDRs, TIFs and the other  
11 TLAs. Have they worked? Are they cost effective?  
12 What do they say about mandatory versus incentive  
13 standards?

14 Yesterday the Register brought forth the  
15 tax abatements for new residential development  
16 program, new regulations intended to be adopted by  
17 DCRA within the next 30 days. I don't see any  
18 reference to the policies that are embodied here.

19 How does the saturation of CBRFs in the  
20 District. With the transfer of Maryland and Virginia  
21 residents to the District, as has been testified to in  
22 this very room, and the expansion of CBRF needs in the  
23 District itself, what does that do to the availability  
24 of affordable housing for individuals and families.  
25 Echoing Dorothy, what's the impact of unrestrained

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 University growth, with increasing numbers of students  
2 housed off campus, on the supply of affordable housing  
3 for individuals and families.

4           Seven, can we reconcile definitions of  
5 family so that the impact of proposed policies can be  
6 intelligently assessed. Are there support systems  
7 that can reduce the cost of new housing such as  
8 changes in utility company standards that inflate the  
9 cost per unit. What infrastructure changes are  
10 necessary to support increased population densities.  
11 What additional social resources would be required,  
12 public education, police services, social services and  
13 the like.

14           And really all of these lead us to the  
15 most fundamental of questions, do the Commissioners  
16 endorse the goal of an increase in the District's  
17 population by an additional 300,000 persons in the  
18 foreseeable future. This goal seems to be driving  
19 many policy discussions and decisions about land use  
20 in the District. If we are talking about creating  
21 sufficient affordable housing for our existing  
22 population, that suggests one area of action.

23           If we are talking about creating housing  
24 for more than a quarter million more District  
25 residents, we ought to have decided on who we're

1 bringing, who we are attracting to the District, what  
2 the costs of supporting that population, what their  
3 contributions are to the existing population and to  
4 new population. I really do find it difficult to draw  
5 parallels with Montgomery County and P.G. County when  
6 they testify that they want their CBRFs here.

7           There's no equity in those standards. I  
8 think we need to look at all of the elements of a  
9 housing program before deciding which pieces of it  
10 we're going to effect with new policies and the right  
11 and the left hand need to work well together. Thank  
12 you.

13           CHAIRPERSON MITTEN: Thank you very much.

14           And you raised a lot of excellent questions and it is  
15 a web of issues. And as I said at the beginning, this  
16 is the beginning of a dialogue and an education  
17 process for the Commission that we hope will inform  
18 not only, you know, any program that we would choose  
19 to institute about inclusionary zoning but that will  
20 effect policy city-wide on a number of levels.

21           I did want to mention one thing to Ms.  
22 Brown which is the one thing that the city council  
23 can't do is zone. So you're in the right place in  
24 terms of pushing inclusionary zoning. And I think  
25 we're committed to taking the issue on and seeing it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 through and studying it thoroughly.

2 MS. BROWN: Would you just say a little  
3 bit more about that and the relationship between the  
4 Zoning Commission and the council because some of us  
5 don't fully understand it. I know that the Zoning  
6 Commission in Montgomery County sort of stands behind  
7 the Housing Commission and the agencies and enforces  
8 the zoning to make it all happen but they are not the  
9 lead agency at all and did not determine the policy  
10 which was made by law by the council. So what's the  
11 difference here.

12 CHAIRPERSON MITTEN: The relationship is  
13 the city council, through the Comprehensive Plan,  
14 establishes policies and, while I don't know that  
15 inclusionary zoning is specifically articulated in the  
16 Comprehensive Plan as it now stands, I'm sure that  
17 preservation of affordable housing opportunities is  
18 articulated in the Comprehensive Plan.

19 So, and I'm sure it will be further  
20 refined in the next round of Comprehensive Plan  
21 amendments. So we have the broad policy background as  
22 set by the City Council and then it's up to the Zoning  
23 Commission to execute those policies through zoning  
24 law. And in that process of establishing the laws,  
25 establishing the, you know, the zones and mapping the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 zones, we are independent of the city council.

2 So in terms of, you know, getting, it's  
3 one thing to say we that we value as, just like  
4 everybody loves to preserve trees, it's the question  
5 of how. I think everyone endorses the fact that,  
6 well, first of all, recognizes the fact that there's  
7 an affordable housing crisis and then says, yes, we  
8 need to do something about that and the city council  
9 says, yes, we need to do something about that.

10 The question is what and how can we do  
11 that effectively. And that's what we hope to learn  
12 the most effective way to do that and, I mean, I'm  
13 very interested in putting something in place as soon  
14 as we can but because the issues are so complex, we're  
15 not going to rush into something. We're going to be  
16 very well informed before we take action but I think  
17 the action that we ultimately take will be effective  
18 because of that.

19 MS. BROWN: Are you saying then that any  
20 inclusionary zoning policy and program for this city  
21 has got to wait upon the revisions of the  
22 Comprehensive Plan.

23 CHAIRPERSON MITTEN: No.

24 MS. BROWN: Which is now scheduled for  
25 2005?

1 CHAIRPERSON MITTEN: No, no. I didn't  
2 mean to say that. I mean, I just meant that it will  
3 be probably further articulated in the Comprehensive  
4 Plan amendments but we have, we certainly have enough  
5 basis now with the existing Comprehensive Plan to go  
6 forward.

7 MS. BROWN: To create a mandatory program?

8 CHAIRPERSON MITTEN: Well, I mean, I don't  
9 know what direction we'll go in.

10 MS. BROWN: It seems to me that would have  
11 to be in the law.

12 CHAIRPERSON MITTEN: The law doesn't, the  
13 Comprehensive Plan doesn't preclude us from doing  
14 that. If it gives us, I mean, the Comprehensive Plan  
15 is contradictory, internally contradictory in places  
16 anyway, so you can emphasize one part and de-emphasize  
17 another part.

18 The other interesting thing that Ms.  
19 Zartman raised is the issue of are we planning, as a  
20 city do we plan to stay the same size or do we plan to  
21 grow and I had, I now don't recall who I had posed  
22 this question to recently but in terms of the  
23 structural imbalance that we have in our economy  
24 because we can't tax federal land and because we can't  
25 tax the income at its source, you know, for commuters

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and so forth, that we have to increase our population  
2 if we're ever going to be able to live on our own. So  
3 it's a question of, well, how big do we have to be and  
4 again, who needs to be living here. How many  
5 affordable units can we support or how many lower  
6 income people can we support at what population level  
7 and be self sustaining.

8 So these are very big questions that need  
9 a lot of further study. Could you turn on your  
10 microphone?

11 MS. MILLER: One of the questions that was  
12 raised when the CBRF regulations were brought up here  
13 but the Zoning Commission asked the Office of Planning  
14 to go back and check what was done in Maryland and  
15 Virginia. And they never came back with a reply to  
16 that because the problem was these people come in and  
17 buy these big houses and fill them up with the  
18 handicapped and the destitute people from Maryland and  
19 Virginia and then the District has to pick up the tab  
20 and pay for them. That's what Barbara was referring  
21 to but that is certainly something the Office of  
22 Planning should include in this report because they  
23 don't even have to tell the neighborhood they're  
24 putting one in.

25 CHAIRPERSON MITTEN: Right, and these are

1 all, I mean, we're just scratching the surface tonight  
2 and, no, this, we're going to have to --

3 MS. MILLER: Lose that one.

4 CHAIRPERSON MITTEN: Okay, it's on the  
5 list. Yes?

6 MS. ZARTMAN: Actually it was referred to  
7 COG. COG took a look at, in that case they were  
8 talking about the definitions of qualification of  
9 families which is the rubric under which the smaller  
10 CBRFs were being created. And upon learning that, I  
11 believe, Fairfax County uses it as three or fewer  
12 unrelated persons and four or fewer unrelated persons  
13 was another jurisdiction. And COG recommended eight  
14 or fewer unrelated persons. I haven't seen Montgomery  
15 or Fairfax leaping to do that.

16 But the testimony in the amendments to the  
17 CBRFs was that the suburban providers wanted to move  
18 their populations into the District in order to take  
19 advantage of our richer transportation and social  
20 service networks. But through the federation, we saw  
21 this was happening and creating CBRF enclaves that  
22 were driving out taxpaying families and destroying the  
23 rationale of community-based care because there was no  
24 more community.

25 CHAIRPERSON MITTEN: Right.

1 MS. ZARTMAN: There was a social service  
2 enclave. This is not helpful and I don't think you're  
3 going to get a whole lot of help out of COG.

4 CHAIRPERSON MITTEN: Okay, we'll keep that  
5 in mind. Let me see if, does anyone else have any  
6 questions for the panel? Mr. May?

7 COMMISSIONER MAY: Not so much a question  
8 but a comment that I wanted just to call attention to  
9 something from Mr. Coley's remarks where he stated  
10 that his belief that four out of ten houses built  
11 should be affordable to average service workers,  
12 janitors, childcare workers, cashiers, teachers,  
13 firemen, police officers and I just want to say that  
14 that really strikes home because there are so many  
15 neighborhoods in the District where the people who  
16 live there were teachers and firemen and cashiers and  
17 childcare workers and what not and I've lived in some  
18 of them and I know now that as entry level housing,  
19 those neighborhoods are no longer an opportunity. And  
20 that's, at least in the experience that I've had in  
21 living in the city, that kind of economic opportunity  
22 and, in fact, diversity is something that we should be  
23 working very hard to protect to the extent that it  
24 still exists and encourage to the extent that we need  
25 to create it.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   Anyway, that's about, if you want to add  
2 to that.

3                   MR. COLEY: No, no, thank you.

4                   COMMISSIONER MAY: I think part of it is  
5 the question of what the right percentage is and I'm  
6 not sure that four out of ten is the right number.  
7 It's very hard to take something like that and bring  
8 it down to a calculation but that's what we're  
9 struggling with.

10                  CHAIRPERSON MITTEN: Thank you all.

11                  MS. ZARTMAN: How long will the record be  
12 open?

13                  CHAIRPERSON MITTEN: I'm going to say  
14 we'll leave it, I mean, we're open to receiving  
15 anything at anytime on the subject but we'll  
16 officially leave the record open for what, two weeks?

17                  SECRETARY BASTIDA: I was going to suggest  
18 four weeks.

19                  CHAIRPERSON MITTEN: Okay.

20                  SECRETARY BASTIDA: So November the 7th at  
21 3:00 p.m.

22                  CHAIRPERSON MITTEN: Okay.

23                  SECRETARY BASTIDA: Which is a Thursday,  
24 it's four weeks from today.

25                  CHAIRPERSON MITTEN: But, as I said, this

1 is our first venture into the subject matter and I  
2 suspect we'll be having additional roundtables maybe  
3 to focus on some of these side issues to get more  
4 informed about them. Thank you all very much.

5 Let's try Mr. Pohlman, Robert Pohlman and  
6 I see Jenefer Ellingston is here now. Are you going  
7 to testify tonight? You're on the list. All right.  
8 Ms. Young from ANC? And I don't see Mrs. Hubbard and  
9 Mr. Hull from Habitat for Humanity, did he come? All  
10 right.

11 We can take one more person at the table.  
12 Anybody want to jump up and be next? We're through  
13 the list now. Ma'am, are you representing an  
14 organization? Okay. Mr. Pohlman, would you turn on  
15 your microphone for me? Just push the button in the  
16 middle.

17 MR. POHLMAN: All right. Thanks. Good  
18 evening. My name is Robert Pohlman. I'm the  
19 Executive Director of the Coalition for Nonprofit  
20 Housing and Economic Development. We're an  
21 association of over 90 organizations involved in the  
22 production, preservation, financing, support and  
23 advocacy for affordable housing neighborhood  
24 revitalization in the District of Columbia.

25 I want to commend the Commission for

1 holding this public roundtable discussion on the  
2 subject of inclusionary zoning. We have far too few  
3 forums open to the public to explore and discuss  
4 innovative approaches to solving the housing problems  
5 of the District of Columbia so I appreciate this  
6 opportunity.

7 My comments tonight will be preliminary in  
8 nature because the membership of the coalition has not  
9 thoroughly discussed this subject although we will do  
10 so in the very near future. However, I would like to  
11 make several observations.

12 Inclusionary zoning should be considered  
13 within the context of a long range comprehensive  
14 housing strategy. We've been calling for the city to  
15 work with us to develop such a strategy for over two  
16 years. One effort to do so was initiated by the D.C.  
17 Department of Housing and Community Development but it  
18 stalled and today we still do not have a housing  
19 policy, strategy or plan for the District of Columbia.

20 Consequently, we still are discussing tools among  
21 which is inclusionary zoning, in isolation from other  
22 tools and find ourselves getting into debates about  
23 how each tool should be used to solve all of our  
24 housing problems.

25 But each tool isn't suited to address all

1 of our housing issues and that's why we need a  
2 comprehensive housing strategy for the District of  
3 Columbia that identifies the need and selects the  
4 appropriate tools to address various aspects of that  
5 need. I just received an invitation this week to  
6 serve on yet another housing strategy panel. This one  
7 to address the solution to housing for District  
8 residents who have moderate incomes or at least that's  
9 what the invitation said, moderate incomes, up to 120  
10 percent of area meeting income.

11 I predict that this single purpose panel  
12 will trot out all of the tools that could be used to  
13 assist in producing and preserving affordable housing  
14 and recommend that they be applied to help moderate  
15 income residents. But one could form similar panels  
16 to address the needs of very low income residents,  
17 renters, prospective home buyers, persons with  
18 disabilities, the elderly and so on. What is lacking  
19 is a consensus on the comprehensive long term balanced  
20 strategy with a specific plan including production  
21 goals that will address the greatest needs of the  
22 District of Columbia and its residents.

23 That is not to say that we should not  
24 discuss, explore and research all aspects of  
25 inclusionary zoning. But while we are analyzing and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 debating fundamental decisions about how such a  
2 program will work, we should be simultaneously putting  
3 a comprehensive housing strategy and plan in place.

4 A second observation is that the  
5 inclusionary zoning primer prepared by the D.C. Office  
6 of Planning makes a compelling case, I think, for  
7 adopting some form of inclusionary zoning in the  
8 District of Columbia. One of the principle arguments  
9 favoring inclusionary zoning, as has been mentioned,  
10 is that it can help to achieve a better income mix in  
11 neighborhoods with higher priced housing and lessen  
12 the concentration of subsidized units in neighborhoods  
13 with lower cost housing.

14 I believe that this is a worthwhile goal  
15 to pursue and it may mean that inclusionary zoning  
16 should not be required in neighborhoods where there is  
17 already a concentration of lower income residents.  
18 This should be studied closely, however, to determine  
19 where the line should be drawn. We agree that  
20 analysis is needed of the unique aspects of the  
21 District of Columbia that would effect the success of  
22 inclusionary zoning including different circumstances  
23 among neighborhoods. The District cannot afford to  
24 adopt a defective inclusionary zoning program that  
25 would either miss the opportunity to assure the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 production of many new affordable housing units or  
2 would dampen investment interests in housing in the  
3 District thus creating a greater shortage of housing  
4 for persons at all income levels.

5 The analysis needed could be done at the  
6 same time as a comprehensive housing strategy is being  
7 developed. And the results and conclusions of that  
8 analysis could be incorporated in the overall housing  
9 strategy. It would appear that the inclusionary  
10 zoning, as used around the country, is usually a tool  
11 that would be most effective at providing increased  
12 affordable housing opportunities for more moderate  
13 income households while a resource like the Housing  
14 Trust Fund could be used for housing production  
15 subsidies and primarily to benefit lower income  
16 households.

17 We also think there should be a separate  
18 policy adopted for inclusionary development for  
19 projects where public land is involved. The District  
20 government should market these properties with terms  
21 that require more affordable housing, reaching lower  
22 income households than might be possible under  
23 inclusionary zoning, depending on the neighborhood  
24 involved and the public policy objectives of the  
25 development.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Finally, we're prepared to work with the  
2           Zoning Commission, council and mayor to develop  
3           specific elements of an inclusionary zoning and  
4           inclusionary development policy and program. Thank  
5           you for this opportunity to testify.

6                   CHAIRPERSON MITTEN:       Thank you, Mr.  
7           Pohlman. Ms. Ellingston? You need to turn on that  
8           microphone.

9                   MS. ELLINGSTON: I thought you were going  
10          to ask questions.

11                   CHAIRPERSON MITTEN: We do, the whole  
12          panel together. Just push the button.

13                   MS. ELLINGSTON: Yes, thank you very much.  
14          I'm Jenefer Ellingston. I'm from the Statehood Green  
15          Party. I do not pretend to some specialization in  
16          housing but it is certainly one of our concerns and  
17          I've been part of the Coalition for Housing Justice so  
18          that is why I'm here.

19                   I'm a little confused by some of the  
20          things that you said and, in effect, I'm going to ask  
21          a question rather than make a statement. Janet Brown  
22          was asking, well, what part do you play in the mosaic  
23          or whatever it is, the hierarchy of who decides. Now,  
24          you did indicate that you were at the beginning  
25          process of what will inclusionary zoning be. But who,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 is it already set, as a policy of the city government  
2 which you must subscribe to, that we are looking for a  
3 way to include low income people. I mean, is that  
4 still a fixture here?

5 CHAIRPERSON MITTEN: I think the broad  
6 policy that is in place is that the District is  
7 concerned about preserving affordable housing  
8 opportunities in the District of Columbia and it is  
9 with that mandate that we are taking up this issue.

10 MS. ELLINGSTON: Then you are operating  
11 within that mandate.

12 CHAIRPERSON MITTEN: Yes.

13 MS. ELLINGSTON: So you are trying to find  
14 ways to enact that that will fit all the other  
15 imperatives, whatever.

16 CHAIRPERSON MITTEN: Exactly.

17 MS. ELLINGSTON: Well, may I ask, please,  
18 for instance, I'm aware that public housing complexes  
19 are being demolished and public, the tenants are  
20 relocated or it's a little unclear sometimes what  
21 happens to the tenants. Does inclusionary zoning, is  
22 it a broad enough span that the redevelopment of, or  
23 the sites where public housing was and, you know, we  
24 read the law about how there'll be mixed dwellings and  
25 we all understand that ghettos do not, that's not a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 way to go so we understand that.

2 So, how low a level does inclusionary  
3 zoning reach?

4 CHAIRPERSON MITTEN: You mean in terms of  
5 income level?

6 MS. ELLINGSTON: I mean the tenants in  
7 public housing will not fit into inclusionary zoning  
8 development because they don't have that scale of  
9 income.

10 CHAIRPERSON MITTEN: Well, at the moment,  
11 we have not determined what level, what income level  
12 we'll be able to help.

13 MS. ELLINGSTON: Yes, so that's an unknown  
14 at this point.

15 CHAIRPERSON MITTEN: At the moment, yes.

16 MS. ELLINGSTON: And since I'm asking you  
17 questions.

18 CHAIRPERSON MITTEN: Yes, this is  
19 different from what we usually do.

20 MS. ELLINGSTON: One more. I also  
21 understand, maybe incorrectly, I'm not sure, but that  
22 inclusionary zoning is partly a way to draw in for  
23 profit developers that, you know, in return for the  
24 tax or whatever benefits we give you --

25 CHAIRPERSON MITTEN: That's right.

1 MS. ELLINGSTON: -- you will benefit us.  
2 But that would not include nonprofits or is there a  
3 way of saying we want local developers or we want  
4 minority developers or we want developers who  
5 associate with tenant cooperatives. I mean none of  
6 that would, in thinking across the span of residents  
7 and as we all know, they're being forced out.

8 CHAIRPERSON MITTEN: Right.

9 MS. ELLINGSTON: And so I'm just trying to  
10 find the boundaries. Will inclusionary zoning, is it  
11 a small piece of the pie or is it in a way able to  
12 cover "the range?"

13 CHAIRPERSON MITTEN: I think, if I  
14 understood your question, it will, it's a land use  
15 policy so it's not, it's tied to the use of the land,  
16 not who is developing the land. So it will be neutral  
17 in who may take advantage of it will apply, as it does  
18 in Montgomery County, to a for profit developer as it  
19 would apply to a nonprofit developer.

20 MS. ELLINGSTON: Yes.

21 CHAIRPERSON MITTEN: So it's the way the  
22 land is used not who is using it.

23 MS. ELLINGSTON: All right. I thank you  
24 very much for answering questions. When you have your  
25 next round, I'd like to come again.

1 CHAIRPERSON MITTEN: Great. Thank you.  
2 Ms. Young.

3 MS. YOUNG: Hi. Good evening, my name  
4 Yavaka (phonetic) Young. I'm a single member district  
5 for ANC6C09 now part of Ward Eight and I wanted to, I  
6 will be submitting official comments before the record  
7 closes but I'll just make a few comments tonight.  
8 First of all, that I definitely support the  
9 inclusionary zoning. In living in a ward where  
10 property values are probably lower than they are in  
11 any other ward would certainly support mixed income  
12 communities across the city.

13 One problem with our extremely affordable  
14 ward is that it is becoming or is a mecca for social  
15 services. They are all along our business corridors  
16 which makes it hard for us to attract sustainable  
17 retail. Also we get a lot of social organizations who  
18 are taking advantage of city and federal dollars for  
19 creating community-based residential facilities and I  
20 heard someone earlier say that, you know, if it's less  
21 than eight units, I believe, then there's no, as a  
22 matter of right, they can do it. The problem with  
23 that is that it's hard to attract the middle and upper  
24 income persons to a block where there are one or more  
25 community-based residential facilities.

1           So I, too, would like to be able to  
2 continue the dialogue and also want, I guess, to be  
3 involved in conversations about how we define what is  
4 affordable housing because I think right now, if you  
5 make 64,000 dollars a year for a household income, I  
6 think of two persons, I'm not sure but --

7           CHAIRPERSON MITTEN: There's not a single  
8 definition of affordable.

9           MS. YOUNG: Right, right. And so people  
10 are getting tax breaks for creating housing pretty  
11 much for persons who are not necessarily, you know,  
12 the lower income persons which I think was the whole  
13 idea behind it.

14           So thank you very much for the  
15 opportunity. And, like I said, I will be submitting  
16 comments for the record.

17           CHAIRPERSON MITTEN: Thank you. And  
18 ma'am, I'm going to need you to identify yourself.

19           MS. FLYNN: I'm Rose Marie Flynn. I'm  
20 with the Gray Panthers of metropolitan Washington and  
21 with the Coalition for Housing Justice. I will submit  
22 a more reasoned written piece of testimony but I  
23 jotted notes down on things that I didn't think were  
24 touched on that perhaps should be touched on and I'll  
25 go through them and perhaps ask some questions.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Beginning with the fact that I am very  
2 much in favor, we are, of inclusionary zoning and the  
3 article about developers and luxury housing recently  
4 in the Post made very clear by the developers  
5 statements, they say they cannot afford to build  
6 affordable housing, their costs are too high. So they  
7 aren't going to do it without some kind of a push.

8           The other thing I want to refer to is  
9 something Jenefer Ellingston mentioned and that's the  
10 Hope Six Redevelopments. Of course, that's public  
11 housing but the point I want to make is only about 11  
12 percent of the original people of the subsidized  
13 housing returned for a number of reasons. Most of  
14 them do not return and, no, they are not followed up.

15          No, no one knows where they go. They're in the city  
16 if they can stay here. They need affordable housing,  
17 subsidized or otherwise. Only 11 percent of those  
18 seven or eight hundred units that were in Capper are  
19 going to be returned to people who are in the original  
20 group or the original subsidized people.

21          So that's a separate thing. That's part  
22 of the source of why we need more affordable housing  
23 and in the recent housing bill, we even got them to  
24 speak of extremely low income people in terms of  
25 affordable. I know it's undefined but we've got to go

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 down lower. Another thing I want to point out, some  
2 of it's been referred to, the luxury replacements of  
3 older buildings. Buildings have been ignored,  
4 maintenance not kept up, therefore, they're condemned,  
5 therefore, they're torn down or rebuilt completely and  
6 the rates are then luxury prices.

7 But what is not being mentioned here  
8 tonight and other places, many of these were rent  
9 controlled buildings. They are no longer rent  
10 controlled. Is there something in the zoning that can  
11 be done to stop this, I don't know. In other words,  
12 if the business place was rent controlled, the current  
13 thing says it has to be built before 1975 and if there  
14 are extensive renovation, it's moved. I don't know if  
15 that's a zoning prerogative?

16 CHAIRPERSON MITTEN: No.

17 MS. FLYNN: Well, that's another very,  
18 very sad thing. We are losing our stock of rent  
19 controlled buildings very rapidly. Another thing that  
20 I want to mention is Columbia Plaza since it was  
21 mentioned with the 2,000 odd students, odd or not,  
22 that are now in there. That's a rent controlled  
23 building. There are only something like over 100  
24 people remaining of the original people who were in  
25 rent controlled places.

1           Now, I'm throwing this in, it's a little  
2 separate because it's legislative, on December 11th,  
3 there will be a bill considered which will try to  
4 classify students as transients and then they come  
5 under a completely separate District law and they will  
6 not then be permitted to take over buildings as  
7 they're doing.

8           So these are just some of the kind of  
9 points I thought, you mentioned rent control as one of  
10 the things you were concerned with. I don't know just  
11 how zoning can help with rent control but we are  
12 losing our stock of rent control. We're losing it to  
13 the highest comparable rates. This is a legislative  
14 thing and there are bills being put forth December  
15 11th at a hearing, people, at the council in which  
16 some of these things will be considered.

17           Another thing, thank you so much for  
18 bringing in the Housing Production Trust Fund. We  
19 have fought so hard at the council to keep that  
20 funded. It's down to five million dollars as was  
21 mentioned from it's 22 and, yes, it would be useful  
22 tool to help in the problem of building the  
23 inclusionary zoning buildings. Thank you.

24           CHAIRPERSON MITTEN: Thank you. Thanks  
25 for coming down, Ms. Flynn. I don't know if I've ever

1 met a Gray Panther before. So this is a real special  
2 evening.

3 MS. FLYNN: There are lots of us. Join  
4 us.

5 CHAIRPERSON MITTEN: Don't you have some  
6 kind of age threshold?

7 MS. FLYNN: No, we do not have an age  
8 limit. We're age and youth in action.

9 CHAIRPERSON MITTEN: Okay, great. Any  
10 questions for this panel, Mr. Hannaham?

11 COMMISSIONER HANNAHAM: Mr. Pohlman, I  
12 just wanted to go back to something that you mentioned  
13 with a lot of emphasis in the beginning of your  
14 statement and that related to long range comprehensive  
15 planning, housing planning. I believe in planning,  
16 I've been, you know, it's been a part of my  
17 professional life for a long time. Do you have any  
18 evidence or can you give evidence of other cities  
19 perhaps that have started from that basis of a long  
20 range strategic look at housing?

21 MR. POHLMAN: Yes.

22 COMMISSIONER HANNAHAM: And then going on  
23 from there that suggest what we should be doing.

24 MR. POHLMAN: Yes. One of the best  
25 examples is Minneapolis. In fact, there's legislation

1 before the council right now that a number of us  
2 helped prepare. It's a comprehensive housing strategy  
3 act of 2002 that was modeled on the Minneapolis  
4 approach. They adopted a comprehensive housing  
5 strategy with production goals and actually monitor it  
6 on an annual basis. The council created this and the  
7 Housing Department prepares an annual report and it's  
8 a very intentional strategy to say here's the problem,  
9 here are the solutions and it's adjusted as well  
10 because things change as time goes on. And here are  
11 the production goals we have to reach a solution.

12 So that's a very specific plan and a  
13 specific action plan that is being implemented.

14 COMMISSIONER HANNAHAM: And it's probably  
15 predicated on an expected population increase. Does  
16 it have a sense of where they want to be going say in  
17 another ten, twenty, thirty years. How long a period?

18 MR. POHLMAN: It has, it's quite a long  
19 term plan. I don't recall the exact, I think it's ten  
20 years.

21 COMMISSIONER HANNAHAM: Ten years, okay.

22 MR. POHLMAN: Yes, and it assumes certain  
23 growth, not the kind of growth we were talking about  
24 potentially in the District of Columbia, but that,  
25 too, should be incorporated in a plan if, in fact,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that's what we intend to do.

2 COMMISSIONER HANNAHAM: Right.

3 MR. POHLMAN: I know there's a planning  
4 effort going on for that. All of these are separate  
5 planning. This is probably a dozen different kinds  
6 of, you know, analyses being done.

7 COMMISSIONER HANNAHAM: This is within the  
8 city government?

9 MR. POHLMAN: Either within city  
10 government or by private entities. The one I was just  
11 referring to is being sponsored by the Urban Land  
12 Institute but it would involve lots of citizens and  
13 city officials. But these are all separate efforts  
14 and I think we've heard from the discussion tonight  
15 that we need to know, you know, how should  
16 inclusionary zoning best be used.

17 Possibly it should be directed to serve  
18 one kind of income strata and the Housing Trust Fund  
19 another income strata. Until we get a definition of  
20 what is the need and have some consensus on which  
21 needs are we trying to meet, which are the greatest  
22 needs and which ones do we agree to try to meet, how  
23 does that mesh with our efforts if we're going make  
24 them to attract more middle income residents.

25 And then we can see how much emphasis to

1 put on which tool for which purpose. But as it is, we  
2 have the same debate around each and every housing,  
3 piece of housing legislation or proposal that is made  
4 because we're trying to make it fit all of these, and  
5 cover and meet all of these needs. And that's just  
6 not going to happen.

7 COMMISSIONER HANNAHAM: Somebody else  
8 earlier this evening testified to the fact that there  
9 is this little coalition of many of these  
10 organizations.

11 MR. POHLMAN: Yes.

12 COMMISSIONER HANNAHAM: I assume that  
13 yours is also a part or party to this?

14 MR. POHLMAN: Yes, we are.

15 COMMISSIONER HANNAHAM: This will be  
16 helpful to us also when you bring it all together  
17 because we're really very beginning of our learning on  
18 this, at least I am, with respect to housing.

19 MR. POHLMAN: We think that actually  
20 there's a very broad base, or will be and can be, very  
21 broad based support for a comprehensive housing  
22 strategy because it encompasses all of these various  
23 interests and all of the needs that are out there.

24 COMMISSIONER HANNAHAM: Okay, I'll be  
25 watchful and hopeful that we, as a Commission, can

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 benefit by all of the good work that you're doing.

2 MR. POHLMAN: Great, thanks.

3 COMMISSIONER HANNAHAM: Thank you very  
4 much.

5 CHAIRPERSON MITTEN: Thank you. Anybody  
6 else, Mr. Hood?

7 VICE CHAIRPERSON HOOD: Madame Chair, Ms.  
8 Flynn, I'd just like to ask. You mentioned about 11  
9 percent of the residents return back.

10 MS. FLYNN: 11.7.

11 VICE CHAIRPERSON HOOD: 11.7? I can tell  
12 you that's been one of my concerns but I'm just going  
13 to ask you one question. Where did you get that 11  
14 percent?

15 CHAIRPERSON MITTEN: And would you turn on  
16 your mic when you respond?

17 MS. FLYNN: I will have to go back and  
18 research. It's just a number I remember because it  
19 shocked me but I will get you the source of the  
20 number.

21 VICE CHAIRPERSON HOOD: Let me ask you  
22 something. Is that 11 percent for each specific low  
23 income development that's been done in this city or is  
24 it just one particular one?

25 MS. FLYNN: It must be one particular one

1 but, you know, for one thing you can't get back the  
2 original ones because it desirably is mixed income.

3 VICE CHAIRPERSON HOOD: Right.

4 MS. FLYNN: Right there you've cut down.  
5 The restrictions are much tighter for the people  
6 returning than for the people who were living there  
7 and had not been forced to move out. You know, they,  
8 for various reasons, they don't meet the new  
9 requirements. So I will get a more firm number and  
10 the sources of the numbers.

11 VICE CHAIRPERSON HOOD: Well, I can just  
12 tell you this, Ms. Flynn, testimony in front of this  
13 Commission has been that people are being educated.  
14 They're coming back, some of them are coming back as  
15 purchasers, some of them are coming back as renting to  
16 purchase, so we have had testimony here that would put  
17 different folks in different categories to come back.

18 And I can tell you that's been one of my concerns  
19 about how many people actually do come back.

20 MS. FLYNN: Right. I will check the  
21 source of that number. As I say, it stuck in my mind.

22 VICE CHAIRPERSON HOOD: And just for a  
23 side point, I would like to join your group, too.

24 MS. FLYNN: We're having a study group on  
25 Hope Six, does anyone here remember the date, next

1 week the 17th. If you'd like to join us, I'll give  
2 you the information.

3 CHAIRPERSON MITTEN: We'll be right here  
4 on the 17th.

5 MS. FLYNN: Thursday, well, anyhow,  
6 because we're looking into it, too. We're very  
7 concerned, very concerned.

8 VICE CHAIRPERSON HOOD: That would be good  
9 if you could provide us with that, I appreciate it.

10 MS. FLYNN: I will keep in touch, have  
11 someone knowledgeable keep in touch with you.

12 VICE CHAIRPERSON HOOD: Thank you.

13 CHAIRPERSON MITTEN: Thank you. Could you  
14 turn on your mic again?

15 MS. ELLINGSTON: If the reference is to  
16 the Ellen Wilson which was a public housing that you  
17 were asking about how many came back, I do not know  
18 the original number of units, housing units in Ellen  
19 Wilson.

20 COMMISSIONER MAY: 134.

21 MS. ELLINGSTON: You should know. Well,  
22 now, we've all been to so many meetings, they tend to  
23 mix but a meeting that I was present and it was about  
24 public housing at Carrolsburg Arthur Capper and, of  
25 course, Ellen Wilson came up because "that's an

1 accomplished fact." And a young man stood up and he  
2 said I bought an Ellen Wilson house and I can tell you  
3 that six people, earlier tenants, returned. And I met  
4 one of the tenants who had returned and she said the  
5 reason it's only six is because it was not the same  
6 cost, that now we had to pay the utility, well, never  
7 mind all the particulars but, indeed, it's an  
8 opportunity to return, it is not guaranteed.

9 And this is also more painfully true for  
10 the Carrolsburg which happens to be in my Ward Six  
11 ward and we've protested in front of HUD and all those  
12 things but the point is that they are, they demolish  
13 and in the replacement, of course, it's one to one  
14 unit but not one to one tenant which is very  
15 different. And there is the opportunity but not the  
16 guarantee. And that seems to prevail for public  
17 housing which is probably why I asked, well, what's  
18 going to happen to these people.

19 CHAIRPERSON MITTEN: Thank you.

20 VICE CHAIRPERSON HOOD: Let me just say my  
21 reason for asking is some years back, I also came down  
22 in front of the Board of Zoning Adjustment, the Zoning  
23 Commission, one of them, to testify in support of a  
24 project. And at that time, that was our concern then  
25 and I can assure you that the number six are few, six

1 to none were actually who returned. I can think of  
2 maybe two families that returned back to that  
3 particular project.

4 And that has been a concern of mine but I  
5 hear from my colleague 134, to me, that's an  
6 improvement under this administration, at least from  
7 what I'm hearing. Because I do kind of associate  
8 myself with just a few that returned back to the  
9 project.

10 COMMISSIONER MAY: I think it's, I mean,  
11 if the number six is right, it's six of 134 units  
12 because there were 134 units.

13 VICE CHAIRPERSON HOOD: Oh, okay.

14 MS. ELLINGSTON: Yes, that's what I meant  
15 to say.

16 CHAIRPERSON MITTEN: All right, thank you  
17 all for coming down tonight. Anyone else like to  
18 testify? Let's get four people at the table up here.  
19 We've got two coming, anybody else? Are you  
20 representing a group this evening, sir?

21 MR. GIBSON: No.

22 CHAIRPERSON MITTEN: Okay.

23 MR. GIBSON: My name is Josh Gibson. I'm  
24 an ANC Commissioner for 1C07 which is roughly Central  
25 Adams Morgan and, of course, this is an issue we're

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 dealing with a lot with sort of the white hot  
2 development that's going on between 16th and 18th  
3 Streets these days.

4 But the main reason that I'm up here is I  
5 haven't heard anyone else doing this, it's just sort  
6 of to put a face on the folks that are being displaced  
7 and on, I guess it was Sunday of this past week, I  
8 found out some bad news that I don't know if anybody  
9 of you are familiar with a sort of neighborhood  
10 fixture and character called the Compliment Man. I  
11 don't know if anyone in the audience is. He is on  
12 18th Street almost every night usually at the corner  
13 of 18th and Belmont and he stands out there every  
14 night and he has for ten or fifteen years and mostly  
15 to young ladies that pass by, he'll say I like your  
16 hair and I like your shoes.

17 CHAIRPERSON MITTEN: Where did you say  
18 that is again?

19 MR. GIBSON: And he's been there for  
20 years. It's just amazing to watch women who are  
21 decked out in their finery drop their boyfriends hand  
22 and run up to this guy, you know, who could look even  
23 a little bedraggled sometimes and throw their arms  
24 around him because he was somebody that everybody  
25 knew. A lot of people thought, think that he's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 homeless, that he's panhandling. He's not. It's just  
2 something he likes to do. He's very well known.  
3 Carol Schwartz, I know, happens to know him. If  
4 there's ever a violent crime on 18th Street, the  
5 police go to him first because they know he's eyes on  
6 the street.

7 And he told me on Sunday that Wednesday,  
8 yesterday, he was moving to Jacksonville, Florida and  
9 he had reasons to do this. It's where he grew up. He  
10 had a job offer but one of the main reasons that he  
11 was moving was he found a two bedroom apartment for  
12 400 dollars. You can barely buy two adjacent parking  
13 spaces in Adams Morgan for 400 dollars.

14 And it's just, I mean, I know any person  
15 who is displaced is one too many. And they all have  
16 faces and names but just in this one particular case,  
17 this is someone who has been written up in the Post,  
18 who is known by probably thousands of people, who has  
19 helped people, walked women to their cars, helped wait  
20 staff when the restaurants close at three in the  
21 morning. He provided a real service and a real  
22 character to our neighborhood.

23 And one of the primary reasons he's  
24 leaving is he can't afford it because we have, you  
25 know million dollar condos. I can point out three or

1 four million dollar condos in the Adams Morgan  
2 community. And even though he had a pretty affordable  
3 apartment, his roommate moved out a month ago and that  
4 was kind of the final straw.

5 And it's just sad to see someone like that  
6 leave. I just thought it was important to kind of put  
7 a face on the kind of folks that we're losing.

8 CHAIRPERSON MITTEN: Thank you. Ms.  
9 Elliott?

10 MS. ELLIOTT: Thank you, Commissioner  
11 Mitten. I'm Elizabeth Elliott and I'm here tonight  
12 representing York Apartments Tenants Association as  
13 well as I am also the Commissioner for ANC2A01. I  
14 wasn't going to be testifying tonight. I actually  
15 just wanted to come down to make sure that, we haven't  
16 even had the time, I happen to be Chair of ANC2A in  
17 Foggy Bottom/West End and we haven't even had time to  
18 look at this issue and we wanted to weigh in on that  
19 and our upcoming meeting will be this coming Wednesday  
20 and I'd like to bring that in and I'm glad to hear  
21 that the record is going to be kept open for all this.

22 My area, as you all have probably heard  
23 here at the Zoning Commission over the last year, has  
24 the distinction of being adjacent to the George  
25 Washington University campus and in my, I've lived in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 my neighborhood for 23 years and there are six  
2 buildings, three of which are in my single member  
3 district and when I first moved into my apartment, the  
4 York Apartments on 20th Street, there were no students  
5 in the building. We have about 85 to 95 percent  
6 students now in the building. The other five  
7 buildings in the area, there are two condominiums and  
8 three other apartment buildings, rental buildings, are  
9 85 to 95 percent student.

10 It's pretty much a dormitory zone down  
11 there. We also feel there was a recent decision by  
12 the Zoning Commission on a particular project, the  
13 Elliott School PUD, where this was supposed to be  
14 community housing and that's now gone to dormitory  
15 housing. And we've really been shoved out and  
16 marginalized in this area. The last election, we  
17 supposedly have about two thousand people in my single  
18 member district. We had 70 votes in the primary in  
19 this last election.

20 I don't even know how many registered  
21 voters there are that are clean in the record because  
22 we haven't been able to obtain the records on this.  
23 So we, as Commissioner Miller mentioned, we also came  
24 in front of the Zoning Commission on the IMF PUD where  
25 we wound up contributing a million dollars to the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Housing Production Trust Fund which will not go to our  
2 neighborhood as far as I can tell and that was through  
3 an Office of Planning recommendation. So we're  
4 literally being annexed out of the neighborhood.

5 And so the fact that this is being brought  
6 up, if there's any way that we can talk to the  
7 Commission to bring out this that we need to have a  
8 mixed use neighborhood and that's not happening, the  
9 exact opposite is happening. The landlords are  
10 gouging in the rental buildings. They're using the  
11 turnover to do this most comparable, highest  
12 comparable rents and they're stuffing these buildings  
13 full of kids because they can't afford the rents now  
14 for one bedroom apartments and they have to have two  
15 or three students sharing this. So just the quality  
16 of life has dropped. The whole issue that has been  
17 going on down there is really bad.

18 And it's interesting because it's  
19 bifurcated in our neighborhood because we have quite  
20 high end buildings west of 23rd Street but even they  
21 are having problems down there now just because of the  
22 numbers of students in the area and buying into the  
23 properties and really kind of taking stuff off the tax  
24 rolls sorting defacto because these people don't have,  
25 they're not income tax paying residents which many of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 our residents are, the few of us that are left east of  
2 23rd Street.

3 So thank you for bringing up this issue  
4 and if there's, we'll try to work with the Office of  
5 Planning on this. They also came out with a report  
6 through the SNAP Planning process last year where the  
7 average age in Foggy Bottom is 24 years old. So I  
8 think there's the issue of policy on this, as you were  
9 saying earlier, that we need to talk to the city  
10 council about this and why are we competing with  
11 nonprofits for our own land here and for our services  
12 in the District. So thank you very much.

13 CHAIRPERSON MITTEN: Great, thank you.  
14 Any questions for these folks? Thank you. I'm just  
15 going to ask Ms. Ellingston, if you could fill out two  
16 witness cards and give them to the reporter and Mr.  
17 Gibson, I think we need we need one from you. And I  
18 think Ms. Young is gone already but those were the,  
19 two please. Anybody else who would like to testify  
20 tonight?

21 Well, I think we have, if there's anyone  
22 who'd like to be sure to be informed directly in the  
23 future of additional roundtables or opportunities to  
24 give input to the Commission, make sure that you leave  
25 your name and address with staff and we'll make a

1 special effort to contact you when we explore this  
2 further.

3 And I'd like to thank you all for coming  
4 out tonight. I look forward to more study on the  
5 subject. Thank you.

6 (Whereupon, the foregoing Roundtable  
7 Meeting was concluded at 8:27 p.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24