

OFFICE OF PLANNING STAFF PRESENT:

ELLEN McCARTHY
JOEL LAWSON
STEVE COCHRAN
ART RODGERS

The transcript constitutes the minutes from the Public Hearing held on Thursday, October 5, 2006.

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

6:46 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. Thank you for your patience with a little technical difficulty. This is a Public Hearing of the Zoning Commission of the District of Columbia for Thursday, October 5, 2006. My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioners Michael Turnbull and John Parsons. Greg Jeffries is absent tonight, but he has said that he will read the transcript and intends to participate in the case.

The subject of this evening's hearing is Zoning Commission Case No. 04-33A. This is a request by the Office of Planning for approval of Map Amendments to create the Inclusionary Zoning Overlay District. The proposed overlay would include all property Zoned R-3 through R-5-D, C-1 through C-4 and SP-1 and SP-2, CR and W-1 through W-3, unless located within the Downtown Development District Overlay or within a

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1 Transferrable Development Rights Receiving Zone.
2 I'm sure that's all crystal clear to everybody.

3 Notice of today's hearing was
4 published in the D.C. Register on August 18, 2006
5 and copies of that hearing announcement are
6 available to you and they are on the table by the
7 door.

8 This hearing will be conducted in
9 accordance with the provisions of 11 DCMR Section
10 3022 and those are the Rules of Procedure for
11 Rulemaking cases. So the order of procedure this
12 evening will be as follows: We will take up any
13 preliminary matters followed by the presentation
14 by the Office of Planning, reports of any other
15 Government agencies, reports of any Advisory
16 Neighborhood Commissions in attendance. Then we
17 will take organizations and persons in support
18 and organizations and persons in opposition. And
19 just to help us organize all of that, we have a
20 sign-in sheet, so we ask if you plan on
21 testifying, that you sign-in and check the
22 appropriate box.

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1 The following time constraints will be
2 maintained in the hearing: Organizations will
3 have five minutes and individuals will have three
4 minutes. The Commission intends to adhere to the
5 time limits as strictly as possible in order to
6 hear the case in a reasonable period of time.
7 The Commission reserves the right to change the
8 time limits for presentations if necessary and
9 notes that no time shall be ceded.

10 All persons appearing before the
11 Commission are to fill out two witness cards.
12 They look like this. They are also on the table
13 by the door. Upon coming forward to speak to the
14 Commission, please, give both cards to the
15 reporter, who is sitting to our right.

16 Please, be advised that the proceeding
17 is being recorded by the Court Reporter and is
18 also being webcast live. Accordingly, we ask you
19 to refrain from making any disruptive noises in
20 the hearing room. When presenting information to
21 the Commission, we ask you to take a seat at the
22 table and, please, turn on and speak into the

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1 microphone, first, stating your name and home
2 address. When you are finished speaking, we ask
3 you to turn off the microphone, because it tends
4 to pick up background noise.

5 The decision of the Commission in this
6 case must be based exclusively on the public
7 record. To avoid any appearance to the contrary,
8 the Commission requests that persons present not
9 engage the Members of the Commission in
10 conversation during a recess or at any other
11 time. Staff will be available throughout the
12 hearing to answer any procedural questions for
13 you and you can direct those to Mrs. Schellin or
14 Ms. Hanousek or Ms. Bushman or anybody else down
15 at that end of the table.

16 So I would ask you to turn off all
17 beepers and cell phones, at this time, so as not
18 to disrupt the hearing. And I don't believe we
19 have any preliminary matters, so we're ready to
20 move to the presentation by the Office of
21 Planning. Ms. McCarthy, welcome.

22 MS. MCCARTHY: Thank you, Madam Chair.

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1 For the record, my name is Ellen McCarthy. I'm
2 the Director of the Office of Planning and our
3 charge or our goal, as you will see tonight, to
4 summarize the presentation that you are going to
5 see, was since the boundaries and the essential
6 elements of the program have been determined by
7 the Commission ahead of time, to look and see
8 where it would be applicable, looking to achieve
9 as broad an applicability as possible, for
10 purposes of achieving the greatest number of
11 units and being fair in terms of spreading the
12 units throughout the city, subject to the
13 availability of sufficient infrastructure and
14 compatibility in scale and character with the
15 surrounding neighborhoods.

16 I think you will find in the report
17 today that we have looked to achieve that. So
18 without any delay, let me have Mr. Rodgers and
19 Mr. Cochran present their findings and we also
20 have with us tonight Daniel Berry, who is a
21 relatively new member of the Office of Planning,
22 and who has done a fantastic job on the design

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1 side with looking to see what the design
2 implications will be for accommodating the bonus
3 density within the existing zone districts.

4 MR. RODGERS: Good evening, Members of
5 the Zoning Commission and the audience we have
6 here tonight. My name is Art Rodgers. I'm the
7 Senior Housing Planner for the Office of
8 Planning. And I'll be starting our presentation
9 and then I'll hand it over to Steve Cochran to go
10 over more of the architectural analysis that
11 Ellen mentioned and then we'll summarize our
12 findings at the end.

13 Let's see. Here we go. Okay. Just
14 to briefly outline what we'll be going over
15 tonight, I'll summarize what was approved. We'll
16 do that very quickly. We will talk about the
17 set-down application for the mapping. We'll
18 present the examination of the possible impacts
19 and then our summary findings and final
20 recommendations. And then just one slide on the
21 next steps of where we go from here.

22 Just quickly as some context, just why

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1 we're doing IZ, housing prices were going up in
2 the District. Our existing efforts to provide
3 affordable housing was resulting in concentrating
4 affordable projects in certain neighborhoods and
5 not distributing throughout the District. And
6 this is what was approved by the Zoning
7 Commission as sort of the bones of the program.

8 It applies to only projects of 10
9 units or more, if it's an expansion of an
10 existing building by more than 50 percent, the
11 affordability, the percent of affordable units,
12 the target income, so and so forth and the
13 flexibility.

14 What we want to briefly go over just,
15 again to back up a little bit, how we approached
16 some of the zoning changes we're suggesting to
17 accommodate the bonus density. This is a lot of
18 information in this chart. There are copies that
19 we have given to the Commissioners to take back
20 and also at the entrance by the door there are
21 copies by the audience. So we're not going to
22 really go into this, but these are the changes

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1 that were proposed and approved to the zoning
2 envelopes.

3 Again, briefly, you know, it's
4 important to summarize what Inclusionary Zoning
5 will do. We're estimating that it will produce
6 at least 170 affordable units on a given year, on
7 an average year at little or no cost to the
8 taxpayers. It's about 10 or 25 percent of the
9 District's goals for new construction of
10 affordable units. So it's a significant amount.

11 More importantly, we hope it will
12 distribute the affordable units throughout the
13 District, as I said before, where our previous
14 efforts to finance affordable housing has led to
15 concentrations of low-income housing.

16 How did we get here to the 170 units
17 a year? We took an average of the permits over
18 the past seven years and that resulted in about
19 1,700 units a year as an average. About 90
20 percent of these, looking through the building
21 permits, would be projects that would trigger
22 Inclusionary Zoning. We then added 20 percent on

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1 to that number and then we estimated about 55
2 percent of those 20 percent bonus would be
3 affordable. And so that's how we came up with
4 the 170 number per year.

5 The approach we took to mapping this,
6 again in our set-down report, just five basic
7 concepts: Simplicity, equity, effectiveness,
8 balance and taking advantage of transportation
9 opportunities in the District, bus corridors and
10 Metro. And this is what resulted for the set-
11 down. Again, we are proposing R-3 through the R-
12 5-D Zones, the C-1 through C-4, CR, SP and W
13 Zones and that's a geographic representation of
14 where these zones exist in the District.

15 What was excluded was previously at
16 our set-down was the R-1, the R-2, the R-5-E
17 Zones. As was mentioned earlier, the Downtown
18 Development District and the Transferrable
19 Development Right Zones and then, of course, MMCM
20 Zones where housing is not permitted. It's about
21 37 percent of the District or if you exclude the
22 federal lands, it's about 51 percent of the

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1 District.

2 To try to figure out the impacts of
3 Inclusionary Zoning, we realized that, well,
4 basically to do it in about two or three months
5 was, you know, to sort of catalog all of the
6 potential impacts would be very difficult. What
7 we benefitted from was the tremendous amount of
8 effort that went into the Comprehensive Plan
9 Update. We heavily relied on our impact
10 analysis, on the growth forecasts and the
11 projected areas where the District expects to see
12 housing development over the next 20 years.

13 This was a tremendous value to us in
14 trying to figure out. What this chart you see
15 here is is neighborhoods of the District color
16 coded by how much development we expect to see.
17 So, for instance, the light blue area is about
18 100 to 250 units, that might be one large
19 apartment building down in Dupont or it might be
20 a variety of other smaller projects scattered
21 throughout a neighborhood.

22 And this was our starting point of,

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1 you know, identifying what neighborhoods we
2 expected Inclusionary Zoning to affect and it
3 came up next with this. So the light purple is
4 again where we have mapped it and then the dark
5 purple that you see, based on that development
6 projections, the dark purple are the areas where
7 we expect projects large enough to trigger
8 Inclusionary Zoning, essentially.

9 And then you will see the federal
10 lands highlighted with the red dots. These are
11 large tracts of property that if and when they do
12 get transferred to the District for development,
13 we can take into account the bonuses of
14 Inclusionary Zoning when we are choosing the
15 appropriate density. And I think that's an
16 important thing to consider. We won't be, you
17 know, choosing a zone and then adding more on top
18 of that. With these, we have the opportunity to
19 choose the right zone based with Inclusionary
20 Zoning in mind.

21 Again, to try and figure out how
22 Inclusionary Zoning was going to be affecting the

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1 District, we looked at where projects of 10 or
2 more units would be likely. We focused on areas
3 that were receiving IZ changes to the zoning
4 envelope. In other words, height or lot
5 occupancy changes. We focused on those
6 neighborhoods. And then we compared those IZ
7 changes to the zoning envelope with the existing
8 neighborhood form and that's, essentially, what
9 Steve Cochran is going to be going into next.

10 MR. COCHRAN: Let's see if there's
11 room for the speaker.

12 MR. RODGERS: Wait, don't, don't.
13 There, great.

14 MR. COCHRAN: Thank you again. For
15 the record, my name is Steve Cochran, again with
16 the Office of Planning. We concentrated, first
17 and foremost, on neighborhood form. I'm going to
18 take you, first, through a general neighborhood
19 analysis, then look inside the overlays, which I
20 realize sounds like an old John Gunther novel,
21 and then go through a review of the impact
22 analysis and especially of the infrastructure.

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1 We are holding off on looking inside of the
2 Historic Districts until the next hearing later
3 this month.

4 The general neighborhood analysis
5 roughly parallels pages 31 through 54 of the
6 report that we have submitted. The overlay
7 analysis looks at pages 63 through 70. And the
8 infrastructure is pages 17 through 30. So as we
9 go through this, if you want to look through the
10 report for more details, that would be great.

11 To look at the neighborhood analysis,
12 we first looked at massing, because that's what
13 people feel and see the most. We projected plan
14 and elevations. Daniel simulated a lot of those
15 with the computer. He was able to come up with
16 perspective simulations. And then we were able
17 to compare our current form with what the form
18 would look like with the IZ up to 20 percent
19 bonus. We did this for the R-3 and R-4 Zones
20 that don't have FAR, but do have lot dimensions
21 required. We looked at C-2-A through C-3-C and
22 then finally at CR, SP and W Zones.

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1 With respect to the Residential Zones
2 where there are no envelope changes in R-3 and R-
3 4, we found that most of the Residential Zones
4 have enough flexibility to accommodate the IZ
5 permitted density without any changes to height
6 or lot occupancy. What you see in purple is
7 those zones. The R-3 Zones are the ones that are
8 in purple on this. And if you aren't able to see
9 them, Sharon, do you think you could turn down
10 any lights right over there? It's getting a
11 little faded. Great. I hope that's better.

12 In the R-3 Zone, a project must have
13 at least 20,000 square feet before you have a
14 large enough site even for Inclusionary Zoning to
15 trigger or be triggered. And then you would have
16 to have at least 10 or more units. The minimum
17 lot sizes in this zone get adjusted from what is
18 now required 2,000 square feet per lot to 1,600
19 square feet per lot and the minimum lot width
20 gets adjusted from 20 to 16 feet in order to
21 permit a total of 12 units where now there are 10
22 permitted.

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1 And the way this is accomplished is
2 shown in these illustrations. Here, we have
3 what's there by matter-of-right and here we
4 quickly show what would be permitted with IZ. As
5 you can see, again, the change to neighborhood
6 form is minimal to none. And as you will find
7 out if you come for the next hearing, the kinds
8 of changes that we're looking at are no different
9 than what exists in many Zone Districts now,
10 especially in Historic Districts.

11 The same thing is true for R-4 just
12 with slightly different numbers. In R-4, you
13 would have to have 9,000 square feet of land
14 assembled to get your 10 units. 1,800 square
15 feet of lot area now required for an R-4 lot,
16 that would go down to 1,500 square feet. The
17 minimum width would go from 18 feet to 15 feet
18 and you would get 12 flats where now there are
19 10. The difference here between R-3 and R-4
20 would be that in R-3 you are permitted only a
21 single-family house, whereas in R-4 you are
22 permitted two flats per lot.

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1 And so here we're looking at what the
2 impact and changes would be there. You have five
3 lots presumably with the possibility of two flats
4 on each of those lots. And there we have it
5 slowly morphing into a total of six townhouse-
6 like structures with the possibility of a total
7 of 12 flats. And there you have that, the
8 additional two flats and that additional row
9 house-like unit.

10 We looked at an example of where this
11 might occur and Georgia Petworth was a very good
12 example, we thought. In fact, there were only
13 two lots in R-4, in this Georgia Petworth
14 neighborhood, that are big enough to actually
15 trigger IZ, and those are the two areas in those
16 circles. One of those, I believe, is an alley
17 lot and the other one, I believe, is publicly
18 held. But we did find that there were several
19 lots that would be along the Georgia Avenue
20 corridor in the C-2-A Zone that would actually
21 trigger IZ.

22 We then went into the areas where you

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1 have FAR. We looked first at the Commercial
2 Districts where there would be envelope changes.
3 And, please, note that not all of the Commercial
4 Districts require changes to the envelopes.
5 We're just analyzing the ones that you can see in
6 red there that do have any changes to either
7 height or lot occupancy.

8 And I'm going to be running through a
9 number of these, so I'm going to be going through
10 them fairly quickly. For lot occupancy in C-2-A,
11 you will notice that there is a change from 60
12 percent to 75 percent in lot occupancy, but there
13 were no changes in rear yard or side yard
14 requirements. We believe there is no change in
15 the relationship to the street and there was no
16 change in the height relative to the adjacent
17 buildings.

18 We believe that the impact to
19 neighborhood form was minimal. Here you have
20 what is now permitted. Here you have what would
21 be likely with IZ. Again, let me go back,
22 because these changes are fairly subtle. You

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1 will see that there is a slight decrease in the
2 distance between the townhouses and the mid-rise
3 building, all within the permitted rear yard now
4 and a slight increase in height on some of the
5 sections of that building.

6 Height changes in W-1, again, we feel
7 that they would be minor to moderate in here,
8 because there would be a 10 foot change in height
9 relative to the adjacent buildings, but again, no
10 changes to lot occupancy, no changes in
11 relationship to the street and again no changes
12 in the rear yard or side yard requirements.
13 Again, we have it there and we have it there.
14 And we say it's minor to moderate, because it all
15 depends on how that height gets distributed.
16 This is just one choice that we made on how that
17 height might be distributed and actually there
18 are other ways you could distribute it where the
19 change would be even less perceptible.

20 For C-2-B, we are looking at a change
21 from 65 to 75 feet in height. Excuse me, 65 to
22 70, a 5 foot change. No change in rear or side

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1 yard, no change in lot occupancy. There would be
2 a minor impact in neighborhood form. The 5 feet
3 additional height actually allows for a
4 compression of floors and it lets you get an
5 additional floor in within 70 feet. So you're
6 going from a 5 story to a 6 floor story building
7 within the 5 foot height change. Again, there,
8 come on, to there. Okay.

9 For C-3-A, you have lot occupancy
10 change going from 75 to 80 percent. We feel
11 again since it's within the now mandated rear and
12 side yard requirements, no change in height, no
13 change in relationship to the street, there is a
14 minimal change. Again, it goes from that, you
15 can see the change in the rear right corner, to
16 that. And the dark blue area is what we're
17 showing as the additional bulk of the building.

18 For SP-1, and again, a 5 foot height
19 change with no change in lot occupancy and the
20 same thing, no change in the rear yard or side
21 yard requirements, no change in the relationship
22 to the street. Again, there you are going up and

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1 additional 5 feet, but getting an additional
2 floor, because you are able to compress the floor
3 height into something reasonable and fit it in
4 with, an additional floor, that additional 5
5 feet. Minor impact we estimate to neighborhood
6 form.

7 Here we're getting into something that
8 does have a bit more impact. The W-2 Zone does
9 allow for a change in -- nope, let's see, from 60
10 to 80 feet. We have got 20 feet of additional
11 feet allowed here. There is no change in rear or
12 side yard requirement. There is no change in lot
13 occupancy, but you do get two additional floors,
14 which we feel would have a moderate impact
15 outside of Historic Districts and would have, as
16 we'll discuss on another evening, potentially
17 significant impact within Historic Districts.

18 For W-3 and the CR Zones, we're
19 looking at a 10 foot height difference, again no
20 change to lot occupancy. We believe no change in
21 the relationship to the street and, again, no
22 change in the rear or side yard requirements.

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1 There you see the changes going on. The 10 feet
2 allow you to get, well, 10 feet which is an
3 additional floor, a moderate change in height and
4 neighborhood impact.

5 C-2-C, SP-2, there is an increase of
6 10 percent in lot occupancy. The change here
7 isn't going to be as perceptible from the street
8 as it's going to be to the people who would be
9 living in here. You can see this yellow area
10 that is now a courtyard would get filled in. We
11 do believe that when you get up to 90 percent lot
12 occupancy, there may be a need to modify some of
13 the regulations that were just passed. To
14 account for this, we, on further reflection, do
15 believe that this might impact on light and air
16 available to occupants a bit too much.

17 We then looked at what would be the
18 interaction with overlays. You can see the
19 different overlays here not in purple, but in red
20 and in hatch marks and in some other colors.

21 PARTICIPANT: Blue.

22 MR. COCHRAN: In blue, highlighted on

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1 this map. Generally, we felt that it's important
2 to respect the intent of these overlays and we
3 felt that it was possible to do this by
4 calculating the IZ bonus from the more
5 restrictive overlays' limitations on FAR. We
6 also felt that it's possible to do it by giving
7 IZ bonus priority in zoning overlays where
8 incentives are granted for other kinds of uses.

9 We felt that it was important to
10 exempt the Southeast Federal Center Overlay from
11 IZ due to the already adopted master plan unless,
12 of course, one of the developers for the FC comes
13 back and asks for additional density over and
14 above that which has already been approved by the
15 plan.

16 We looked at exempting C-2-A from the
17 Naval Observatory Overlay and we felt that this
18 was important because of the additional height
19 that would be required in the C-2-A part of the
20 Naval Observatory Overlay, and that would impact
21 the federal interest.

22 We would like to note that none of the

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1 Capitol Interest Overlay would have to be
2 excluded. This is contrary to a statement that
3 we have made on page 63 of our report. Let's
4 look at an example of how this might work. Fort
5 Totten limits the CR Zone to 5.0 FAR and 80 feet
6 in height. You couldn't accomplish the 20
7 percent IZ bonus going from 6.0 to 7.2 FAR and
8 100 feet in height within the Fort Totten
9 Overlay. So you would have to go back and
10 measure the 20 percent from the overlay's 5.0 FAR
11 rather than from the 7.2 FAR.

12 When we looked at the infrastructure
13 and services analysis, we worked from these
14 baseline assumptions. Art mentioned we used the
15 2006 Comprehensive Plan household growth
16 forecasts. A lot of those are detailed in the
17 report. We assumed the average of 310 bonus
18 units District-wide per year.

19 That's basically one moderate to large
20 size apartment building per year spread out
21 throughout the 37 percent of the Non-GOV zoned
22 areas of the District and of those 310, about 170

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1 would be affordable. We were assuming that 90
2 percent of the growth would be in multi-family
3 units and with respect to schools, that there
4 would be about 21 children per 100 housing units.

5 Of course, we looked first at future
6 transportation congestion. 2025, according to
7 the Comprehensive Plan studies, would be similar
8 to 2005's congestion if you implement only the
9 moderate recommendations that WMATA and the
10 Department of Transportation are proposing with
11 respect to Transportation Systems Management and
12 Transportation Demand Management.

13 There you have existing transportation
14 congestion. There you have what is projected to
15 be future transportation congestion with some
16 areas changing from green to red, obviously being
17 areas where the transportation would be of
18 acceptable congestion to those where it would be
19 more challenging, and some areas actually
20 changing from red to green in 2025, but there the
21 differences are highlighted with the green
22 circles being those that improve or remain

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1 acceptable, the red circles being those where
2 there would be more congestion.

3 And you will note that most of these
4 are on the eastern side of the city where most
5 growth is projected in either the city or the
6 southeastern suburbs. Again, this is only if you
7 implement a moderate number of the TSM and TDM
8 recommendations in WMATA and DDOT's growth plans.
9 If you implement more, you will, obviously, get
10 less congestion.

11 When we looked at infrastructure, we
12 assumed that the average number of spaces
13 provided by a development would be 0.8. We base
14 that on what has been provided in the last five
15 years. This has ranged from, say, 0.35 up to
16 about 2.0 per development in the last five years.

17 The Zoning Commission placed the same
18 parking requirements for IZ bonus units as for
19 market units. This was contrary to what had been
20 requested by the Campaign for Mandatory
21 Inclusionary Zoning. They felt that it was
22 important to respect parking impacts on

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1 neighborhoods and, therefore, did require IZ
2 units to have the same number of units as the
3 Zoning Regulations now require.

4 Nevertheless, in certain zones
5 additional surface parking may have a slightly
6 negative impact by decreasing the green space
7 that is available there. For those of you who
8 were at some of the presentations that we gave to
9 ANCs throughout the District, we had a slide in
10 there that indicated how there may be some open
11 space that would need to be paved over for
12 surface parking.

13 For sewers and water we found that
14 one- third of the city is served by the combined
15 storm and waste line, the CSO. The 20 year
16 investment is already underway in separating
17 these out to get 95 percent of the days of the
18 year having no overflow into the Potomac or the
19 Anacostia, but there would be additional
20 impervious surfaces that would probably result in
21 a marginal increase to the storm and waste water
22 overflow if you look at the overall development

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1 in the city, but that the impact from IZ would be
2 almost imperceptible.

3 We're optimistic the green building
4 measures and changes to the pervious surface
5 requirements will help to mitigate the overflow
6 beyond what the changes to the CSO that WASA is
7 taking out would account for.

8 So I'm turning it back to Art for the
9 overall findings and recommendations.

10 MR. RODGERS: So here you have a
11 summary of our findings for the non-Historic
12 Districts and for a moment I just wanted to take
13 a step backward and talk a little bit about the
14 growth forecast for the Comprehensive Plan.

15 I think what is most important about
16 those growth forecasts is they take -- they
17 assume Inclusionary Zoning is in place.
18 Inclusionary Zoning is one of the policy
19 initiatives of the Comprehensive Plan Update and
20 so, therefore, the growth forecasts that they
21 make assume that IZ is part of that growth.

22 So I think the important part of that

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1 is Inclusionary Zoning is not adding more growth
2 above and beyond those growth forecasts. It's
3 part of those growth forecasts, and so that is
4 what is important about the Comprehensive Plan,
5 is it allows the District to prepare for changes
6 and growth in the number of households over the
7 next 20 years.

8 So just to quickly summarize our
9 findings for the non-Historic Districts, again
10 most of the neighborhoods can accommodate the
11 Inclusionary Zoning bonus with very minimal to
12 maybe minor changes in neighborhood form, that in
13 general the infrastructure investments over the
14 next 20, 25 years could handle any portion of
15 that growth that is Inclusionary Zoning and that,
16 again, we felt that it was important to respect
17 the intent of the neighborhood overlays that
18 exist and that, therefore, the bonus should start
19 at the overlay's FAR, the more restrictive FAR in
20 those cases.

21 And in our report we sort of described
22 our approach in the second half of our effort as

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1 a subtractive approach. When we initially
2 approached this a year and a half ago now, we
3 were adding areas. We were saying, well, it
4 should happen here, it should happen here. These
5 are supported by the Comprehensive Plan.

6 And as we said in our report, that
7 came up with a very complex set of boundaries
8 that have been very confusing and hard to
9 administer. And so with the subtractive
10 approach, again we assume the widest possible
11 area and then subtract out the areas that we
12 concluded it doesn't work in, and you see the
13 list right there.

14 And then finally, moving on, there is
15 a whole other effort to this and that is the
16 empowering legislation that the City Council will
17 be hearing on October 10th. I believe it's at
18 2:00 p.m. in the afternoon. And there is a whole
19 other effort to this again and that's the
20 administration, and that's what those hearings
21 will be all about. And then, finally, the next
22 step is for the Zoning Commission and the

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1 audience is the potential impacts on Historic
2 Districts on October 19th.

3 And with that, we conclude our
4 presentation. Thank you.

5 CHAIRPERSON MITTEN: Thank you very
6 much. I have to say having all those visuals to
7 show the impact is immensely helpful, so thank
8 you for figuring out how to do that and bring it
9 to the Commission. Questions from the Commission
10 for the Office of Planning? Commissioner
11 Turnbull?

12 COMMISSIONER TURNBULL: Thank you,
13 Madam Chair. Mr. Rodgers or Mr. Cochran, I guess
14 I got, well, maybe two questions. I guess on
15 page 36, and it goes back into 34, you say most
16 neighborhoods can accommodate. On 36 you say
17 most neighborhoods can accommodate IZ bonus
18 density changes with only minimum minor changes
19 to neighborhood form. But on page 34, especially
20 in the immediate area of the northeast as it goes
21 out from the Capitol, I see significant red
22 circles with traffic problems.

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1 That will affect the form of the
2 neighborhoods and I'm just wondering. Your
3 information seems a little contradictory when
4 you're talking about neighborhood form and we
5 have got the traffic.

6 MR. COCHRAN: Excuse me. You are
7 looking at the red circles from the -- oh, okay.

8 COMMISSIONER TURNBULL: On the
9 traffic, on page 34.

10 MR. COCHRAN: Yes, on the PowerPoint.

11 MR. RODGERS: Okay.

12 COMMISSIONER TURNBULL: I'm looking at
13 the comment on page 36 at the top.

14 MR. COCHRAN: Right.

15 COMMISSIONER TURNBULL: But I'm
16 looking at also --

17 MR. COCHRAN: Okay.

18 COMMISSIONER TURNBULL: -- the map on
19 34 which talks about neighborhood form, and I see
20 that the immediate northeast area --

21 MR. COCHRAN: Right.

22 COMMISSIONER TURNBULL: -- is

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1 seriously affected. The traffic really affects
2 the neighborhood if you're --

3 MR. COCHRAN: Okay.

4 COMMISSIONER TURNBULL: I mean, it
5 seems contradictory when you say that.

6 MR. COCHRAN: I don't believe that it
7 is. What we're looking at in the PowerPoint for
8 the traffic impact is looking at the year 2025,
9 assuming a total of about 52,000, 56,000
10 additional units of housing and that's what would
11 result. Of those, less than 10 percent would be
12 due at most to Inclusionary Zoning.

13 Tonight we're considering only
14 Inclusionary Zoning, not the entire growth of the
15 city. We felt that if we're getting a diminution
16 in traffic to these levels with moderate
17 implementation of transportation strategy and
18 transportation design measures and that the
19 comprehensive plan analysis found that overall,
20 the levels of congestion would be, approximately,
21 the same in 2025 as now with all 52,000 to 56,000
22 units built, that the impact of IZ is going to be

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1 minimal on neighborhood form.

2 Now, if we're looking at overall
3 growth, that is something else. But, again, the
4 Comprehensive Plan felt, the study rather felt,
5 that it would still pencil out at, approximately,
6 the same levels of congestion throughout the
7 city.

8 COMMISSIONER TURNBULL: Okay. So
9 you're saying that not -- taking away
10 Inclusionary Zoning, you have a problem on those
11 streets no matter what at 2025?

12 MR. COCHRAN: In 2025, yes, you would.
13 Maybe you would have to implement more aggressive
14 TSM and TDM measures than the Comprehensive Plan
15 study assumed, which was just the moderate level
16 of implementation. Maybe for the areas on the
17 eastern part of the city, you would have to go to
18 the maximum level of implementation of what had
19 been recommended to get down to an acceptable
20 level of traffic congestion.

21 COMMISSIONER TURNBULL: Okay. My
22 second question is on page 31.

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1 MR. COCHRAN: Again, are you referring
2 to the PowerPoint or --

3 COMMISSIONER TURNBULL: To the
4 PowerPoint.

5 MR. COCHRAN: Okay.

6 COMMISSIONER TURNBULL: Yes, not to
7 your report, to the PowerPoint. And in your
8 PowerPoint on page 31, you talk about several
9 exemptions, but you talk about the Capitol
10 Interest Overlay not being exempt. Now, you have
11 been having ongoing discussions, the Office of
12 Planning, with Congress and the Capitol Police on
13 the expansion of the Capitol Overlay.

14 Have you briefed them on any of these,
15 on the Inclusionary Zoning impact?

16 MS. McCARTHY: The discussions that we
17 have had with the Architect of the Capitol's
18 Office on the potential expansion of the overlay
19 didn't affect the items that would be affected by
20 Inclusionary Zoning. It affects whether or not
21 projects above a certain height would have the
22 possibility of being required to do things like

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1 have inoperable windows or no balconies on sides
2 facing the Capitol.

3 COMMISSIONER TURNBULL: Right.

4 MS. McCARTHY: But we --

5 COMMISSIONER TURNBULL: I was just
6 looking at some of the references you make
7 reference to as far as heights possibly
8 increasing. Have you mentioned buildings in the
9 adjacent area that could be affected by this
10 change?

11 MS. McCARTHY: But our understanding
12 from the Architect of the Capitol's Office is
13 that every building over 40 feet is what they are
14 considering to include within the expansion of
15 the Capitol Interest Overlay, so there is no --

16 COMMISSIONER TURNBULL: So you would
17 note that in the language of the -- in the
18 overlay?

19 MS. McCARTHY: Well, we were looking
20 at the existing one which limits height.

21 COMMISSIONER TURNBULL: Okay.

22 MS. McCARTHY: You know, very, very

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1 close to the Capitol. I don't believe we found
2 in any of the zones that the implementation of
3 Inclusionary Zoning would make the difference
4 between, say, 30 feet and 40 feet or between 40
5 feet and 50 feet and, therefore, affect the
6 number of buildings that would now go above 40
7 feet and be additionally subject to the Architect
8 of the Capitol's potential expanded overlay.

9 COMMISSIONER TURNBULL: Okay. Thank
10 you.

11 MR. RODGERS: The other thing I would
12 add to that is the Capitol Overlay or the Capitol
13 Interest Overlay limits FAR to 1.8 within 40
14 feet, and you can generally achieve a 20 percent
15 bonus above that within the 40 feet height limit.
16 I mean, you can fit two or three floors, three or
17 four, potentially four floors, within a 40 foot
18 height limit.

19 So you can accommodate a 20 percent
20 bonus above the 1.8 because, again, we're
21 respecting the intent of the overlay at starting
22 the bonus from where the overlay starts at 1.8.

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1 So if you add 20 percent to that, it can be
2 accommodated within the 40 feet height limit of
3 the overlay.

4 MR. COCHRAN: Right. Just because the
5 overlay, for instance, includes an R-5-B Zone,
6 you don't -- the overlay restricts it below the
7 R-5-B's otherwise matter-of-right FAR to 1.8. So
8 that is why we're saying that there would not be
9 that impact.

10 COMMISSIONER TURNBULL: Does that
11 requirement stay in the proposed provisions then?

12 MR. COCHRAN: Absolutely.

13 COMMISSIONER TURNBULL: Okay.

14 MR. COCHRAN: The whole point is to
15 respect the intent of the overlays by starting
16 the 20 percent bonus increase not from what the
17 matter-of-right is, but from what the more
18 restrictive overlay is limited to.

19 COMMISSIONER TURNBULL: Okay. Thank
20 you.

21 CHAIRPERSON MITTEN: Just to that
22 particular point then, are you saying, just so I

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1 understand you when you're talking about intent,
2 so in an overlay like the Capitol Interest
3 Overlay, when there is both a combination of a
4 height and an FAR restriction, that we were
5 overly aggressive with the FAR restriction at
6 1.8? Is that, in effect, what you're saying?

7 MS. McCARTHY: Or the other way is
8 there was room within the envelope that was set
9 by that to include additional FAR and still stay
10 within the height limit, yes.

11 CHAIRPERSON MITTEN: Okay. That's
12 good to know. Anyone else have questions? Mr.
13 Parsons?

14 COMMISSIONER PARSONS: A very complex
15 issue and I want to congratulate all of you for
16 what I think is the most comprehensive and
17 thorough, yet concise, report I have seen in a
18 long time, a very, very excellent report, really
19 excellent.

20 I want to focus my discussion on W-2
21 and we spent a lot of time on the concerns of
22 what is the right thing to do on the southeast

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1 waterfront along the Anacostia, what kind of
2 setbacks, what kind of building heights. And I
3 know you have already taken notice of W-2 and how
4 it would be inappropriate along the C&O Canal in
5 Georgetown and I think that's good.

6 But I just want to have a bit of a
7 dialogue with you on whether 80 foot heights are
8 the right thing to do along the Anacostia River
9 in this stepped up urban design that we went
10 through when we established the Capitol, the
11 overlay along the Capitol Gateway.

12 Have you thought about that, as to
13 whether 80 feet is -- I think 80 feet is about
14 what we have on the Georgetown Waterfront in W-3,
15 not zoning but actual physical building, and I
16 think we felt that would be too high on the
17 Anacostia River.

18 MR. LAWSON: Hi. My name is Joel
19 Lawson with the Office of Planning and I have
20 done a lot of work on zoning along the
21 waterfront, so I will tackle that one first and
22 then these guys will probably want to answer as

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1 well.

2 I just note that with W-2, although
3 there is W-2 in various parts of the city,
4 probably the bulk of it is just as you say, along
5 the Anacostia River, and pretty much all of that
6 that I can think of is within the Capitol Gateway
7 Overlay District. So we felt that it was
8 appropriate to bring forward the option of going
9 up to 80 feet for, I guess, two main reasons.

10 First of all, all of the W-2 area
11 which is within the Capitol Gateway Overlay
12 District has a mandatory Zoning Commission review
13 process, so we can assess the exact impacts of
14 what is being proposed, how the design is
15 addressing height issues and view issues and such
16 through that review process.

17 Secondly, I think the other intent
18 here was, you know, something had to happen to W-
19 2 to accommodate the IZ and we felt it was more
20 appropriate to go up a little bit than to spread
21 out. We felt it was more appropriate to allow
22 the buildings to maintain that kind of breathing

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1 space around so that we can maintain visual
2 access towards the water, as well as green space
3 around the buildings, by keeping the lot
4 occupancy at its current level. So W-2 doesn't
5 propose an increase in lot occupancy.

6 I guess the third point I would raise
7 is that the Capitol Gateway Overlay, the W-2 that
8 is within the overlay, actually currently already
9 allows a height of 70 feet and a bit of extra
10 density for the provision of housing. That is
11 one of the provisions that was put in place to
12 encourage and incentivize housing along the
13 waterfront throughout the Capitol Gateway area.

14 COMMISSIONER PARSONS: I'm not sure I
15 agree with you yet, but I understand your
16 rationale.

17 MS. MCCARTHY: The basic bottom line
18 is at least you will get a crack at it, you know,
19 since they do have the mandatory zoning review.
20 So you can determine if it's inappropriate.

21 COMMISSIONER PARSONS: Yes. I'm just
22 trying to decide whether we should decide it's

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1 inappropriate now.

2 MS. McCARTHY: Okay.

3 COMMISSIONER PARSONS: But W-1 is
4 hardly worth discussing it's so small, but there
5 are some areas of the Georgetown Waterfront that
6 have W-1 in them. And did you assess that in the
7 context of impact on the canal and other places?

8 MR. RODGERS: Yes. Well, we're sort
9 of skipping ahead to the Historic Districts, but
10 --

11 COMMISSIONER PARSONS: Yes.

12 MR. RODGERS: -- we did. I think the
13 one thing that we relied on, part of our
14 analysis, particularly with Historic Districts,
15 was also the opportunity to develop land. I
16 mean, in many of the Historic Districts there is
17 very little land to be developed and with the W-1
18 along Georgetown, there is really only the one
19 site, the parking lot on the south side of the
20 freeway, that can be developed and that has been
21 dedicated to park.

22 And so from a functional standpoint,

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1 there is very little likelihood that the W-1
2 would have an impact for that reason in the
3 Georgetown Waterfront, but we did -- yes, we did
4 look at that.

5 COMMISSIONER PARSONS: And where else
6 is W-1? We didn't do any on the Anacostia, did
7 we?

8 MR. RODGERS: The main portion of W-1
9 is the southwest waterfront which has -- there is
10 the plan that has been adopted by the Council
11 that would dramatically change the envelope there
12 anyways, and
13 so --

14 COMMISSIONER PARSONS: So there is
15 none along the Anacostia?

16 MR. RODGERS: No.

17 COMMISSIONER PARSONS: I don't think
18 so. Okay.

19 MR. RODGERS: No, I don't.

20 COMMISSIONER PARSONS: Thank you.

21 CHAIRPERSON MITTEN: Did you have any
22 questions?

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1 VICE CHAIR HOOD: Yes.

2 CHAIRPERSON MITTEN: Mr. Hood?

3 VICE CHAIR HOOD: Thank you, Madam
4 Chair. Mr. Rodgers, help me to remember why we
5 excluded or subtracted out R-1 and R-2 Zones.
6 And I read your report, so I understand what
7 you're saying, but help me kind of elaborate on
8 why we did that. Was it a recommendation or did
9 we do that?

10 MR. RODGERS: Initially, it was we
11 felt that there was language in the Comprehensive
12 Plan about protecting the single-family detached
13 districts, and that Inclusionary Zoning would
14 essentially work by allowing the bonus density
15 and the affordable units to be maybe the two
16 units in one building, an attached form as
17 opposed to a single-family detached house, and so
18 there was a fair amount of language in the
19 Comprehensive Plan to suggest that it shouldn't
20 work in that context.

21 Now, of course, in retrospect I think
22 there are two. When we looked at it again, it

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1 allows semi-detached so you could potentially
2 allow the affordable units to be part of one
3 building that would -- and as the guidelines for
4 design would require that the building look
5 identical to the other single-family detached
6 houses in the project.

7 MR. COCHRAN: There was a little bit
8 more evenhandedness. We were working with a rule
9 of thumb that we did not want to change
10 neighborhood form and particularly in the R-1 it
11 just seemed impossible not to change that
12 neighborhood form by requiring Inclusionary
13 Zoning units in there, because it would so change
14 the single-family nature of it.

15 Again, Art pointed out in R-2 we have
16 subsequently looked at it again and realized ah,
17 maybe we could come back and propose some
18 amendments in R-2. But just as we are -- we have
19 analyzed the form as you saw tonight in all the
20 other zones and tried to work the changes so that
21 they would be as minimal as possible. That was
22 the same way we looked at R-1 and R-2.

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1 VICE CHAIR HOOD: Okay.

2 MS. McCARTHY: And I think to answer
3 the direct question that you asked, the
4 Commission did not remove R-1 and R-2 in their
5 determination. It was not in our original
6 proposal.

7 VICE CHAIR HOOD: Right.

8 MS. McCARTHY: And it was not in the
9 campaign's proposal either, I recall.

10 VICE CHAIR HOOD: Right.

11 MS. McCARTHY: Yes.

12 VICE CHAIR HOOD: Okay. I just think
13 that when you talk about affordable, we want to
14 make sure that we have a wide variety. I'm not
15 sure if it will work either, but I'm hoping that
16 if we have to come back and do some amendments,
17 we could look at that, because we may be losing -
18 - missing something here and there may be an
19 opportunity. And I know I sat up here and voted
20 for the text and everything, so it's just
21 something I just wanted to mention.

22 MR. COCHRAN: When you are looking ar

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1 R-1, you're looking at what, to get 10 units?
2 You're looking at having to basically consolidate
3 about 2 acres. We're looking at 75,000 square
4 feet?

5 MS. McCARTHY: Well, for R-1-B, it
6 would be 50,000.

7 MR. COCHRAN: For R-1-A it is?

8 MS. McCARTHY: It would be more than
9 1 acre and for R-1-A, it would be 75,000.

10 MR. COCHRAN: 75,000 square feet?

11 MS. McCARTHY: 75,000, right.

12 MR. COCHRAN: Yes.

13 MS. McCARTHY: So the likelihood of
14 finding tracts that large is pretty small, but we
15 have -- east of the river we have extended the
16 light yellow for single-family within the
17 existing Comprehensive Plan, so it may be that
18 there are some areas that will now be shifted
19 from what had been R-5-A to R-1 and R-2 and it
20 may be worth looking at that and just either
21 slightly reducing the size of the minimum lot,
22 rather than changing the neighborhood form, or

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1 doing the same kind of analysis to, particularly,
2 R-2 and maybe to R-1-A as well or R-1-B.

3 VICE CHAIR HOOD: I would agree, Ms.
4 McCarthy, but I was thinking about a case that
5 would-- made me think of it. I was thinking of a
6 BZA case which I thought this would be applicable
7 to, which was single-family homes, but it was
8 done in '98, so we're a little too late. So
9 anyway, thank you. Thank you, Madam Chair.

10 CHAIRPERSON MITTEN: I just want to
11 know. Is there going to be -- there are some
12 things in here, for instance, the elimination in
13 the Arts Overlay and Reed-Cooke, there is already
14 bonuses for affordable housing and you are
15 recommending that we eliminate those in favor of
16 the IZ provisions. Is there going to be a text
17 case that you will be bringing to the Commission
18 to kind of dovetail with this mapping exercise?

19 MR. RODGERS: Well, first of all, I
20 would say we're not eliminating those incentives.
21 We are saying that the IZ requirement should come
22 first. In some cases, there is within the Arts

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1 Overlay cap that is placed, I think it's on the
2 C-2-B areas, there is still some additional room
3 that can be accommodated for those incentives,
4 for the Arts and the Retail. But certainly, yes,
5 when it came to the overlays, we realized that to
6 try to sort of catalog all of the IZ changes that
7 each overlay would go through and stick them in
8 the IZ chapter would just be far too cumbersome
9 and that it would be much simpler that each
10 overlay would have an amendment saying, you know,
11 when you are building 10 units and so on and so
12 forth, these are what you can do. And so that's
13 what we are envisioning going forward.

14 CHAIRPERSON MITTEN: So there will be
15 a text case that modifies a series of the overlay
16 chapters? Is that correct?

17 MS. McCARTHY: Either a separate case
18 or I think we would want to spend some time with
19 the Office of the Attorney General, but I think
20 what we had been thinking was we would propose an
21 amendment to this text that would apply that to
22 the overlays.

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1 CHAIRPERSON MITTEN: Well, we'll have
2 to talk about that, about whether or not there
3 would have to be another hearing on those.

4 MS. McCARTHY: Yes.

5 CHAIRPERSON MITTEN: Because they
6 haven't been advertised is all.

7 MS. McCARTHY: Right. Yes, and that
8 was not saying at all that there wouldn't need to
9 be another hearing.

10 CHAIRPERSON MITTEN: Okay.

11 MS. McCARTHY: Just that we might do
12 it through that amendment.

13 CHAIRPERSON MITTEN: Yes, I'm not
14 saying--

15 MS. McCARTHY: Right. And one thing
16 we should add, too, is where the bill that's
17 before the Council begins to factor in on this,
18 with regard to some place like Reed-Cooke, there
19 there is a requirement for affordable -- or an
20 incentive for affordable housing, but the
21 determination of what's affordable, how it should
22 be administered, those kinds of things were a

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1 little iffy and difficult to deal with, as we
2 found out from some recent cases in Reed-Cooke.

3 So if we create an umbrella that's
4 going to be precertifying incomes and financial
5 qualifications for buyers, the critical mass is
6 better in order to make that work better. So we
7 would just be making the ease of administration
8 and implementation of this easier if we include
9 those all within that umbrella.

10 CHAIRPERSON MITTEN: That's great.
11 Let me ask the Court Reporter, do you know why
12 we're having the humming? It went away. Yes,
13 I'm glad I asked, because I think I made it go
14 away. Okay. It's like telling the doctor
15 something hurts and then it doesn't hurt anymore.
16 Okay. Anyone else? Any follow-up? Okay.

17 Are there any other Government
18 agencies represented here tonight? All right.
19 Then let's see, I know we had a piece of
20 correspondence from ANC-6B. Is anybody here from
21 ANC-6B? Anybody here from any of the other ANCs?
22 Okay. Then we're ready to move to organizations

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1 and persons in support and I will use the witness
2 list and thank you all for signing up. I'm going
3 to ask, because we have a number of people who
4 have listed various organizations. I'll need
5 someone to claim the 5 minute, because only one
6 person will represent the organization with the 5
7 minutes and everyone else will have 3 minutes.

8 First, we have Rose Marie Flynn from
9 the Gray Panthers. And as you come up, if you
10 have written testimony, you can give it to Mrs.
11 Schellin and then she will distribute it to the
12 Commission. Evin Isaacson, Robert Friedman,
13 Marta Beresin. Now, I have a couple of folks
14 listed that are both at the table and further
15 down representing Jews United for Justice. So
16 are either Ms. Isaacson or Mr. Friedman going to
17 claim the 5 minutes or is that going to be
18 someone else coming up later?

19 MS. ISAACSON: I don't know that any
20 of us actually need the 5 minutes.

21 CHAIRPERSON MITTEN: Okay. We'll give
22 everybody 3 minutes. Ms. Flynn will have 5

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1 minutes representing the Gray Panthers then. And
2 it's good to see you. Thanks for coming out.

3 MS. FLYNN: Thank you all.

4 CHAIRPERSON MITTEN: I need you to
5 turn on your microphone for us though.

6 MS. FLYNN: I thank you in here, but
7 I'll thank you ahead of time also all of you.
8 Okay. My name is Rose Marie Flynn. My address
9 is 5309 Iroquois Road, Bethesda, Maryland. I am
10 pleased to testify for the Gray Panthers at this
11 hearing. For more than two years, the members of
12 the campaign for mandatory Inclusionary Zoning
13 have exerted their best efforts toward having a
14 program of mandatory IZ in place in the District
15 of Columbia for the betterment of the city and
16 its residents.

17 We may be inclined to feel that the
18 worst is behind us, but we do find it is still
19 necessary to support the placement of IZ units
20 throughout Washington. This strengthening of
21 mixed income housing is needed in all areas to
22 maintain and to increase that diversity which

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1 enriches a city. We thank Carol Mitten and the
2 Members of the Commission and the Office of
3 Planning for their diligent work in the mapping
4 we have before us and for resisting easy ways out
5 in order to avoid possible resistance in some
6 sections of the city, especially in those
7 designated as historic.

8 It is becoming almost trite to say
9 that IZ is just one tool in the kit to increase
10 housing for low- and moderate-income residents
11 and to increase that needed diversity, but it is
12 a necessary tool. Nothing is perfect. So
13 despite my overall approval, I have one
14 disappointment with the plan. Rehabilitation of
15 a whole building has been excluded from IZ
16 requirements, unless there is a 50 percent
17 addition.

18 It may be difficult to find a way to
19 give a bonus to a builder who rehabilitates a
20 building without that addition, but surely it
21 would be possible. This would allow many more
22 opportunities through all sections of an already

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1 highly built up city to add more low- and
2 moderate-income units. Thank you.

3 CHAIRPERSON MITTEN: Thank you. And
4 we'll have the testimony from the whole panel and
5 then we'll have questions. Ms. Isaacson?

6 MS. ISAACSON: My name is Evin
7 Isaacson. I live at 1701 Park Road, N.W.,
8 Apartment 112 in Mount Pleasant. Thank you for
9 allowing me to appear before you today. I'm a
10 research analyst for the Service Employees
11 International Union as well as a board member of
12 Jews United for Justice. I live very close to
13 the new condo construction around the Columbia
14 Heights Metro and I also am here in support of
15 the mandatory Inclusionary Zoning requirements
16 and hope that they are applied to my area and
17 equitably across the city.

18 Rabbi Hillo, who was one of the great
19 scholars and thinkers of the Jewish tradition,
20 issued a powerful imperative "Al Jvrotsi
21 Howtsibow," "Don't separate yourself from the
22 community." This means not only that individuals

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1 have a responsibility to engage in civic life,
2 but that we must also not physically isolate
3 segments of the community from one another. That
4 means that we need to ensure that the
5 neighborhoods, all of our neighborhoods include
6 affordable housing, setting the stage for
7 economically diverse communities.

8 Moreover, we need to ensure that the
9 people who live up to the ideal of civic
10 engagement every day, those who teach our
11 children, care for our sick, protect our streets,
12 etcetera, can afford to live in the communities
13 they serve. And as rents skyrocket, our
14 teachers, fire fighters, police, nurses, office,
15 service and construction workers find it harder
16 and harder to cover the costs of housing in the
17 District.

18 Mandatory Inclusionary Zoning
19 addresses these troubling economic dynamics in a
20 very constructive way. And I and Jews United for
21 Justice across the District of Columbia support
22 equitable application of MIZ as detailed by the

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1 D.C. Planning Office. We strongly believe that
2 the policy should be applied to as many
3 neighborhoods as possible, including Historic
4 Districts. And we believe that in this way the
5 District can make huge strides toward true
6 inclusion and opportunity for all members of our
7 community. Thanks.

8 CHAIRPERSON MITTEN: Thank you. Mr.
9 Friedman?

10 MR. FRIEDMAN: Good evening. I want
11 to thank the Office of Planning and the Members
12 of the Commission for their work on this
13 important issue. My name is Robert Friedman. I
14 live at 2001 12th Street, N.W. and as a Ward 1
15 resident, I support affordable housing in my
16 neighborhood.

17 The potential of Inclusionary Zoning
18 to enhance the vibrancy of communities and create
19 comprehensive and long-lasting benefits to
20 neighborhoods throughout Washington is what has
21 inspired me to be here this evening. My support
22 for the most widespread implementation of

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1 Inclusionary Zoning is a product of both personal
2 and professional experience.

3 Many residents like me who wish to
4 make long-term commitments to the District plant
5 roots in the city, raise families here and build
6 strong and diverse communities, have a vested
7 interest in the sustainability of a reasonable
8 and pragmatic housing policy. Unfortunately,
9 many public servants, school teachers and working
10 families are being priced out of the housing
11 market and many others are discouraged from even
12 contemplating a move to the area.

13 One reason I was drawn to Washington
14 was the myriad of racial culture and economic
15 threads that comprise the heart and soul of the
16 city. For Inclusionary Zoning to be most
17 successful, implementation needs to reflect an
18 equitable distribution across the District.
19 Mixed income communities provide openings through
20 which low- and moderate-income families can buy
21 homes and appreciate housing markets, accumulate
22 wealth and share part of the American dream.

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1 On a professional level, I have seen
2 first hand the tremendous potential of an
3 equitably applied Inclusionary Zoning policy.
4 Until recently, I worked for a Member of Congress
5 who represents the District that utilizes
6 extensive Inclusionary Zoning. Part of my job
7 entailed handling housing issues and I
8 communicated often with participants in the
9 county's Inclusionary Zoning program and families
10 living in the same neighborhoods as these
11 participants.

12 I observed two important things.
13 First, the program participants felt truly
14 invested in the community in which they lived and
15 made efforts to contribute, not only through
16 vocation, but through community involvement and
17 civic engagement. To them, Inclusionary Zoning
18 was not a temporary fix to a housing shortage.
19 It represented community value and a sincere
20 dedication to mixed income housing.

21 Second, many of the negative
22 perceptions of affordable housing programs by the

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1 community at large were changed when people began
2 to understand the program, its participants and
3 its intended purpose. The affordable homes
4 created through Inclusionary Zoning were not
5 Government subsidized housing, but rather housing
6 made affordable to many of the area's working
7 families.

8 Moreover, residents reported contrary
9 to initial fears Inclusionary Zoning had a
10 minimal impact on their neighborhoods and they
11 truly appreciated the diverse racial, ethnic and
12 economic backgrounds of program participants.
13 This experience provides important lessons and
14 inspires hope that Inclusionary Zoning can be
15 successful in every corner of Washington, D.C.

16 While the ultimate goal of this
17 affordable housing program is the creation of
18 units to serve the target population, the
19 widespread placement of those units is essential
20 to promote economic integration throughout the
21 city. Thank you for your consideration.

22 CHAIRPERSON MITTEN: Thank you, Mr.

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1 Friedman. Ms. Beresin?

2 MS. BERESIN: Thank you, ma'am.

3 CHAIRPERSON MITTEN: Turn on that
4 mike. There you go.

5 MS. BERESIN: My name is Marta
6 Beresin. I live at 2219 38th Street, N.W. in
7 Glover Park in Ward 3. And I'm going to speak
8 tonight as a resident of Ward 3 and a resident of
9 Glover Park. I have lived there for seven years
10 and own a home there with my husband and my
11 children. I send my children to the public
12 school that's four blocks from our house.

13 But in the interest of full
14 disclosure, I'll also reveal that I am a staff
15 attorney at the Washington Legal Clinic for the
16 Homeless, but I speak here as a District resident
17 and my passion for Inclusionary Zoning is really
18 as a District resident and seeing what's
19 happening in my neighborhood. And I think the
20 impact is going to be on the families in my
21 neighborhood and on working families, not so much
22 on the clients I see at the Legal Clinic.

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1 Our community is a tight-knit and
2 diverse community, but one that seems threatened
3 to lose its cohesiveness and its diversity by the
4 ever rising cost of renting or buying a home in
5 it. Today I would like to voice my support for
6 locating affordable housing in my neighborhood
7 where it's sorely needed by ensuring that
8 requirements contained in the Inclusionary Zoning
9 Map apply to Ward 3.

10 This school year I've been struck by
11 the large number of families attending Stoddard
12 Elementary School where my children attend who
13 tell me that they would like to establish roots
14 in Ward 3, but are experiencing difficulty
15 finding a home that they can afford. Many are --
16 they are renters who moved here recently and want
17 to buy a home in the area or even an apartment,
18 but many of them are considering moving to
19 Montgomery County or northern Virginia for
20 affordability reasons.

21 Meanwhile, we continue to see new
22 condominium buildings and recently renovated ones

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1 advertising two and three bedroom condos
2 beginning in the high 700s. D.C. will continue
3 to see flight to the suburbs unless we create
4 housing opportunities for working class families
5 to live near good schools. The D.C. Office of
6 Planning's proposed Inclusionary Zoning Map
7 applies Inclusionary Zoning even-handedly across
8 the city and will have a positive impact on the
9 lives of families with heads of households who
10 are teachers, fire fighters, police officers,
11 artists and the like.

12 The wide distribution of affordable
13 housing will provide opportunities for housing
14 throughout D.C.'s many residential neighborhoods
15 enabling workers to live near where they work and
16 send their children to good schools. This in
17 turn will increase job performance and
18 attendance, reduce pollution and traffic
19 congestion, I think, probably countering all the
20 traffic congestion that we heard about from the
21 Office of Planning, because if people live near
22 their jobs, then they can walk to their jobs.

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1 Therefore, Inclusionary Zoning should
2 cover as many neighborhoods as possible as this
3 plan does. I support affordable housing in Ward
4 3 and Glover Park because I want the teachers and
5 parents who attend our elementary school to have
6 the ability and choice of living nearby. This
7 will make our neighborhood and our school
8 stronger and contribute to the type of community
9 building to which we often pay only lip service
10 in the District.

11 I also support the Mapping Plan and
12 Inclusionary Zoning in my neighborhood because it
13 will ensure that we begin to work towards
14 deconcentrating poverty and breaking down the
15 ever widening gap between the haves and have nots
16 in the District. In sum, I thank the Commission
17 for your commitment to Inclusionary Zoning and
18 urge you to support the Office of Planning's
19 thoughtful Mapping Plan.

20 CHAIRPERSON MITTEN: Thank you.

21 MS. BERESIN: Thank you.

22 CHAIRPERSON MITTEN: Mr. Friedman,

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1 where was the Member of Congress from that you
2 worked for?

3 MR. FRIEDMAN: Mr. Van Hollen from
4 Montgomery County.

5 CHAIRPERSON MITTEN: Oh, okay. Great.
6 Yes, we heard a lot when we were doing the text
7 case to create Inclusionary Zoning from folks in
8 Montgomery County, so that's great. Thank you.
9 Questions for the panel? Any questions?

10 VICE CHAIR HOOD: Yes.

11 CHAIRPERSON MITTEN: Mr. Hood?

12 VICE CHAIR HOOD: I just wanted to ask
13 Ms. Isaacson. Well, I think I know what your
14 sign means. I have been reading. What does it
15 mean? Tell me what you're saying.

16 MS. ISAACSON: So we all have
17 different things.

18 VICE CHAIR HOOD: Yes.

19 MS. ISAACSON: The people who are
20 wearing the signs all live in northwest and these
21 are -- they are people that either are
22 descriptors of ourselves or people that we want

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1 to be able to live in our neighborhoods.

2 VICE CHAIR HOOD: Okay. Gotcha.
3 Thank you.

4 CHAIRPERSON MITTEN: Thank you all for
5 coming down tonight. Martin Thomas, Joann Adams,
6 Laura Kumin, Tad Baldwin. Mr. Thomas, why don't
7 you go ahead?

8 MR. THOMAS: Thank you very much.
9 Thank you, Commissioners. My name is Martin
10 Thomas. I'm the Political Director for the
11 Service Employees Union Local 32BJ for D.C. and
12 Maryland. We're a labor union representing in
13 the D.C. area about 8,000 members. Our members
14 are janitors and security officers. Our members
15 work cleaning/guarding buildings all over the
16 city. They make valuable contributions to the
17 city and we feel they deserve more opportunities
18 to live here in the city that they help service.

19 When we negotiate new contracts, we're
20 often successful in raising wages, but not nearly
21 at a rate that would keep pace with the rising
22 cost of housing in the District. Commercial

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1 office janitors make an average salary of around
2 \$20,000 a year, even though some of them have
3 more than one job, very few of them can afford to
4 buy in the city and fewer and fewer of them now
5 can afford to rent in the city.

6 We support the concept of applying
7 Inclusionary Zoning in many neighborhoods. Our
8 members work sites are concentrated downtown, but
9 many of them also work in neighborhoods including
10 at the universities throughout the city. These
11 workers would benefit greatly from being able to
12 live in the neighborhoods where they work. It
13 would save them on travel time and expenses and
14 it would also help them to be part of the
15 community where they work.

16 We do share the concerns that some
17 residents have about the impacts of Inclusionary
18 Zoning on their neighborhoods, in particular,
19 increased traffic and incompatible building
20 scales for certain projects. However, we believe
21 that the Office of Planning has made a convincing
22 case that most of the time Inclusionary Zoning

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1 will have a minimal impact on the character of
2 the neighborhoods.

3 Likewise, affordable housing and
4 historic preservation are compatible goals and
5 Inclusionary Zoning should apply in Historic
6 Districts. We need more affordable housing and
7 more mixed income communities in the city and we
8 think that IZ is an important part of the larger
9 strategy to accomplish that. Thank you very much
10 for your time.

11 CHAIRPERSON MITTEN: Thank you, Mr.
12 Thomas. Ms. Adams?

13 GODDESS ADAMS: Yes. My name is
14 Goddess Joann L. Adams and I live at 1426
15 Saratoga Avenue, N.E., in Washington, D.C. I,
16 Goddess Joann L. Adams, as the highest guardian
17 official, and I am over the Constitutional Laws
18 and elected Government officials, my rulership is
19 mandatory. I do want everything I say in my
20 documents to be granted. All elected Government
21 officials care about is for me to live a great
22 life and live on my -- and never have no say in

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1 laws or decisions.

2 I am, first, not them. They use their
3 titles and authority to be a bully. So I am
4 leaving legal documents notarized to show my
5 authority over theirs and to show that the system
6 and the earth belongs to me, not them. I am
7 giving support for Inclusionary Zoning to be in
8 all neighborhoods that are non-historic or
9 historic for low- and moderate-incomes. When
10 developers build homes, all people can be
11 included in these homes who can and can't afford
12 market rent, whether it's seniors, disabled,
13 handicapped or homeless people who are in
14 shelters or the low- and moderate-income along
15 with the middle- and upper-incomes.

16 I would also like to see a lot of the
17 land used for the people who are in need for a
18 decent shelter to live in, because the others
19 aren't efficient. Owners and developers be aware
20 not to discriminate against people's source of
21 income, race and color, etcetera. Make sure that
22 their units are made equally the same as those

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1 who can't afford market rent. If you want to
2 discriminate, do it on a basis that they are
3 violating these rules and regulations, make sure
4 people are -- make sure people who are degrading
5 don't move in to vandalize.

6 Officials aren't providing the cost of
7 living for all incomes. Do not exclude for races
8 reasons that are unclean and unconstitutional. I
9 would like to have -- I would like for housing
10 authority to set aside 20 units, not five, for
11 the low- and moderate-incomes in every building
12 they put up. Developers have a sign up on 1300
13 Block of Rhode Island Avenue, N.E., to build new
14 urban living condos. No. That land I want for
15 my Council. Tell them they can't build condos
16 there.

17 I have announced this to Linda Crock
18 and all Council Members when I faxed it in
19 writing. For those who play mind games about me
20 being a god, Goddess stands for female god and
21 that's unconstitutional and everyone know who I
22 am. You live in my light. I am a law maker.

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1 CHAIRPERSON MITTEN: Thank you very
2 much. Ms. Kumin?

3 MS. KUMIN: Good evening. My name is
4 Laura Kumin. I have lived at my present address
5 3620 Kanawha Street, N.W., in the Chevy Chase
6 neighborhood in Ward 3 since 1983. I'm
7 testifying in support of the Office of Planning's
8 Map to the extent that it provides for mandatory
9 Inclusionary Zoning, particularly in my Ward 3
10 neighborhood.

11 In recent years, I watched the housing
12 market make many D.C. neighborhoods, including my
13 own, less diverse. Those with smaller incomes
14 are forced to move out or never get to move in as
15 rents, housing prices and property taxes soar.
16 It's not good for these people, not good for D.C.
17 and not for those of us who are lucky enough to
18 have moved in before the market took off.

19 All of us benefit from living in a
20 city with economically diverse neighborhoods. I
21 support the Map as a reasonable means to create
22 and preserve affordable housing throughout D.C.

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1 I live one and a half blocks east of Connecticut,
2 between Nebraska and Chevy Chase Circle. It's a
3 wonderful neighborhood where my husband and I
4 have raised our children, enjoyed the mix of
5 single and duplex homes, apartments, shops and
6 restaurants.

7 We treasure the vibrancy that comes
8 from having people of different cultures, income
9 levels and ages living nearby. We want those of
10 limited means to continue to live in this area,
11 whether they are seniors, working people or
12 children. One example of the diversity is the
13 east side of Connecticut at Chevy Chase Parkway.
14 On that corner's south side, there is a Sunrise
15 Assisted Living Facility with finely manicured
16 gardens and steep monthly charges for residents.

17 On the north side is Regency House, a
18 subsidized D.C. facility that houses mostly
19 seniors. When we walk to stores or take our dog
20 out, we greet residents of both facilities, all
21 seem happy to see us and we're glad to see all of
22 them. Our children went to Murch Elementary

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1 School. There they met children of media stars
2 and millionaires as well as children of parents
3 who live paycheck to paycheck. In class and
4 outside, everyone involved benefitted from the
5 mix and from the fact that it was the natural
6 result of students in a diverse neighborhood
7 going to the same school.

8 The Murch community is a microcosm of
9 what's best about our neighborhood. We delight
10 in that community still knowing that the lessons
11 learned by children from apartments and homes
12 around us are not just academic. Providing for
13 Inclusionary Zoning in our neighborhood is not
14 merely theoretical. There is a vacant lot on
15 Connecticut between Kanawha Street and Military
16 Road, one of the few vacant lots left in Chevy
17 Chase, D.C.

18 Like others in my neighborhood, I'm
19 concerned about what may be built there. I hope
20 that when and if a building goes up on that lot,
21 it will have units that are affordable to
22 teachers and other public employees as well as

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1 store clerks, waiters and others who work in our
2 neighborhood, but cannot afford the rents or
3 condo prices that now prevail.

4 New developments present opportunities
5 to serve the needs of the community as well as
6 those of the private market. I thank you and I
7 urge the Commission to adopt the Office of
8 Planning Map that provides for mandatory
9 Inclusionary Zoning along major corridors in
10 neighborhoods such as mine. Thank you.

11 CHAIRPERSON MITTEN: Thank you very
12 much. Mr. Baldwin, good to see you again, too.

13 MR. BALDWIN: Thank you. Good
14 evening, Madam Chairman and Commissioners. My
15 name is Tad Baldwin. I have resided at 3507
16 Morrison Street, N.W., for the past 35 years.
17 I'm testifying tonight on behalf of Ward 3
18 Vision. A growing group of over 200 Ward 3
19 residents who strongly support affordable
20 housing, including Inclusionary Zoning, and all
21 other key aspects of smart growth.

22 I also live in the Chevy Chase ANC-

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1 3/4G that has gone on record supporting the
2 Inclusionary Zoning law that the Zoning
3 Commission recently adopted. At least one
4 Wisconsin Avenue ANC has requested that the
5 avenue be exempted from the IZ Program. I think
6 this is an isolated and regressive response not
7 at all in line with the smart growth platforms of
8 all nine Ward 3 Council candidates who advocated
9 for Inclusionary Zoning and affordable housing in
10 general.

11 We may have absurdly high housing
12 prices in our ward, but there is genuine interest
13 in welcoming all income levels to our
14 communities. The IZ Program is one of the very
15 few ways this can be done. Despite the good
16 intentions of providing affordable housing in our
17 ward, as stated in 1984 Comprehensive Plan, no
18 new units of affordable housing have yet to be
19 created in the 35 years I have lived here.

20 Regency House, public housing for the
21 elderly, just mentioned is our only below market
22 rate development a meager number of new

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1 affordable units are finally nearing completion
2 as part of a new PUD at the Point in Friendship
3 Heights. There are several major elements of the
4 IZ Map that make great sense.

5 First, the fact that it is applied
6 equitably to all and specific zones over the
7 entire city simplifies the public and developer
8 understanding and it is imminently fair.
9 Secondly, the applicable areas are focused on
10 Metro Stations, transportation corridors and
11 multi-family and commercial/mixed use zones that
12 will not have negative impacts in nearby low
13 density residential neighborhoods.

14 It will be very hard for critical
15 systems to quantify having an extra story or
16 bonus and affordable units could possibly impact
17 the character of their neighborhoods. Since I
18 have been a member of the technical committee of
19 the campaign for mandatory Inclusionary Zoning in
20 D.C. for the past four years and work with a
21 similar program in Montgomery County for the past
22 30 years, I do have a few suggestions to

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1 strengthen the effectiveness of the program.

2 First, I would submit PUDs to the same
3 requirement as other developments. There will
4 still be opportunity in the community to seek
5 other benefits from developer in most cases. But
6 requiring these units to produce should be the
7 starting points, since few of the needs are as
8 great in the city as well-located affordable
9 housing.

10 Secondly, I reconsider the exclusion
11 to Downtown District. It has been our
12 understanding of OP research that residential
13 units have lower ceiling heights, so developing
14 residential rather than office space can provide
15 an extra floor for bonus and affordable units.
16 And there will be redevelopment over the next 100
17 years in this largely developed area. Mixing
18 residential uses with office and retail has
19 finally gained acceptance in D.C. and affordable
20 housing should be a welcome addition in this
21 prime location. Thank you very much.

22 CHAIRPERSON MITTEN: Thank you and

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1 we'll read the rest of your statement. Questions
2 for the panel? Any questions? Mr. Hood?

3 VICE CHAIR HOOD: Mr. Baldwin, seeing
4 your testimony, you mentioned reconsidering
5 exclusion of the Downtown District. Would you
6 also make a recommendation to reconsider R-1 and
7 R-2 or at least R-2, from what you heard in
8 discussion previously?

9 MR. BALDWIN: Well, I would suggest R-
10 2 down the road perhaps. I think that also in
11 looking at the R-1 situation, as far as my mind,
12 it's probably a political issue. There is enough
13 struggles and there have been enough struggles
14 getting this far in Inclusionary Zoning. And if
15 every single-family homeowner would come in here
16 and raise hell, even though in Montgomery County
17 it does apply to those zones.

18 VICE CHAIR HOOD: Okay. All right.
19 I believe when you have it, you have to do it
20 all. Okay. But you are right. We've got it to
21 this point.

22 CHAIRPERSON MITTEN: Anyone else have

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1 any questions? Thank you all for coming down and
2 testifying this evening. Next, we have Cheryl
3 Cort, Washington Regional Network, Howard White,
4 Chris Zeilinger, Abra Pollock. And I apologize
5 for any mispronunciations. Since I only know one
6 person on the panel, we're going to start with
7 Ms. Cort and work our way down this way.

8 MS. CORT: Okay.

9 CHAIRPERSON MITTEN: So, please, go
10 ahead.

11 MS. CORT: Good evening. My name is
12 Cheryl Cort. I'm the Executive Director of the
13 Washington Regional Network for Livable
14 Communities. We are a nonprofit, essentially,
15 promoting smart growth for urban communities and
16 I'm also a member of the Campaign for Mandatory
17 Inclusionary Zoning, which is a diverse coalition
18 of local labor unions, affordable housing
19 advocates, social service providers, civic
20 associations and faith-based groups seeking to
21 meet the housing needs of working families.

22 This is our third year working on

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1 seeing through a mandatory Inclusionary Zoning
2 Program for the District of Columbia and I'll be
3 speaking on behalf of the campaign, which was the
4 original petitioner to the Zoning Commission
5 along with my own organization. With housing
6 costs at all time high and wages for low- and
7 moderate-income workers stagnating in the
8 Washington, D.C. area, D.C. residents are finding
9 it increasingly difficult to find housing options
10 within their budgets.

11 This is why it's essential that we
12 work with this policy to have it be effectively,
13 equitably and simply applied as extensively as
14 possible throughout the city. If mapped
15 appropriately, Inclusionary Zoning has the
16 potential to create approaching 200 new units of
17 affordable housing each year. This makes
18 Inclusionary Zoning the second most productive
19 local housing program after the Housing
20 Production Trust Fund.

21 We would like to commend the Office of
22 Planning for its straightforward approach to

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1 apply Inclusionary Zoning to certain zones and
2 areas in the District. It's approach effectively
3 maximizes the potential to generate affordable
4 units, also in applying to the widest possible
5 area, it is equitable and enabling most
6 neighborhoods and nearly every developer to have
7 the opportunity to contribute to affordable homes
8 for working families.

9 These contributions are balanced
10 because Office of Planning's analysis shows how
11 most neighborhoods can accommodate these changes
12 with only minimal changes to neighborhood form,
13 while at the same time developers are fairly
14 compensated. Finally, the Map is simply applied
15 through zone districts allowing for predictable
16 streamlined implementation, administration,
17 monitoring and enforcement.

18 The campaign and WRN would like to
19 make three suggestions for improving the Map.
20 First, include the Downtown Development District,
21 but delay implementation for three years. Our
22 initial text amendment called for the application

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1 to developments in the Downtown Development
2 District with this provision that we delay
3 implementation in order to allow time for the
4 land prices to adjust to that.

5 We recognize the constraints of the
6 Congressional Height Limits and the constraints
7 of densities in Downtown Development District,
8 but we believe it is important to provide these
9 sorts of housing opportunities in as many
10 neighborhoods as possible, especially those with
11 high concentrations of low and moderate wage jobs
12 with excellent transit access.

13 Second, we ask that Planned Unit
14 Developments are included. There has been some
15 discussion about whether or not they should be
16 included and we just want to emphasize the need
17 to include Planned Unit Development as a part of
18 this policy. Exemptions of PUDs could
19 significantly undermine the goals of the
20 Inclusionary Zoning Program, particularly in
21 terms of how many affordable units could be
22 produced.

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1 And also, Planned Unit Developments
2 are more commonly proposed near Metro Stations
3 and other high growth areas. These are the areas
4 we expect IZ to apply and are critical to linking
5 low- and moderate-income residents to job
6 opportunities and good access to public transit.
7 We're also concerned that PUDs might be a way for
8 developers to avoid providing these affordable
9 units and also to avoid fulfilling the standards
10 that would be set by an Inclusionary Zoning
11 Program.

12 For instance, PUDs that are providing
13 some affordable units might have significantly
14 shorter control periods, as short as 10 years,
15 far shorter than what the Zoning Commission has
16 ruled to provide for a 99 year period. We
17 respect the desire of the Zoning Commission to
18 ensure that the PUD process continues to secure a
19 variety of community benefits, but we think that
20 it is definitely possible to provide for
21 appropriate levels of affordable housing and
22 other benefits to the community.

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1 Thirdly, we would suggest, as we had
2 submitted in previous testimony, that there be a
3 sliding scale for PUDs, so that developments that
4 receive significantly more than 20 percent
5 density bonus would be expected to provide more
6 than just the minimum requirement as if they had
7 received a 20 percent density bonus. That's sort
8 of the sum of my comments and I just want to
9 thank the Zoning Commission for your rulemaking
10 already in terms of the policy and we look
11 forward to implementing this. Thank you.

12 CHAIRPERSON MITTEN: Thank you, Ms.
13 Cort. Sir, go ahead.

14 MR. ZEILINGER: Thank you, Madam
15 Chairwoman and Members of the Commission. My
16 name is Chris Zeilinger and I'm speaking before
17 you today as President of Tapereth Israel
18 Congregation, the synagogue located at 7701 16th
19 Street, N.W., in the Shepherd Park neighborhood
20 of Washington, D.C.

21 Thank you for receiving testimony
22 today from public witnesses with regard to the

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1 areas the Office of Planning has recommended to
2 be included in the mandatory Inclusionary Zoning
3 category. My statement, which I will keep brief,
4 is to support the Planning Office's proposal.

5 Our congregation has been located in
6 the District of Columbia for our entire history
7 for which we are proud to be celebrating our 90th
8 year and we have been located in Shepherd Park
9 since 1956. Through the years, we have always
10 been committed to maintaining the diversity and
11 vitality of our own neighborhood and for all
12 neighborhoods in the District. In the 1960s, we
13 fought to preserve racial and economic diversity
14 in the District's neighborhoods and made a very
15 conscious commitment to remain in the District of
16 Columbia even as members of other congregations
17 moved to the suburbs.

18 Today a third of our congregation's
19 members live in the District. Many of them in or
20 adjacent to areas that would be designated for
21 Inclusionary Zoning. We are excited by that
22 prospect and urge your adoption of the proposed

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1 areas for mandatory Inclusionary Zoning.

2 Housing affordability is an issue of
3 concern to us. We are especially concerned about
4 soaring house costs in the District of Columbia
5 and the effects these costs are having on our own
6 congregants, our neighbors and our fellow
7 citizens of D.C. In the summer of 2005, I had
8 the pleasure and the privilege of appearing
9 before you in support of Inclusionary Zoning and
10 I applaud your actions following those public
11 hearings.

12 Since that time, we see that the
13 Office of Planning has analyzed the methodologies
14 for making Inclusionary Zoning a reality in the
15 District of Columbia. >From all appearances, the
16 proposed approach would facilitate a diversity of
17 housing opportunities throughout the District in
18 every ward and in almost every neighborhood in
19 ways that have minimal impact, that would allow
20 the private sector to do what it does best in
21 developing and producing our District's housing
22 infrastructure in ways that are sensitive to the

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1 transportation schools and support systems used
2 by low- and moderate-income households and in
3 ways that will preserve the character of the
4 District's many diverse and vibrant
5 neighborhoods.

6 Our congregation has maintained its 90
7 year history as a quite, but dedicated
8 institutional citizen of the District of
9 Columbia. As I mentioned a moment ago, many of
10 our members are themselves residents of the
11 District, many more, myself included would be
12 District residents if attractive, affordable
13 housing options had been in place.

14 In addition to being grounded in the
15 Shepherd Park neighborhood, we are active
16 adjuncts in the elementary schools in several
17 parts of the District, a part of the civil
18 services fabric downtown and are partners with
19 community-based coalitions in Shaw, in Brightwood
20 and other neighborhoods of the District.
21 Everywhere we look we see the need to protect the
22 affordability of housing for the area's low- and

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1 moderate-income families. That is why we have
2 supported the particular proposal that you are
3 considering to implement the concept of mandatory
4 Inclusionary Zoning.

5 Closer to our congregation's Shepherd
6 Park home, we are pleased to see the Georgia
7 Avenue corridor included in the proposed overlay
8 district. Our congregation long has been
9 concerned about the untapped potential of this
10 corridor to be a dynamic avenue of diverse
11 housing options and locally appropriate
12 commercial development. For as long as I can
13 remember, we have been parts of various
14 coalitions trying to promote the opportunities we
15 see on Georgia Avenue and we have been partners
16 with two community development corporations that
17 have tried to do their part to bring housing and
18 businesses to the avenue.

19 Those efforts have met with mixed
20 results in the past, but we see a great new
21 opportunity with the proposal for Inclusionary
22 Zoning. Yes, we have noted the Office of

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1 Planning's estimates and we know enough to
2 realize that Inclusionary Zoning itself is not a
3 panacea for all our housing affordability issues.
4 However, when we look at other cities and when we
5 look at the opportunities here in the District of
6 Columbia, we see that Inclusionary Zoning is just
7 the kind of catalyst that many neighborhoods,
8 such as that along Georgia Avenue, will find
9 helpful to achieve their greater potential.

10 In 1956, when our congregation moved
11 from Columbia Heights to its present home in
12 Shepherd Park, Georgia Avenue was lined with a
13 tremendous mixture of neighborhood-oriented
14 retail enterprises and surrounded by a multitude
15 of single- and multi-family housing in various
16 price ranges. Some of you may remember it was
17 the one time heart of our area's Jewish community
18 along with our friends and neighbors of every
19 ethnic background and arrivals from all over the
20 country and immigrants from other corners of the
21 globe.

22 It was a fun, satisfying and exciting

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1 place to live. Our desire is for the proposed
2 approach to Inclusionary Zoning be adopted, so
3 that this neighborhood and other parts of the
4 District can find this vibrancy anew. Thank you
5 for your consideration.

6 CHAIRPERSON MITTEN: Thank you very
7 much. You must be Mr. White.

8 MR. WHITE: Boy, and you even
9 pronounced my name right.

10 CHAIRPERSON MITTEN: How about that.
11 That was a tough one for me.

12 MR. WHITE: My name is Howard White.
13 I live at 7611 13th Street, N.W., which is in
14 Shepherd Park, Ward 4. I have lived in
15 Washington since 1959, except for a couple of
16 years away with the Army. In 1968, during the
17 campaign for the first elected D.C. School Board,
18 my wife and I campaigned door-to-door for a
19 candidate for the Ward 3 seat. He lost.

20 Our precinct was the area west of
21 Connecticut Avenue near California Street. It
22 was a fascinating neighborhood. High priced

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1 cooperative apartment buildings right next to
2 low-rent apartments. From Phillip Stern, I see
3 he's here, to new immigrants who did not speak or
4 understand English. The moderately priced
5 apartment we rented is now an expensive condo and
6 the rest of the neighborhood has made similar
7 changes.

8 This neighborhood was a wonder of
9 diversity. It was one of the things about the
10 District that made us determined to remain D.C.
11 residents. Shortly after that, we bought a house
12 in Shepherd Park, another diverse neighborhood.
13 At that time, thanks to Neighbors, Inc., it was
14 one of the few truly racially integrated
15 neighborhoods in America. Again, D.C. provided a
16 wonder of diversity.

17 Today, economics is working against
18 continuing this wonderful aspect of D.C. Local
19 housing is often, if not always, out of reach for
20 many people who would like to live in the city
21 and who I would love to have as neighbors. The
22 Commission through its support of Inclusionary

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1 Zoning has taken a major step towards diversity.
2 Now, I hope you will take the next step and
3 accept the D.C. Office of Planning's Map which
4 will imply Inclusionary Zoning equitably above --
5 about all over D.C.

6 We need more mixed income
7 neighborhoods in Washington. Inclusionary Zoning
8 can support that goal. Every area of D.C. will
9 gain from Inclusionary Zoning and every area
10 should be covered. I believe that as the upper
11 Georgia Avenue develops, Inclusionary Zoning will
12 bring new housing opportunities to my area for a
13 wide range of people. It will keep our
14 neighborhood a diverse and interesting community.

15 Thank you for the opportunity to
16 provide input in your decision making.

17 CHAIRPERSON MITTEN: Thank you, Mr.
18 White. Ms. Pollock? Would you mind shutting
19 your mike off? There you go. Thank you.

20 MS. POLLOCK: My name is Abra Pollock
21 and I live at 1610 16th Street, N.W., which is
22 Ward 2. Thank you very much for allowing me the

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1 opportunity to share my perspective on my
2 mandatory Inclusionary Zoning is a critical
3 policy that should be mapped extensively
4 throughout our city. I come to speak with you as
5 a D.C. resident who has witnessed firsthand the
6 turmoil that the lack of affordable housing in my
7 northwest neighborhood has caused in people's
8 lives.

9 In just the past six months, I have
10 seen at least 10 residents move out of my
11 building due to rent becoming less and less
12 affordable. My own roommate was pushed out of
13 living in the building in the neighborhood just
14 last month, because with the new rental increase,
15 she would have been paying, approximately, 75
16 percent of her income in rent.

17 Housing costs in my neighborhood have
18 left outside of what anyone who is a young
19 professional or even a young couple could
20 reasonably afford, even when these people are
21 working in vital jobs to support our city, such
22 as my neighbor who works for the D.C.

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1 Transportation.

2 I have also come to speak with you
3 tonight as someone who knows firsthand the value
4 of diversity. As a youth director who trains
5 high school students and teachers in anti-
6 discrimination workshops, I have witnessed the
7 fear, ignorance, resentment and prejudice that
8 isolation can produce in even the most well-
9 intentioned people.

10 This is true in instances where racial
11 and ethnic groups live isolated from one another,
12 but more often than not socioeconomic class plays
13 a role. Without meaningful and constructive
14 interactions with people from different economic
15 backgrounds, individuals may develop false
16 accusations and assumptions about the other. By
17 mapping this policy extensively throughout D.C.,
18 you have the ability to take a first step towards
19 integrating our city economically.

20 You have the power to demonstrate to
21 the residents of D.C. that we value all types of
22 diversity and that we recognize that our city

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1 will be better off, better informed and more
2 closely knit when people from different
3 backgrounds live as neighbors, including people
4 from different economic backgrounds. You may not
5 guess that many residents of northwest D.C. agree
6 with me, but they do.

7 Over the past few months while
8 canvassing for Inclusionary Zoning in the
9 Tenleytown, Van Ness and Cleveland Park
10 neighborhoods, among others, my fellow canvassers
11 and I collected over 400 postcards. Over 400
12 individuals from northwest are asking you, their
13 Zoning Commission, to enact this policy in their
14 neighborhoods. Allow me to read an excerpt from
15 one of the cards.

16 "Yes, in my backyard. Our community
17 needs mandatory Inclusionary Zoning. Rising
18 costs and new developments continue to displace
19 residents from their homes concentrating wealth
20 in some parts of the city and poverty in others.
21 Mandatory Inclusionary Zoning can help moderate-
22 income employees, such as teachers, nurses, fire

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1 fighters, service workers and many other working
2 families and individuals to continue living in
3 D.C. neighborhoods that they serve and support.

4 I believe there is great value and
5 opportunity in living in an economically and
6 culturally diverse community, therefore, I urge
7 the Zoning Commission to apply mandatory
8 Inclusionary Zoning in my neighborhood and widely
9 throughout the District of Columbia."

10 You don't just have my support, you
11 have the support of countless D.C. residents. I
12 urge you to work to ensure that this Inclusionary
13 Zoning policy covers as many neighborhoods as
14 possible and that the D.C. Office of Planning's
15 Map proposal is equitably applied all over the
16 city. And these postcards are for you. They are
17 addressed to you and they are yours.

18 CHAIRPERSON MITTEN: Okay. Thank you.
19 Just make sure Mrs. Schellin gets them.
20 Questions for the panel? Any questions? Mr.
21 White, you credit Neighbors, Inc. with creating a
22 racially diverse or racially integrated

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1 neighborhood. What does Neighbors, Inc. do?

2 MR. WHITE: Okay.

3 CHAIRPERSON MITTEN: I need you to
4 turn on the microphone and answer briefly, if you
5 would.

6 MR. WHITE: Neighbors, Inc., which
7 began before we moved there, but after Brown v.
8 Board of Education a lot of people wanted to move
9 out of the District, because guess who would be
10 in school with them. And what happened was
11 blockbusting began by real estate agents. They
12 would come to the white families and tell them,
13 you know, there is blacks buying that house next
14 to you to scare them out and to push the price
15 down.

16 Prices went down all over the
17 District. Many people were chased out of the
18 District, because they were afraid of what would
19 happen. In Neighbors, Inc. some of the people,
20 including one of our fellow members of TI, who
21 has since passed away, Marvin Kaplan, began an
22 organization called Neighbors, Inc. that worked

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1 at keeping the whites in the area and at
2 encouraging and allowing people to buy housing at
3 reasonable prices. Blacks continued to move in
4 until the neighborhood remained balanced.

5 Also, Neighbors, Inc., which was led
6 by both black and whites, meant we all got
7 together, we all talked, we all got to know one
8 another. We were in the same PTAs. We were in
9 the same anti-PTAs that tried to change the
10 school in other ways.

11 CHAIRPERSON MITTEN: Ain't it great?

12 MR. WHITE: No. Yes. And so that's
13 what Neighbors, Inc. did. And it was one of --
14 there were three or four in the country that
15 began this.

16 CHAIRPERSON MITTEN: I see.

17 MR. WHITE: Now, it's less of an
18 issue, but at that time it was very hard to find
19 any mixed neighborhoods.

20 CHAIRPERSON MITTEN: I understand.
21 Thank you. I just hadn't heard of them and so
22 I'm glad to know about their work. Thank you all

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1 for coming down tonight. Next, we have Jacob
2 Fain, I know I'm going to get this one wrong, Amy
3 Schussheim, Steve Sher, Norman Glasgow, Jr. Mr.
4 Fain, we'll start with you and we'll move our way
5 down the table.

6 MR. FAIN: Thank you very much. My
7 name is Jacob Fain. I live at 1623 Lanier Place,
8 N.W. My name is Jacob Fain and I'm a board
9 member of Jews United for Justice. I grew up
10 just outside the District in Silver Spring,
11 Maryland and I have lived her for the past four
12 years since graduating from college. Since
13 moving to D.C., I have lived in the U Street
14 area, Mount Pleasant, and now I'm a first time
15 property owner in Adams Morgan.

16 I work for an international anti-
17 poverty nonprofit and my wife just returned to
18 school to get a master's degree in education
19 after spending the last two years teaching at the
20 Cesar Chavez Public Charter School in northeast.
21 I support affordable housing in my neighborhood,
22 because I want people who work in the District to

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1 be able to live here. Inclusionary Zoning is a
2 critical step in this direction.

3 I believe that mandatory Inclusionary
4 Zoning should cover as many neighborhoods as
5 possible, including Historic Districts, because
6 Inclusionary Zoning results in more affordable
7 units while at the same time as we have seen this
8 evening preserving the character of
9 neighborhoods. The D.C. Office of Planning's Map
10 proposal is fairly applied all over the city.
11 The distribution of affordable housing means that
12 there will be a diversity of housing
13 opportunities throughout the city.

14 I want to continue living in the
15 District. However, without more mixed-income
16 communities, when my wife and I decide to start a
17 family, we're afraid we're not going to be able
18 to afford to stay. Our current one-bedroom condo
19 will not be big enough for children and given the
20 real estate market, we cannot afford a more
21 spacious place. Inclusionary Zoning is an
22 important part of a larger strategy to meet the

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1 affordable housing needs of people like me and
2 future District residents. Thank you very much.

3 CHAIRPERSON MITTEN: Thank you.
4 Ma'am?

5 MS. SCHUSSHEIM: My name is Amy
6 Schussheim. My family moved to Washington, D.C.
7 in 1961. My father was in the Housing Home
8 Finance Agency as a policy director which was the
9 predecessor to HUD and my mother was a field
10 representative for the District of Columbia, HUD,
11 so I sort of grew up with the housing issue. And
12 I'm a social worker.

13 I have lived 26 of my 51 years in the
14 District of Columbia. My daughter just graduated
15 last year from Woodrow Wilson High School and
16 we're happy to be benefitting from the D.C. Tag
17 Program. At my daughter's elementary school
18 there were, in Northwest Ward 3, 66 different
19 countries, nationalities represented by the
20 student body. At Woodrow Wilson there were even
21 more. And this diversity added to her
22 educational experience.

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1 As a social worker, and I have been a
2 social worker for the Federal Government in
3 Southeast Washington, Northeast Washington and
4 now Northwest Washington, I have worked with
5 other public employees who want to stay in
6 Washington, D.C. I have rented at my present
7 location since 1992 and I probably couldn't
8 afford, as a single parent, on a social worker's
9 salary to live in my current building if I were
10 to go in there today at the current rent.

11 I believe affordable housing is an
12 integral part of the -- making Washington a great
13 city to live and work in. As a social worker, I
14 work with many other public employees who want to
15 raise their families and work in the District.
16 My parents moved from Cleveland Park to Dupont
17 Circle in 1975 and we have watched with dismay
18 the shrinkage of affordable housing in the Dupont
19 Circle area.

20 I have lived in the UDC Van Ness area,
21 as I said, since 1992. I would like to support
22 Inclusionary Zoning so the District of Columbia

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1 maintains the diversity, the breadth of
2 experience, the commitment to the many, not just
3 a few, and to allow those of us who work in the
4 District, have raised our families here in the
5 District can continue to live here in the
6 District as a renter or as an owner.

7 The D.C. Office of Planning's Map
8 proposal shows that the distribution of
9 affordable housing provides an economic range of
10 opportunities throughout the city. Mixed-income
11 communities in D.C. will ensure a healthy balance
12 of residents that will benefit from each other.
13 My father's house in Dupont Circle is considered
14 in a Historic District and he also, although he
15 is not here, was in the army with Marvin Kaplan,
16 who was discussed before, supports Inclusionary
17 Zoning. Thank you.

18 CHAIRPERSON MITTEN: Thank you very
19 much. Mr. Glasgow?

20 MR. GLASGOW: Thank you. I'll be
21 taking the three minutes.

22 CHAIRPERSON MITTEN: Okay.

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1 MR. GLASGOW: Steve will take the 5.

2 CHAIRPERSON MITTEN: Oh, I was afraid
3 of that.

4 MR. GLASGOW: Okay. Thank you.
5 Generally, we support the IZ Mapping that's
6 proposed by the Office of Planning. We
7 understand the background and how it is that they
8 have come to a number of those conclusions and
9 some of the exemptions and we support those also.

10 We do oppose a couple of
11 considerations for the Zoning Commission in
12 moving forward with this. One is the production
13 of units efficiently. And I want you to think
14 briefly about the Level 2 Project at 14th and
15 Florida Avenue that we had. That was a Planned
16 Unit Development with the Sacoffa. In the new
17 high-rise construction, we are able to produce
18 six units at a cost of about a million dollars
19 and the amenities package.

20 At the Sacoffa which was about a
21 block, a half block away, we're doing 44 units
22 for a million dollars. So I think that the

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1 Commission needs to be thinking about, and the
2 Office of Planning, how is it that we most
3 efficiently produce the most units? Because
4 otherwise, if you don't have something like the
5 Sacoffa, then you have 12 units for \$2 million,
6 rather than 50 units for the same amount of
7 money.

8 So it's quite a difference when you're
9 doing a rehab of an existing building and we kept
10 existing -- the existing population in there,
11 which were even at a steeper subsidy than you
12 would have under the regulations that we have now
13 or that -- yes, that just recently went into
14 effect.

15 Secondly, with respect to the IZ, what
16 the Zoning Commission has presented in the
17 hearings to be part of a package that dealt with
18 housing, we were supposed to be part of an
19 overall package to address this issue. If you
20 read the legislation that's pending before the
21 City Council right now, you won't see any
22 benefits or subsidies for the provision of

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1 Inclusionary Zoning and affordable housing in the
2 development projects.

3 What it essentially is is most of it
4 that deals with what happens if someone sells a
5 unit that was affordable or rents a unit that was
6 supposed to be affordable and violates the
7 regulations and what all the penalties are. So
8 we're not seeing this basket of incentives that
9 we thought were going to be part of this overall
10 program. And we think that that could end up
11 being very problematic.

12 We have had steep increases in
13 construction costs. Those of you that deal with
14 that know that for the past two years we have
15 been at about 20 percent increase in construction
16 costs per year. And so somehow that has to be
17 made up in order to provide the IZ units. So we
18 would hope in your mapping deliberations we urge
19 you to assess whether there is a viable package
20 that addresses how these units are actually going
21 to be provided.

22 If the Zoning Commission and the City

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1 Council is counting on the private sector to
2 address this issue, I suggest it can only be done
3 with Government incentives and assistance. If
4 the incentives are appropriate and economically
5 viable, I have no doubt that developers that I
6 work with are pleased to provide the IZ units and
7 welcome the residents in their developments.
8 Thank you.

9 CHAIRPERSON MITTEN: Thank you. Mr.
10 Sher?

11 MR. SHER: Madam Chairman, Members of
12 the Commission. For the record, my name is
13 Steven E. Sher, the Director of Zoning and Land
14 Use Services with the Law Firm of Holland and
15 Knight. I would like to address a number of
16 points fairly quickly in my 4 minutes and 53
17 seconds.

18 With respect to Receiving Zones and
19 Downtown Development District properties, the
20 whole premise of the Inclusionary Zoning
21 regulations was that there needs to be a bonus to
22 offset the cost of providing the affordable

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1 housing. The Office of Planning and the
2 Commission itself correctly understood that in
3 the TDR Receiving Zones and in the DD Overlay
4 area itself, the maximum density is already
5 allowed as a matter-of-right, so there is no
6 opportunity to gain a bonus.

7 And, accordingly, we support the
8 proposed mapping which would exclude the
9 Receiving Zones and the Downtown Development
10 District properties. It's not exactly clear to
11 me why emphasis was placed on "as defined on the
12 effective date of these regulations," is the term
13 used in the OP report, but only as to the
14 Receiving Zones and not to anyplace else, just I
15 don't understand it. I just commend that to you
16 for some thought.

17 With respect to PUDs, I have two
18 issues. The OP report says, and I'm going to
19 quote it, that the Commission should "require
20 PUDs to reserve no less than the minimum number
21 of affordable units specified in Order No. 04-33,
22 the IZ Overlay, and that a PUD's total density

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1 bonus inclusive of any IZ bonus remain the same
2 as what is normally permitted a PUD in the sites
3 existing or a requested zone in its existing
4 zoning overlay."

5 I read that fast. It's in the report.
6 You can read it more slowly. I have read it
7 slowly any number of times trying to figure out
8 what does it mean. It seems to me that it's
9 beyond the scope of whatever notice for this
10 hearing, because you didn't propose any text
11 amendments of that sort. It also seems to be
12 contrary to the explicit discussion between the
13 Commission and OP when the Commission took final
14 action on the IZ text on May 18th.

15 In that discussion the Commission
16 specifically concluded that a PUD can seek
17 flexibility from the IZ requirements just like it
18 could request any other zoning flexibility as
19 part of a PUD, and that the normal IZ
20 requirements for that particular zone would be
21 the baseline against which that request for
22 flexibility would be judged, but not to preclude

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1 flexibility in its entirety.

2 And unless I'm reading that provision
3 wrong, it seems to be contrary to what you have
4 already discussed and decided. If I'm reading it
5 wrong, then it needs to be clarified because I
6 didn't understand it. So there you go.

7 The second part with respect to PUDs,
8 there are some zone districts where you do not
9 get any increase in FAR in a PUD. C-2-C, 6 FAR
10 is the matter-of-right, 6 FAR under PUD, but
11 under Inclusionary Zoning you get a 20 percent
12 density bonus so you're up to 7.2 FAR. But if I
13 read that language, it seems to say I can't get
14 any more than the 6 FAR I'm allowed maximum under
15 the PUD, but I still have to provide inclusionary
16 units and, somehow, that dichotomy needs to be
17 addressed.

18 C-3-A is another example. You get 4
19 FAR as a matter-of-right. A 20 percent bonus
20 takes you yo 4.8. PUD only gives you 4.5. So
21 you have lost ground. At the same time you have
22 to provide affordable units. SP-2, same

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1 situation. Some clarification of that I believe
2 is necessary.

3 With respect to the overlay zones, the
4 analysis in the OP report particularly with
5 respect to the CG, Capitol Gateway Overlay,
6 indicates that the density could be accommodated
7 given the height and the other things that are
8 provided, but it fails to take into account
9 properties which we allocate density through
10 combined-lot development.

11 So using combined-lot, you may have
12 more over here, says he pointing to the left,
13 less over here, says he pointing to the right,
14 particularly with some sites that are taking
15 density off the baseball stadium site and putting
16 them in other properties in the neighborhood. So
17 we would suggest that the applicability of IZ be
18 defined. That is to provide that sites which use
19 extra density through a combined-lot development
20 and have, therefore, gotten to the most they can
21 get, should not have an IZ requirement applied to
22 them.

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1 With respect to mixed use development,
2 we agree with and support OP's clarification of
3 how to apply the inclusionary requirements to
4 those projects. We think it makes sense. It is
5 what I thought would have happened, but it's good
6 to clarify it so it's explicit.

7 And with respect to items that OP
8 identified for additional study, they identified
9 a number of zones, but included among them were
10 C-2-C and SP-2. The IZ regulations adopted
11 increased lot occupancy for those zones, but
12 increasing lot occupancy to the level provided
13 doesn't help you because your building gets
14 fatter and your units can't get any bigger
15 because they get too far from windows and things
16 like that, suggesting that to look at increases
17 in height would be a much more satisfactory way
18 to get those units built in configurations that
19 are good rather than fat.

20 CHAIRPERSON MITTEN: So fat is not
21 good. Is that it?

22 MR. SHER: Generally not. You get

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1 more space in the units, but it's not good space.

2 CHAIRPERSON MITTEN: I understand.
3 I'm glad you did note that, and the Commission is
4 aware of the fact that there are certain
5 provisions in the OP report that would require a
6 text amendment and further advertising and we
7 would take those up at that time, but you did
8 make some good suggestions that I think we should
9 follow-up on in a subsequent hearing.

10 Any questions for the panel? Any
11 questions? Mr. Turnbull?

12 COMMISSIONER TURNBULL: I just had one
13 question for Mr. Glasgow, and I think I know the
14 answer, but maybe you could -- you had talked
15 about incentives, Government incentives, and
16 maybe you could just expand a bit more on what
17 you're looking at.

18 MR. GLASGOW: Well, yes. We were
19 looking for -- they have to be economic
20 incentives in some fashion because we thought
21 when we heard all the testimony before that this
22 was part of a tool and a package of goods to get

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1 the Inclusionary Zones produced.

2 We have looked at the legislation
3 before the Council. There are no economic
4 incentives there. So if there are no economic
5 incentives anywhere, at least the numbers that we
6 had provided to this Commission and elsewhere,
7 there needs to be a subsidy to provide the
8 Inclusionary Zoning units and we're not seeing
9 it. Yes.

10 CHAIRPERSON MITTEN: Okay. Anyone
11 else? All right. Thank you very much. Next up
12 we will have Audrey Ray, Rick Powell, Wesley
13 Wallsman and Tom Quinn. Okay. I don't see Ms.
14 Ray. Darya Mattes? I apologize. I probably
15 said that wrong, at least one of your names
16 wrong. Farah Fosse? Okay. Because of your
17 button, I'm going to assume you're Mr. Powell.

18 MR. POWELL: Yes, ma'am.

19 CHAIRPERSON MITTEN: Okay. Why don't
20 we start with Mr. Powell and then we'll work our
21 way down the table.

22 MR. POWELL: Thank you, Madam Chair.

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1 I am appearing on behalf of Josh Williams, the
2 President of the Metropolitan Washington Council,
3 AFL-CIO, but on a personal note I live in the
4 District of Columbia in the Deanwood area which
5 is designated --

6 CHAIRPERSON MITTEN: Would you mind
7 stating your name for the record just to start?

8 MR. POWELL: My name is Rick Powell.

9 CHAIRPERSON MITTEN: Thank you.

10 MR. POWELL: I am the political and
11 legislative coordinator for the Metropolitan
12 Washington Council. I live at 1013 48th Place,
13 N.E., in the Deanwood area, which was designated
14 a few years ago as an historic area and the house
15 I live in my grandfather built in 1936. My
16 family moved here from Mitchellville in 1900. So
17 my family has lived here for 106 years. We have
18 seen a lot of the city change over the time.

19 I'm going to be very brief and I'm
20 going to have to resubmit my testimony. There
21 are some typos there that I kind of missed. Let
22 me just get right to the point.

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1 Some years ago ACORN originally came
2 forth with the mandatory Inclusionary Zoning
3 proposal and they did that and a number of
4 organizations, including the Metropolitan
5 Council, Jews United for Justice and a number of
6 other organizations including the Housing
7 Alliance saw this as an opportunity to stop a
8 pattern in the city where the people who live
9 here and who have lived here for generations, who
10 work here in the Government, both the Federal
11 Government and District Government, who work in
12 the hospitals, work in the hotels could no longer
13 afford to live here.

14 You know, we commend the Commission
15 for adopting mandatory Inclusionary Zoning and we
16 think it's a good first step. It's not going to
17 hold back the floodgates of what is happening in
18 our city, but it is a recognition on the part of
19 the Government that there is a problem and there
20 is an attempt to try to address it.

21 Let me also say that there are, you
22 know, thousands of working people who are

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1 considered lower- income or moderate-income which
2 we would like to refer to as the working middle
3 class who, if they had the opportunity to live in
4 the District of Columbia, would live here.

5 They do not live here because they
6 can't afford to live here and we would hope that
7 when the Commission reviews the maps for where
8 Inclusionary Zoning should be required, that it
9 does not exclude any section of the city, that
10 Inclusionary Zoning should be implemented
11 wherever it is feasible including Historic
12 Districts, including the downtown central area
13 and no neighborhood of our city should be left
14 out.

15 If we're really serious about
16 diversity in the nation's capital, then we can no
17 longer have policies that allow for a racially
18 and economically divided city and although there
19 are neighborhoods that are integrated, we
20 essentially live in a segregated city. The
21 majority of African-Americans live in one part of
22 the city and the majority of whites live in

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1 another part of the city.

2 And if we're really serious, and I
3 think this Commission is, I think this is a good
4 first step to begin the process that will allow
5 the District of Columbia, like Montgomery County,
6 to become a model for the country. Thank you.

7 CHAIRPERSON MITTEN: Thank you very
8 much.

9 MS. MATTES: My name is Darya Mattes.
10 I live at 122 S Street, N.W., which is just
11 outside the Shaw neighborhood, actually in the
12 Bloomingdale neighborhood in Washington, D.C.
13 Over the past three years I have also lived in
14 Georgetown and Columbia Heights and I have worked
15 in Dupont Circle and Anacostia.

16 Even during the short time I have
17 lived in the District, I have observed
18 neighborhoods changing and seen how low- and
19 middle-income people have an increasingly
20 difficult time finding and maintaining housing in
21 convenient, accessible areas of the city. I am
22 opposed to the increasing economic segregation in

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1 this city and I strongly support Inclusionary
2 Zoning for that reason.

3 I believe that affordable housing is
4 most valuable if it is integrated throughout a
5 variety of neighborhoods. It's important that
6 low- and middle- income families are able to live
7 in the District, but even more than that it's
8 essential that they have the ability to live in
9 neighborhoods with high quality schools and
10 libraries, access to jobs, public transportation
11 and community resources.

12 Last year when I worked in mostly
13 lower- income Anacostia, the public library there
14 was closed indefinitely for renovation.
15 Currently where I now live in Shaw, our library
16 is also closed indefinitely, but when I lived in
17 Georgetown our neighborhood library was well-
18 stocked, well-maintained and open in the evenings
19 and on weekends.

20 Segregating the city based on income
21 will only intensify inequalities like this one.
22 Inclusionary Zoning should apply throughout the

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1 District so that as many people as possible,
2 irrespective of income level, have access to the
3 basic services that many people take for granted.

4 Both Columbia Heights where I lived
5 last year and Shaw where I currently live are
6 neighborhoods in transition. New building and
7 development in both areas have pushed housing
8 prices up forcing longtime residents to move to
9 less desirable parts of D.C. or out of the
10 District entirely. Last year the neighbors who
11 lived in the house to the left of mine were
12 recent immigrants from Latin America while the
13 neighbors to my right were an African-American
14 family who had lived in the District for decades.

15 Similarly, this year my street is a
16 mix of longtime District residents and recent
17 arrivals. I appreciate being able to live in
18 places like these where economically and
19 ethnically diverse groups can live together and
20 ideally learn from one another. If housing costs
21 continue to rise, however, neighborhoods like
22 Columbia Heights and Shaw will change. The

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1 middle-income people who live there now will be
2 forced into the suburbs and the neighborhoods
3 will become increasingly economically segregated
4 and homogenous.

5 D.C. needs a strong, effective
6 Inclusionary Zoning policy that will prevent this
7 from happening, allowing the people who have
8 lived and worked in the District for decades to
9 remain in their homes and in their neighborhoods.
10 Thank you for your consideration.

11 CHAIRPERSON MITTEN: Thank you. Ms.
12 Fosse, Fosse?

13 MS. FOSSE: Hi. Good evening. Yes,
14 my name is Farah Fosse and I am a D.C. resident.
15 I live at 1058 Quebec Place, N.W., in Ward 4 and
16 I also work as the Director of the Affordable
17 Housing Preservation Program at the Latino
18 Economic Development Corporation.

19 LEDC is a nonprofit which was founded
20 in 1991 and our mission is to improve the wealth-
21 building capacity of low- and moderate-income
22 Latinos and other under-served communities in the

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1 D.C. area. We do this through four things,
2 increasing the number and strength of small
3 business, increasing homeownership, preserving
4 affordable housing and preventing tenant
5 displacement and targeting all of our services to
6 revitalize the economies and the appearance of
7 the neighborhoods where our population lives and
8 works.

9 As a D.C. resident, I strongly support
10 a Inclusionary Zoning Program that is applied
11 equitably across all of the D.C.'s neighborhoods.
12 I believe that the map which is proposed by the
13 Office of Planning meets this objective.

14 In my neighborhood, in Petworth, we
15 have a large amount of new developments being
16 built now, particularly along Georgia Avenue and
17 the Metro corridor and there are many more
18 developments currently in the planning stages, I
19 believe, and I hope that these buildings will
20 include units affordable to the majority of the
21 renters who are currently living in the
22 neighborhood, people like myself who are making

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1 below 80 percent and 50 percent of the area
2 median income.

3 I welcome the new housing
4 opportunities which Inclusionary Zoning might
5 bring to my neighborhood. On behalf of the
6 Latino Economic Development Corporation, I also
7 strongly support Inclusionary Zoning and urge
8 that it be applied across the entire city so that
9 it will create the most units possible.

10 Directly preceding this hearing, one
11 of LEDC's clients in our Home Purchase Program
12 voiced her support of IZ in a press conference.
13 Her name is Lucia Lara and she is a 12 year
14 resident of D.C. She lives in Columbia Heights
15 and she has been looking to purchase a home here
16 in D.C. for four years. She has been part of our
17 program.

18 She would have liked to stay to offer
19 testimony tonight in support of a broadly applied
20 IZ Program, but she had to leave to attend an
21 information session at the Urban League and that
22 was so that she could enter a raffle for one of

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1 eight homes which are being sold at below market
2 rates to low- and moderate- income families.
3 It's a program sort of like IZ, except it was a
4 voluntary program.

5 If Lucia had been able to testify, she
6 would have been able to truly express why this
7 map is so important. Each area that is covered
8 means more units that will be available to low-
9 and moderate- income people. Maybe a few more
10 units doesn't seem like a big deal. I imagine
11 people will testify to the effect that it won't
12 make much of a difference if Historic Zones or
13 even other neighborhoods are exempt from
14 mandatory Inclusionary Zoning, but to the
15 residents who are in search of homes it is a big
16 deal.

17 Currently, LEDC is working with over
18 125 low- and moderate-income families who are
19 looking to purchase. I believe that they, along
20 with everybody who is packed into the Urban
21 League Office tonight are hoping to be one of
22 those lucky eight families to win the opportunity

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1 to purchase an affordable home, would tell us
2 that every unit counts.

3 I don't expect IZ to solve D.C.'s
4 affordable housing crisis, but I do think it's a
5 very important tool to not only provide more
6 quality affordable homes, but also to forward our
7 common goal of creating an inclusive city, one
8 with mixed-income neighborhoods and mixed-income
9 buildings and more housing opportunities all
10 around.

11 Again, I strongly urge you to approve
12 the Office of Planning Map with the modifications
13 that are being suggested by the Campaign for
14 Inclusionary Zoning and, thereby, an IZ Program
15 that is applied equitably across the entire city
16 and in as many neighborhoods as possible.
17 Thanks.

18 CHAIRPERSON MITTEN: Thank you. Mr.
19 Quinn?

20 MR. QUINN: Good evening. My name is
21 Tom Quinn. I am a 13 year resident of the
22 District, the last four years in Friendship

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1 Heights just off of Wisconsin Avenue, and prior
2 to that I was a resident of Mount Pleasant and
3 Columbia Heights. I am also a member of Ward 3
4 Vision, which is a growing community group
5 advocating for smart growth principles, transit-
6 oriented development and affordable housing in
7 upper northwest.

8 I am speaking today to urge the Zoning
9 Commission to pass Inclusionary Zoning in the
10 District of Columbia and to specifically request
11 that the Inclusionary Zoning laws apply to the
12 entire city. A small group of vocal, but narrow
13 minded, community activists in my neighborhood
14 has requested through my local ANC that the
15 Wisconsin Avenue corridor be exempt from any
16 proposed Inclusionary Zoning laws passed in the
17 city.

18 However, this is not a position
19 supported by myself and many others in the
20 community and, in fact, most members of the
21 community are completely unaware that their local
22 representatives even took a position on this

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1 important issue as it was not posted on the
2 advanced agenda for the particular meeting where
3 the resolution was considered.

4 It is only fair that upper northwest
5 fairly shoulder the burden of providing badly
6 needed affordable housing units in the District
7 that won't be as economically feasible in parts
8 of the city where new housing projects don't
9 generate as much excess revenue which can be used
10 to subsidize affordable units without a publicly
11 funded subsidy.

12 Since residents of Ward 3 already pay
13 a disproportionate share of the city's taxes,
14 this is an opportunity for our community to
15 contribute to more a vibrant and diverse
16 neighborhood and city without requiring
17 additional taxes. In particular, we need to
18 provide workforce housing in upper northwest so
19 our civil servants can live in the neighborhoods
20 and city they serve.

21 Considering that these new
22 developments would largely be situated near

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1 existing transit lines in our neighborhood, they
2 could have the added benefit of removing
3 additional cars from our crowded roadways while
4 increasing transit use and walking. Thank you
5 for your time and efforts on behalf of our
6 neighborhoods and our city.

7 CHAIRPERSON MITTEN: Thank you.
8 Questions for the panel? Any questions? Mr.
9 Hood?

10 VICE CHAIR HOOD: Yes, I wanted to ask
11 Mr. Powell. I don't know if you heard the
12 discussion about including the R-2 Zone and I'm
13 just trying to get different perspectives. You
14 said if we're going to do something, let's get
15 serious.

16 Would you advocate, as you heard the
17 Office of Planning mention if you were present,
18 would you advocate maybe an amendment to include
19 maybe, for example, the R-2 Zone?

20 MR. POWELL: I would have --

21 VICE CHAIR HOOD: You might want to
22 turn on your mike, if it's feasible and workable.

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1 MR. POWELL: I would have to take --
2 I couldn't just state it from here. I would have
3 to take a look at it. If it makes sense, I think
4 the Commission should take a look at it, but I
5 would have to take a closer look at it before I
6 could really comment on behalf of the Council.

7 VICE CHAIR HOOD: Okay. Okay. All
8 right. Thank you.

9 CHAIRPERSON MITTEN: Anyone else?
10 Thank you all for your testimony. Rebecca
11 Zimmerman, William Scurry, Janet Brown. Ms.
12 Zimmerman, why don't you go first and we'll work
13 our way down the table.

14 MS. ZIMMERMAN: Good evening. Thank
15 you for allowing me to speak about this proposal.
16 My name is Rebecca Zimmerman. I live in 3003 Van
17 Ness Street, N.W., Apartment W1012 in Washington,
18 D.C. Currently, I work at the Washington, D.C.
19 Jewish Community Center in Theater J and I am
20 also a member of Jews United for Justice.

21 I would like to express my support for
22 creating affordable housing opportunities in my

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1 neighborhood and in the District of Columbia. I
2 believe that a program that is both widely and
3 generously mapped is the common sense way to do
4 it. As someone who works in the nonprofit sector
5 and who is involved in local synagogue, I think
6 this proposal would help sustain a viable urban
7 community without a huge cost to the local
8 Government or developers.

9 As a recently married couple, my
10 husband and I are considering purchasing a home
11 in the near future and we currently rent in the
12 Van Ness neighborhood. I am fortunate my husband
13 makes an income level that would allow us to look
14 at homes in the District, but if we were both
15 making my salary we would have more difficulty
16 pursuing our dream.

17 I came to D.C. after graduating from
18 Columbia University with a specific desire to
19 work in the nonprofit sector because I felt my
20 passions lay in giving back to the community. I
21 work as marketing director at Theater J which is
22 located on 16th and Q near the quickly developing

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1 14th Street area.

2 I keep many tangible/intangible awards
3 for my work in this arts organization and in the
4 others I have worked in, but I have often noticed
5 that nonprofit salaries do not keep up with the
6 District's high cost of living and soaring
7 housing prices. Many places like 14th Street have
8 become very bustling regions of commerce with new
9 apartments, but how many of these are affordable
10 for people making \$30,000 a year?

11 I think it's wonderful that so many
12 intelligent and idealistic individuals make their
13 way to the District to work in the regions, many
14 local nonprofit and national nonprofit
15 organizations, but I think it's a shame that
16 there are fewer and fewer options for these
17 individuals wanting to make a home in the
18 District. The District should help these
19 individuals and others who are giving back to the
20 community by enabling them to live where they
21 work. Otherwise, we risk losing them and the
22 diversity and energy that we bring.

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1 My husband and I are active members of
2 a flourishing synagogue on 16th Street and Jonquil
3 right across from Tifereth Israel called Ohev
4 Shalom. Since we started attending there two
5 years ago, the membership has exploded due to the
6 tireless efforts of our charismatic rabbi.
7 However, one of the major obstacles to our future
8 growth is the dearth of affordable housing in
9 Shepherd's Park neighborhood.

10 I think an Inclusionary Zoning Program
11 equitably applied throughout the city would be an
12 important way to ensure the survival of this
13 Jewish community, a community that has meant so
14 much to people like me and my husband, and other
15 communities in D.C. Inclusionary Zoning is an
16 important means for meeting the high demand for
17 affordable housing for District residents and
18 ensuring that we can all enjoy the benefits of
19 living in an urban environment.

20 The program should cover as many
21 neighborhoods as possible to ensure it is
22 equitable and effective. If we do not take

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1 measures to create these opportunities for hard
2 working people who provide many needed services
3 not only do they lose out, but so do we. Thank
4 you.

5 CHAIRPERSON MITTEN: Thank you. Ms.
6 Brown, good to see you.

7 MS. BROWN: Nice to be here. I am
8 Janet Brown. I live at 1746 Q Street, N.W., in
9 the Dupont Circle area, and my husband and I and
10 our family have lived here for 49 years. I am
11 speaking this evening as a resident of Dupont
12 Circle and as a leader in the Affordable Housing
13 Alliance.

14 I came to the Campaign for
15 Inclusionary Zoning at the very beginning and I
16 came to it because I was an advocate for
17 affordable housing and seeking to employ every
18 resource that we could find in the city and
19 involve every sector in helping to meet the
20 housing crisis. I have worked with two ANCs in
21 our neighborhood, the Logan Circle ANC and the
22 Dupont Circle ANC, both of whom have endorsed the

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1 concept of mandatory Inclusionary Zoning.

2 And, yes, Mr. Hood, as speaking for
3 the Affordable Housing Alliance, I think we could
4 very well support the inclusion of R-2 housing.
5 It seems to me if we could get more affordable
6 units out of it by perhaps reducing the lot size
7 by a small margin that it would be well worth
8 doing.

9 I have also followed in the last
10 couple of years the work of the Comprehensive
11 Housing Strategy Task Force and the inclusion of
12 its recommendations into the Comprehensive Plan
13 revisions, and I am working with the Council now
14 to implement the ambitious and expensive
15 recommendations of the Comprehensive Housing
16 Strategy Task Force to meet the housing crisis in
17 D.C. by constructing 19,000 additional affordable
18 units to the housing stock over the next 15
19 years.

20 These recommendations add up to a very
21 expensive package and one of the great
22 attractions of Inclusionary Zoning is that it can

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1 create additional units of affordable housing
2 without additional tax burden on the city,
3 whereas many of the other proposals that we have
4 been promoting cannot do that. IZ is for us a
5 way of involving the private development sector
6 just as we hope to involve everyone else in
7 solving what we think is the ongoing toughest
8 problem in the city.

9 We affordable housing advocates are
10 well pleased. We're very grateful for the work
11 that you have done as Commissioners over the last
12 two years. We're pleased with the mapping
13 exercise, think the DCOP did an excellent job.
14 We have some additional requests, but I want to
15 ask first, last and always that you make no
16 exceptions to the mapping exercise. Every
17 exception you make means fewer affordable housing
18 units in a city that needs every single one of
19 them. Thank you.

20 CHAIRPERSON MITTEN: Thank you. Mr.
21 Scurry?

22 MR. SCURRY: Good evening.

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1 CHAIRPERSON MITTEN: I need -- there
2 you go, yes.

3 MR. SCURRY: All right. Good evening.
4 I am William Scurry. I am a six year resident in
5 Washington, D.C. I came to D.C. as a graduate
6 student at George Washington University and as my
7 priority toward homeownership changed while in
8 graduate school, so did my interest in different
9 quadrants. In recognizing that, I came to
10 quickly realize the disparity in income levels in
11 the different quadrants.

12 Not knowing what my financial position
13 would be once I finished graduate school, I had
14 to take a look at all four quadrants and recently
15 I purchased -- about two years ago I purchased a
16 condo in Ward 7 in northeast and since being in
17 there, I have realized quite a bit of
18 appreciation in the value of my property and I
19 welcome that increase.

20 However, I also value the preservation
21 of community and, more specifically, the
22 preservation of a diverse community not just

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1 diversity in economic. I'm sorry, not just
2 diversity in the ethnic and racial makeup, but
3 also diversity in the socioeconomic makeup. I
4 believe the Inclusionary Zoning enables this
5 dynamic making sure that mixed-income properties
6 are developed and spread appropriately throughout
7 the city.

8 Fortunate or unfortunate, depending on
9 how you look at it, I would probably not qualify
10 to take advantage of Inclusionary Zoning, what
11 Inclusionary Zoning encourages, because of my
12 current income level, because I would probably
13 exceed the limit at this point. Therefore, I am
14 not sitting here before you today because I think
15 that I would be able to receive a benefit from
16 it, but I am here because I think our community,
17 and in particular Ward 7, needs it.

18 If property in Ward 7 continues the
19 trend in the direction it is currently headed,
20 and most indicators said that it will, whether at
21 the same rate or at a different rate, there is
22 going to be a time where the people that have

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1 built Ward 7 community and made it what it is
2 today will end up being priced out of the
3 neighborhood.

4 And let there be no misunderstanding.
5 I want my property to continue to rise in value.
6 However, it's not fair to those that live around
7 me and that are hardworking citizens not to have
8 a choice to work and to live in the community
9 that they choose. Inclusionary Zoning is an
10 important part of a larger strategy to meet the
11 need for affordable housing for the future and
12 current residents.

13 In my opinion, the 8 to 10 percent set
14 aside for development of 10 units or more is a
15 reasonable allowance. Inclusionary Zoning
16 encourages less displacement and greater
17 diversity and, therefore, I am in favor of the
18 program being a part of the District of Columbia
19 and, specifically, where I live in Ward 7. Thank
20 you.

21 CHAIRPERSON MITTEN: Thank you very
22 much. Questions for the panel? Any questions?

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1 Thank you all for your testimony. Is there
2 anyone else who I didn't call that would like to
3 testify in support?

4 Okay. Then we're ready to move to
5 folks in opposition, David Frankel, Ann Hargrove,
6 Marilyn Simon, Jeffrey Gelman. Why don't we
7 start with Ms. Hargrove and then we'll work our
8 way down the table.

9 MS. HARGROVE: My name is Ann Hargrove
10 representing the Kalorama Citizens Association
11 and I have been authorized to speak on only one
12 issue tonight. I regret that people are facing
13 the terrible problems of losing their homes or
14 feeling that they have to leave because of high
15 taxes, but we still feel that there are certain
16 problems with this proposal, although you have
17 already enacted it, essentially.

18 Our organization has expressed grave
19 concerns that the approach taken with IZ and its
20 bonuses may adversely affect the row house
21 character of this neighborhood and other similar
22 inner city neighborhoods that predominate in row

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1 houses. It is the predominant residential land
2 use feature in the District representing
3 thousands of buildings.

4 In the smallish territory of Adams
5 Morgan alone, our estimates are that there are,
6 approximately, 1,300 buildings of which 1,000 are
7 purposefully built row houses. That is 77
8 percent of the total and they are all zoned
9 either R-5-B or R-5-D. The remainder are
10 schools, churches, buildings built as apartment
11 houses and a few buildings originally built as
12 commercial buildings. We will supply additional
13 data on Historic District breakouts at the next
14 hearing. There is little vacant land.

15 The fundamental problem starts with
16 planning by zoning rather than by land use,
17 especially as to the R-5 Zoning categories. This
18 is the first overlay the city has ever approved
19 that lacks qualifying characteristics related not
20 only to the zoning involved, but also to certain
21 relevant characteristics of the underlying area.
22 This departure, it seems to us, can readily put

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1 us in a position of simply abandoning any
2 assurance of achieving desired outcomes on the
3 ground.

4 One needs to know what is on the
5 ground in order to justify applying any zoning
6 requirement to it. To skip the step of
7 determining what is on the ground and relying
8 only on a zoning category is to be flying blind.
9 It's not a rational way to make decisions
10 affecting large areas of our city. The relevant
11 studies, including real impact studies, have yet
12 to be produced and that is regrettable.

13 The Comprehensive Plan map, both the
14 present one and the revised one, show most of
15 these inner city row house areas with moderate
16 density designation. As a start you should
17 review the map work done by the long range
18 planning staff on the relationship of the
19 existing zoning to its land use. I suspect that
20 little exercise had not been done.

21 For years there have been proposals to
22 bring changed zoning to change the R-5 Zone in

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1 such a way that it will not be allowed to have
2 all the varying possibilities that are available
3 to it right now. Even very dense New York City
4 has enough zoning categories to provide
5 protection for the row house areas not only in
6 its outer boroughs, but also many of Manhattan's
7 side streets on both the east, west sides.

8 While I speak, you may want to look at
9 the back of your statement which shows some of
10 the pictures of what is happening to row houses,
11 and we think that this will hurt them even more.
12 Much of the current zoning adopted in 1958 is
13 related to something that never happened, the
14 North Central Freeway as well as urban renewal
15 planning. You can read about it in the footnote.

16 With regard to the IZ proposals, R-5
17 is ignored altogether in terms of effects on its
18 inventory because it had apparently considered an
19 apartment zone and the zones where most of the
20 action on IZ is anticipated to occur, except
21 perhaps redevelopment areas with substantial
22 land. So we really don't know what is meant by

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1 very minor changes to neighborhood form.

2 Refer to OP's official document in the
3 record dated September the 26th. Most Residential
4 Zones have sufficient flexibility within their
5 current zoning envelopes to accommodate IZ's
6 bonus density without changes to height or lot
7 occupancy. These zones include the R-5-A through
8 the R-5-D Zones.

9 Now, this can be accomplished
10 according to this statement, because the existing
11 height limits permit more stories than are needed
12 to reach the matter-of-right FAR. In our book
13 that is simply adding more of these awful
14 intrusions on the top of these buildings, which
15 is a shame and if the city had a respect for
16 these zones, they would be doing something about
17 it.

18 Except for R-5-A, let me show you how
19 this can work. R-5 has no minimum lot size. It
20 has no minimum lot width. It has no restriction
21 in stories. This is not only a bad omen for row
22 houses zoned R-5-B with this proposal, it is

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1 especially bad for those row houses that are
2 zoned R-5-D, although there are fewer of those.
3 We think that IZ can result in encouraging the
4 defacing of row houses with unsightly top
5 additions and partial and complete demolitions of
6 facades.

7 With mismatched zoning or with a
8 Russian Roulette zoning spread over large areas,
9 only mimicking the normal regularity of zoning
10 categories by allowing bonus density wherever it
11 might land within a zoning category, the basic
12 premise of mapping zone categories is lost
13 altogether. Zoning in theory is, in part, the
14 establishment of standards that have to do with
15 such things as light and air and basic land use
16 security for a particular area.

17 Even PUDs, contract zoning, have a
18 minimum requirement of 15,000 square feet. We
19 urge you to consider other questions as well,
20 such as the issue of the large amount of
21 nonconformity of the buildings in the city with
22 the present Zoning Code which could lead to even

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1 more variance cases if this thing is enacted.
2 We're not quite sure how that would work. We
3 would appreciate your clarification.

4 Anyway, we urge you to undertake the
5 related studies on these row house areas as to
6 what their future should be, because even one row
7 house that is treated like these in these
8 pictures can radically affect the character of
9 the street and destabilize it as well, and we
10 urge you to help us.

11 CHAIRPERSON MITTEN: Thank you.

12 MS. HARGROVE: Thank you.

13 CHAIRPERSON MITTEN: Mr. Gelman?

14 MR. GELMAN: Good evening, Members of
15 the Zoning Commission. I am Jeffrey Gelman, an
16 attorney in the Law Firm of Greenstein, DeLorme
17 and Luchs and a member of the Executive Committee
18 and Board of Directors of the District of
19 Columbia Building Industry Association. I also
20 chair its Housing Committee. I am here today
21 testifying in behalf of DCBIA.

22 DCBIA and numerous individual

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1 developers testified in the text amendment case
2 expressing concern about a far reaching program
3 which would produce few affordable units, but
4 which could cause significant harm to the housing
5 market generally in the District of Columbia.
6 Those concerns remain with us today.

7 With the slowing of the housing market
8 and the continuing escalation of construction
9 costs, the mandatory program adopted by the
10 Commission under certain assumptions that were
11 intended to hold developers harmless no longer
12 justifies the belief that developers and property
13 owners will not be seriously harmed by this
14 mandatory program. Indeed, we are seeing the
15 effects of even the prospect of MIZ on the
16 housing market today.

17 Various developers have indicated they
18 have been unable to proceed with projects because
19 of the uncertainty and destabilizing effect on
20 land values the proposed MIZ Program is creating.
21 This destabilization of land values in the
22 housing market began with the first public

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1 announcements of the proposed mandatory program
2 and will continue for perhaps several years if
3 the program is enacted in its current form.

4 Given this uncertainty, we urge the
5 Zoning Commission to defer final action on Case
6 04-33A, Phase 2, until Inclusionary Zoning
7 legislation has been adopted by the Council. The
8 defer would incur no significant delay, but it
9 would provide the opportunity to more finely
10 calibrate an IZ Overlay with the final shape of
11 the IZ Program.

12 The Office of Planning report to the
13 Zoning Commission recommends the application of
14 mandatory Inclusionary Zoning to "a wide range of
15 zones and areas of the city." Given the
16 uncertain, but potentially far reaching
17 consequences of the program, it would clearly be
18 prudent to know as precisely as possible how the
19 program will work or at least how it is supposed
20 to work before the extent of its area of
21 application is established.

22 The building industry is

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1 understandably concerned that the District is
2 preparing a major new regulatory regime in three
3 separate formulations without sufficient
4 consideration of how these formulations interact
5 with each other in determining the workability of
6 the total program. I would note that the final
7 rule making on IZ text amendments contain several
8 specific provisions that exacerbate the problems
9 identified in our previous testimony.

10 The final rule making text, for
11 example, omits the transition period for IZ
12 implementation provided in the draft amendments.
13 Further, it establishes low-income 50 percent AMI
14 set-aside requirements for steel and concrete
15 construction in Zones R-3 through R-5-E.
16 Finally, the rule making contradicts earlier
17 understandings that set-aside requirements would
18 apply only where and to the extent that bonus
19 densities are achievable.

20 The front end discussion to the final
21 rule making states "The Commission agreed with OP
22 that a property's inability to access bonus

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1 density does not warrant a complete exemption
2 from compliance. The Commission is confident
3 that most residential projects will be able to
4 succeed under IZ Program with or without bonus
5 density."

6 On that critical point, the building
7 industry, those responsible for actually
8 constructing the housing which is the focus of
9 this program, does not share such confidence.
10 The net result is a program that is becoming more
11 demanding in its requirements as its formulation
12 progresses. That would seem to call for a
13 narrower zone of application focused on
14 achievable densities. Instead, OP has
15 recommended a broader IZ Overlay than it did in
16 its original proposal.

17 That broader area of application also
18 affects the workability of the implementing
19 legislation now before the Council. As drafted,
20 the proposed bill would, among other things,
21 effectively limit set-aside sales and rental
22 prices to 30 percent including utilities and

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1 condominium fees of eligible household income.
2 Since all eligible low-income households will not
3 come in at the upper limit of 50 percent of AMI
4 or moderate-incomes households, 80 percent, the
5 impact in subsidy costs can only be severe.

6 Meanwhile, the escalation in housing
7 prices over recent years that might have allowed
8 these subsidy costs to be passed on to market
9 rate buyers has collapsed. It is our judgment
10 that we're moving in the wrong direction in the
11 formulation of a workable Inclusionary Zoning
12 Program and we're doing so at just the wrong
13 time.

14 Accordingly, we urge the Zoning
15 Commission to revisit its final rule making IZ.
16 We further urge a deferral of action on the IZ
17 Overlay until the shape of final enabling
18 legislations clear. Thank you for the
19 opportunity to provide these remarks.

20 CHAIRPERSON MITTEN: Thank you, Mr.
21 Gelman. Mr. Frankel?

22 MR. FRANKEL: Good evening. My name

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1 is David Frankel. I am an attorney licensed to
2 practice law in the District of Columbia. My
3 wife also works in D.C. and our daughter is a
4 graduate of Janney Elementary School, Alice Deal
5 Junior High School and School Without Walls
6 Senior High School. Excuse me. Thank you very
7 much for the opportunity to appear before you to
8 testify on the mapping of Inclusionary Zoning.

9 Since 1986 I have lived in a single-
10 family detached house in Friendship Heights,
11 D.C., less than one block off of Wisconsin
12 Avenue. That's at 4336 Garrison Street, N.W.
13 And before that I have lived in other parts of
14 this city. I have lived in Mount Pleasant and I
15 have lived in the southwest waterfront areas as
16 well for years.

17 As Friendship Heights in D.C. and
18 Maryland have developed over the past 20 years, I
19 have personally witnessed and experienced the
20 tremendous increase in traffic on Wisconsin
21 Avenue during the rush periods and on weekend
22 afternoons, the cut-through traffic on the

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1 residential streets, the inability of homeowners
2 to park their own cars in front of their own
3 homes, the overcrowding at Janney Elementary
4 School which has right now two "temporary,"
5 temporary I put in quotes because they have been
6 there for years, "temporary" trailers on its
7 property, the slow response time by our fire and
8 EMS providers, etcetera.

9 In addition, significantly more
10 development is nearing completion on both sides
11 of Western Avenue in Friendship Heights. All
12 this congestion and lack of infrastructure points
13 to the logical conclusion that any mapping of
14 Inclusionary Zoning should not permit bonus
15 densities in already overburdened neighborhoods
16 such as Friendship Heights.

17 Indeed, we, in Friendship Heights and
18 also the Tenleytown area, lack green and open
19 space in our area and instead of adding density,
20 we should be discussing how to create
21 neighborhood parks.

22 I support the provision of housing

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1 choices to those whose household incomes are low
2 relative to other District residents and require
3 assistance in obtaining affordable housing. That
4 is apple pie and I'm not against apple pie.
5 However, rather than burden already developed
6 areas with more people, be they rich or poor, we
7 should simply provide appropriate subsidies to
8 those whose incomes qualify them so they may live
9 in whatever neighborhoods they choose, including
10 my neighborhood. I have no objection.

11 Thank you for your time. I would be
12 happy to answer any questions you may have.
13 Thank you.

14 CHAIRPERSON MITTEN: Thank you, Mr.
15 Frankel. Ms. Simon?

16 MS. SIMON: Thank you.

17 CHAIRPERSON MITTEN: Would you turn --
18 here, here.

19 MS. SIMON: Thank you. I am Marilyn
20 Simon, a District resident and former economics
21 professor at MIT. I am here today to urge you to
22 reject OP's proposal to map the IZ Overlay

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1 throughout the District and instead adopt a more
2 cautious approach, mapping in small carefully
3 evaluated increments. I also urge you to
4 eliminate the Wisconsin Avenue corridor from
5 consideration for inclusion in the IZ District.

6 Earlier studies make it clear that the
7 existing infrastructure cannot support even the
8 amount of development that would be allowed as a
9 matter-of-right nor can that infrastructure be
10 economically expanded to do so. Even if the
11 infrastructure were available, a 20 percent
12 increase in density will result in development
13 which is not appropriate to the scale and
14 function of the communities adjoining Wisconsin
15 Avenue.

16 I am submitting written testimony
17 today discussing the mapping of the IZ Overlay
18 and the issues that OP failed to address in its
19 final report. As I noted in my earlier
20 testimony, the IZ proposal before this Commission
21 creates perverse incentives and those incentives
22 are exacerbated by OP's proposal for a broad

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1 mapping. This citywide mapping will accelerate
2 displacement of low-income households from low
3 cost market rate housing in neighborhoods such as
4 Columbia Heights.

5 It will displace low-income households
6 to provide subsidized luxury housing for
7 households with incomes higher than those
8 displaced, and it will provide the most valuable
9 bonus densities in the areas such as Friendship
10 Heights where a 20 percent increase in density
11 will be out of scale with the adjoining
12 neighborhoods and cannot be supported by the
13 infrastructure.

14 With respect to Wisconsin Avenue, OP
15 was asked to include an IZ scenario in the
16 traffic study. OP refused stating that it would
17 be done in this proceeding. No such study was
18 done.

19 ANC-3E, ANC-3F and Friendship
20 Neighborhood Association, among other groups, all
21 passed resolutions requesting that no portion of
22 the Wisconsin Avenue corridor be considered for

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1 inclusion in programs that grant bonus heights or
2 densities. Discussion of the resolution at the
3 ANC meeting included a detailed discussion of the
4 IZ Overlay, as well as other overlays that might
5 be affected by this resolution.

6 In the final report OP failed to
7 evaluate whether the infrastructure could support
8 the development that would occur with this plan
9 or could be economically expanded. Instead, OP
10 relies on the technical study submitted with the
11 Comp Plan. I attached a copy of the comments
12 that I submitted to the Council discussing the
13 elements of the infrastructure that were not
14 examined in the study on the Comp Plan.

15 OP also failed to address the elephant
16 in the room. There is no serious evaluation of
17 the impact of a 20 percent increase in density on
18 the scale and character of neighborhoods across
19 the District. Instead, OP only looks at the
20 density that can be accommodated with the height,
21 lot occupancy and side yard requirements of
22 current zoning. OP failed to evaluate the impact

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1 of a 20 percent increase in density on
2 neighborhoods that adjoin the mapped areas. This
3 is very important. A 20 percent larger building
4 across the alley from a single-family house has
5 an impact.

6 In summary, since this broad mapping
7 has not been properly analyzed, I urge you to
8 move very cautiously and restrict the mapping to
9 small, well-studied areas after they have been
10 thoroughly examined. Thank you.

11 CHAIRPERSON MITTEN: Thank you.
12 Questions for the panel? Anyone have any
13 questions? Mr. Parsons?

14 COMMISSIONER PARSONS: Madam Chair, I
15 don't have a question, but I want to make a
16 remark and ask the Office of Planning to help.
17 Ms. Hargrove I think brings to our attention a
18 situation that I personally participated in on a
19 BZA case and also participated in a mistake that
20 the Zoning Commission made many years ago and
21 that is, not to go into explanation, she has
22 already explained it, but our conversion or our

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1 creation of an R-5-E Zone and then things stepped
2 up.

3 But I'm sure, I would hope, that you
4 would all agree the photographs that she has
5 shown here are, in my view, obscene as to what
6 these additions are doing to the R-5 District,
7 and she I think justifiably points out that there
8 is really no analysis in the OP report about R-5,
9 that the diagrams stop at R-3 and then go right
10 to C Zones.

11 And I just think that we may be
12 repeating an error that was made when we created
13 R-5-E and making things even worse to generate
14 the kind of additions that are shown here. And I
15 don't expect a response to this tonight, but I
16 would hope that the Office of Planning can
17 respond to Ms. Hargrove's R-5 concern as a
18 general matter and specifically to this case.

19 CHAIRPERSON MITTEN: Well, I think I'm
20 glad you raised that. I think the other issue is
21 whether or not whatever is mapped as the zone is
22 appropriate. Forget about IZ for a second,

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1 whether the zone is even appropriate for the
2 neighborhood unless it's our intention to promote
3 those kinds of additions.

4 COMMISSIONER PARSONS: Right.
5 Correct.

6 CHAIRPERSON MITTEN: So I think, you
7 know, it's more holistic. It's not just isolated
8 to Inclusionary Zoning.

9 COMMISSIONER PARSONS: Yes.

10 CHAIRPERSON MITTEN: So if you guys
11 could help us out with that, that would be great.
12 I wanted to ask. Oh, did you have anything,
13 Commissioner Turnbull?

14 COMMISSIONER TURNBULL: No, I just
15 wanted to agree with Commissioner Parsons that
16 after looking at the photos that Ms. Hargrove
17 provided, they are quite dramatic and it does
18 raise a lot of questions.

19 CHAIRPERSON MITTEN: I just wanted to
20 ask Ms. Simon. I just didn't understand one of
21 your comments. You say that the broad mapping
22 will accelerate the displacement of low-income

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1 households, and I didn't understand that.

2 MS. SIMON: In the neighborhoods where
3 you currently have very high per foot costs for
4 condominiums being sold, on Wisconsin Avenue
5 prices per square foot range from \$650 to \$800 a
6 square foot, but in neighborhoods like Columbia
7 Heights where you're getting a lot of new luxury
8 housing coming in, you're granting a very, very
9 valuable bonus in those buildings that is
10 distorting the existing incentives and
11 encouraging even more development in those areas
12 because the bonus is so much more valuable than
13 it is in areas where luxury housing isn't coming
14 in.

15 CHAIRPERSON MITTEN: Oh, I see.

16 MS. SIMON: So it's --

17 CHAIRPERSON MITTEN: Well, maybe you
18 and Mr. Gelman should get together, because I'm
19 not sure that the building industry agrees with
20 that formulation.

21 MS. SIMON: I did give in the appendix
22 and I can give Mr. Gelman a copy, I did do a

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1 numerical example in the testimony I submitted in
2 April and I attached it here.

3 CHAIRPERSON MITTEN: Okay. Thank you.
4 Anyone else? Okay. Thank you to the panel.
5 Scott Pannick, Yavocka Young, Gary Peterson,
6 Peter Lyden. Mr. Peterson, we'll start with you
7 and go down the table.

8 MR. PETERSON: Thank you very much.
9 I am Gary Peterson. I live at 810 Massachusetts
10 Avenue, N.E. I have lived on that block since
11 1969. I first lived across the street. I am
12 here on behalf of the Capitol Hill Restoration
13 Society and I'm not going to talk about the
14 Historic District this evening because I know
15 that is coming up on the 19th and, believe me,
16 we'll be back.

17 CHAIRPERSON MITTEN: Look forward to
18 it.

19 MR. PETERSON: But I want to talk
20 about the greater Capitol Hill which we consider
21 Florida Avenue on the north surrounded by the
22 Anacostia River, and North and South Capitol

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1 Streets on the west. And what our concern is is
2 the impact of this on the R-4 neighborhoods, in
3 particular the row house neighborhoods, and I
4 believe that, oh, probably 30 percent, maybe
5 more, of the R-4 row house neighborhoods are
6 encompassed within that area.

7 And what I'm going to say is I don't
8 -- I think implicit in the OP report is the fact
9 that nothing is going to be torn down, and what
10 our concern is is that the IZ would encourage
11 people to tear down the row house neighborhoods
12 to build, to get this bonus, and I don't think
13 that has been addressed in the OP report.

14 In fact, I think OP is asking you to
15 sort of take a lot of things on faith and see
16 what happens. What we get as an analysis on the
17 R-4 is one thin page in the report which really
18 states a lot of mostly facts about things and has
19 very little analysis, and then we get some of the
20 cute pictures that you saw earlier which often
21 doesn't reflect what row houses look like. Many
22 of them are three story or three and a half

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1 stories. I mean, it's sort of misleading to say
2 this is what it's going to look like.

3 And right now I know of a case where,
4 in fact, across from Eastern High School they are
5 going to tear down, it's no great loss, an ugly
6 two story, very small apartment building, but we
7 are concerned about the destruction of the R-4
8 row houses outside of the Historic District and
9 we would like you -- what we would recommend is I
10 think more along the lines of Ms. Simon, which is
11 you take a few discreet R-4 areas around the
12 city, even one on Capitol Hill, and identify it
13 and see what happens.

14 You're embarking on an experiment here
15 and we don't know the outcome. No one is able to
16 tell us how this is going to play out. OP may be
17 correct that there won't be anything torn down.
18 I don't know, but I think the risk is too great
19 to embark on this great experiment by including
20 all of the R-4 neighborhoods in the experiment,
21 and I would urge you to reconsider that.

22 I am glad that Mr. Hood has returned

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1 because I wanted to speak a little bit about
2 including R-1 and R-2, and I think it's a big
3 mistake not to include both. Montgomery County
4 has certainly been able to incorporate all levels
5 of housing in their program and I would hope that
6 the District of Columbia could find a way to do
7 that as well.

8 I think it gives the wrong appearance
9 and gives a bad appearance by not including those
10 neighborhoods in the program, frankly, and I'm
11 sure that isn't the intent of the Commission.
12 I'm not suggesting that, but I think the
13 appearance is not good.

14 The other thing I want you to consider
15 is that the Capitol Hill area is the most dense
16 or one of the most dense areas in the city. The
17 reason for that is we have a lot of nonconforming
18 uses and we have a lot of apartment buildings
19 that people don't realize we have, so almost
20 every block or so has an apartment building in
21 it. So we already have a great deal more density
22 than R-4 would allow as a matter-of-right and I

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1 don't think that has been mentioned in this
2 report or considered in the recommendation.

3 So I have raised a few issues for you.
4 Thank you very much.

5 CHAIRPERSON MITTEN: Thank you, Mr.
6 Peterson. Mr. Pannick?

7 MR. PANNICK: Good evening. I am
8 Scott Pannick. I am the President of Metropolis
9 Development Company. We're very concerned about
10 mandatory Inclusionary Zoning and its impact on
11 the Washington Housing Market. We have
12 previously provided testimony to the Commission
13 outlining our overall thinking with regard to
14 mandatory Inclusionary Zoning. While we strongly
15 support the concept of mandatory Inclusionary
16 Zoning, as in many things in life, the devil is
17 in the details.

18 Rather than repeat the testimony that
19 we provided previously, I thought I would focus
20 my comments this evening on something very, very
21 narrow. The more narrow issue I wish to address
22 is the bonuses which are offered, and I think it

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1 is our view that the bonuses are somewhat
2 illusory.

3 Some number of the zones provide only
4 bonuses through an increase in lot occupancy.
5 Mr. Sher mentioned before that often that is not
6 something that can be used because it yields only
7 a fat building. In fact, actually, the
8 orientation and the way in which a building sits
9 on a lot is merely happenstance by the shape and
10 configuration of the lot. There are lots that
11 will be able to use that additional lot occupancy
12 and there are lots that won't.

13 But even in a specific configuration
14 which allows for the lot occupancy to be used, I
15 don't think that the proposal realistically
16 provides bonuses in all cases and let me give you
17 two examples. The largest amount of our
18 development has been in C-3-A. In this zone the
19 current proposal is to provide a bonus of 20
20 percent, which allows us to go from a 4.0 FAR to
21 a 4.8 FAR or a .8 FAR increase.

22 However, to accommodate this bonus

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1 there is no increase in height, but only an
2 increase in lot occupancy from .75 to .8 percent
3 FAR. Therefore, on each of six floors we can add
4 an additional .05 FAR for a total in six stories
5 of a .3 FAR. So, in fact, the bonus of a .8 FAR
6 cannot even nearly be accomplished in the
7 envelope adjustment even if the point -- if the
8 80 percent lot occupancy can be used as
9 suggested.

10 The C-3-A appears to be the zone which
11 is most adversely affected by this factor, but
12 there are other zones as well that are affected.
13 The CP-2 Zone allows for an increase from 80 to
14 90 percent lot occupancy over nine floors. As
15 such, the total bonus allowed by an increase in
16 lot occupancy would be .9 FAR on nine floors
17 rather than the 1.2 FAR suggested in the total
18 bonus, as the potential bonus.

19 The fundamental question throughout
20 this conversation has not been whether mandatory
21 Inclusionary Zoning is an appropriate goal. The
22 question is who should pay for it. There has

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1 previously been much testimony about this
2 question, and one source that has been suggested
3 to pay for mandatory Inclusionary Zoning is the
4 bonus FAR which is being suggested.

5 I wanted to only make the point this
6 evening that I do not think that while it is
7 true, that the bonuses won't even nearly begin to
8 pay for mandatory Inclusionary Zoning. I also
9 wanted to make the point that I don't know that
10 the bonuses which are suggested are, in fact,
11 achievable.

12 So that is the issue that I wanted to
13 raise this evening, and thank you very much.

14 CHAIRPERSON MITTEN: Thank you, Mr.
15 Pannick. Mr. Lyden?

16 MR. LYDEN: Good evening. Good
17 evening, Madam Chairman, Members of the
18 Commission. My name is Peter Lyden. I live at
19 1726 Euclid Street and I guess it's mandatory
20 that I say that I moved in in 1978 when the
21 neighborhood was not cool.

22 I am currently the Treasurer of the

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1 Reed-Cooke Neighborhood Association and our
2 association's boundaries are Columbia Road on the
3 north, 16th Street on the east, 18th Street on the
4 west and Columbia -- and Florida Avenue on the
5 south, and we derive our name from the Marie Reed
6 Learning Center and the H.D. Cooke School, if you
7 draw a line through them, so we are a subset of
8 Adams Morgan.

9 Our neighborhood was recognized as a
10 special treatment area in the first Comprehensive
11 Plan which was dictated by the Home Rule Charter.
12 Following that, the neighborhood recognized that
13 we were under some long-term threat from the
14 business corridor on Kalorama Road and there were
15 two zoning cases that resulted from our work, and
16 the last one created the Reed-Cooke Overlay. And
17 there was a lot of work and the people whose hair
18 was black then is now gray or white.

19 CHAIRPERSON MITTEN: Or gone.

20 MR. LYDEN: And we -- yes, or gone.
21 As a matter of fact, you can tear it out sitting
22 here. But today the Reed-Cooke neighborhood is a

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1 very densely developed area. The proposed
2 Inclusionary Zoning would add more density to a
3 very dense area and on my block there are 34
4 houses.

5 There are 16 on one side, 17 on the
6 other and about every one of them has at least an
7 English basement in it, so we're talking 68
8 units. We have several units which are multiple
9 apartments and the developers have moved in and
10 chopped little houses up and we have got three
11 unit condos in several small houses. So we're a
12 very dense neighborhood.

13 And while there are development
14 opportunities in our neighborhood, I will remind
15 you, I would point out that there was a Planned
16 Unit Development that was recently disapproved by
17 this Board, the Dorchester property which is on
18 the east edge of our neighborhood. So we're
19 chock-a-block.

20 Our small neighborhood is undergoing
21 a vast amount of residential construction and
22 when completed, we'll have about 400 new units of

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1 housing. About 250 have been completed and we
2 have projects underway on Champlain Street,
3 Ontario Road and Euclid Street. And we're now
4 seeing the tearing down of existing small
5 buildings for the construction of larger
6 condominium buildings.

7 2424 Ontario Road, 2426 and 28 all are
8 going for one building and 1631 Euclid Street are
9 examples of this, and all of these are being
10 targeted at high cost housing. As a matter of
11 fact, 1631 is being sold as luxury condominiums.
12 How the Inclusionary Zoning provisions would be
13 used in an area where the average prices, minimum
14 prices, are \$600,000 and up alludes us.

15 We're also confused by the Office of
16 Planning report which identified on Map 4 the
17 Reed-Cooke neighborhood as a low probability area
18 for Inclusionary Zoning. However, Map 7 in the
19 summary shows us as a high probability. So there
20 are some internal inconsistencies which we don't
21 understand. We are also concerned with the --
22 that provisions could be applied to row houses,

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1 and I refer you to Ann Hargrove's testimony. I
2 couldn't have said it better.

3 Additionally, our neighborhood is
4 well-served right now by Jubilee Housing which
5 has 240 units of low cost housing in seven
6 buildings. There are three low cost apartment
7 cooperatives, the Hilltop on 17th Street, the
8 Malcolm X Co-op on Euclid Street and the
9 Champlain Courts Apartment on Champlain Street,
10 all providing low cost housing. We also have two
11 residential community facilities and two halfway
12 houses. So for its size, Reed-Cooke is making a
13 large contribution to the problems of low cost
14 housing and social needs in our city.

15 We look at -- noticed that in the
16 hearing notice, Chapter 26 for Inclusionary
17 Zoning, paragraph 2602.5 says "An owner/occupant
18 of an inclusionary unit may sell the unit at a
19 price greater than the maximum permitted under
20 the purchase/rental schedule if the price is
21 offered by the Mayor." This is a major problem
22 with housings designated low cost housing,

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1 housing units.

2 This leads to a daisy chain of
3 undefined events to maintain low cost housing as
4 future low cost housing, and I point to the Reed-
5 Cooke Overlay that has provided low cost housing
6 and we gave up height for profit.

7 The low cost units are scattered out
8 through the more undesirable areas of the
9 building, but none of these units were built as
10 two or three bedroom units which is really true
11 family housing. I won't say they are small, but
12 I think in some of them if you had to change your
13 mind, you would have to walk out in the hall to
14 get enough space to turn around. So there are a
15 number of undefined events.

16 I understand that the City Council is
17 working on these and I hope they solve them. The
18 Reed-Cooke, we have authorized the creation of a
19 Historic Preservation Committee to pursue a
20 survey and we will be kicking that off this
21 month. It is being driven by the conversions in
22 our neighborhood.

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1 In closing, we ask that the Reed-Cooke
2 neighborhood be removed from the proposed map
3 change. The recognized high density of our
4 neighborhood and the large quantity of existing
5 low cost housing do not make our neighborhood a
6 target for Inclusionary Zoning. We believe the
7 IZ, Inclusionary Zoning, is a laudable idea.

8 However, as presented in this case, we
9 believe it will present more problems than it
10 will solve. It's a case of using a blunt tool of
11 zoning for fine grain social engineering. I
12 thank you very much for this opportunity to make
13 our presentation.

14 CHAIRPERSON MITTEN: Thank you. Ms.
15 Young?

16 MS. YOUNG: Good evening. I am
17 Yavocka Young of 1673 W Street, S.E., in Ward 8
18 and I am here to state my opposition to a blanket
19 Inclusionary Zoning policy. Specifically, I
20 believe Ward 8 and really both wards east of the
21 river, east of the Anacostia River, should be
22 excluded from this policy.

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1 If the goal of Inclusionary Zoning is
2 to increase affordable housing opportunities
3 across the city, then the wards east of the river
4 which have more than met their quota for
5 affordable housing over the last 40 years should
6 be exempt. There are generations in these wards
7 who haven't paid a market rate rent in decades
8 and I'm not talking about a citywide market rate.
9 I'm talking about an east of the river market
10 rate, which is completely different.

11 And this is something Council Member
12 Jim Graham and others who push for citywide rent
13 control don't seem to understand. While the
14 average rent citywide may be approaching \$2,000,
15 the average market rate rent in Ward 8 isn't even
16 approaching \$1,000. Thanks to D.C.'s rent
17 control laws, Ward 8 will be stuck with this low
18 and no income rental market perpetually.

19 In fact, the highest rents charged in
20 Ward 8 are charged to the D.C. Housing Authority
21 and the U.S. Department of Housing and Urban
22 Development. The tax dollars of hardworking

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1 citizens is going to pay for above market rents
2 in Ward 8 as Section 8 landlords are getting rent
3 payments from the Government that they can't get
4 from the market. This is because they can charge
5 the Government based on the city's average rents.

6 Meanwhile, the market rate in the ward
7 hovers around \$700 on the high end for a decent
8 two bedroom apartment. That means families with
9 just 50 percent of the median income can afford
10 to live in Ward 8, key word being income. At the
11 same time, the east of the river neighborhoods
12 are among the city's leaders in new housing
13 construction.

14 If these wards are included in this
15 law, which targets new construction, new
16 opportunities for housing for middle- and upper
17 middle-income persons will be compromised. Ward
18 8 needs this income category to be a revenue
19 generating ward and to attract the kind of
20 private investment that stabilizes communities.

21 Right now the average Ward 8 resident
22 costs the city \$12,000 and the Federal Government

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1 \$9,000 annually in subsidies and services and
2 contributes only about \$500 to the tax base. I
3 am asking you to exclude Ward 8 from Inclusionary
4 Zoning. Inclusionary Zoning in Ward 8 would be
5 an excessive measure. The ward currently has
6 most of the city's subsidized units and the
7 average home price in Ward 8 in 2005 was just
8 \$198,000. That is compared to \$850,000 and
9 \$868,000 in Wards 2 and 3.

10 In most cases, Ward 7's numbers are
11 only slightly higher than Ward 8's. We have
12 HPAP, Hope 4, 5 and 6, housing counseling
13 agencies, transitional housing and more than
14 enough nonprofits to support them all. Anybody
15 who says the east of the river communities need
16 more affordable housing is not analyzing the
17 numbers.

18 What affordable housing advocates
19 outside of these neighborhoods really mean when
20 they are pushing for more affordable housing in
21 these wards -- may I have more time, just about a
22 minute, 30 seconds?

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1 CHAIRPERSON MITTEN: Well, if you can
2 wrap it up.

3 MS. YOUNG: Okay. Yes, yes, ma'am.

4 CHAIRPERSON MITTEN: Because you're
5 not going to get through it all.

6 MS. YOUNG: Okay. Okay. What they
7 really mean when they are asking for more
8 affordable housing in these wards is, please,
9 make sure D.C.'s poor stay over there where we
10 put them 40 years ago under the guise of urban
11 renewal. What otherwise reasonable people in
12 these communities mean when they are pushing for
13 more affordable housing in these wards is,
14 please, don't take our homes away like you did 40
15 years ago under the guise of urban renewal.

16 The D.C. area unemployment rate was
17 2.9 percent in April of this year, the lowest
18 among major cities and well below the national
19 average of 4.6.

20 CHAIRPERSON MITTEN: I need you to
21 wrap it up.

22 MS. YOUNG: Okay. I sure will do

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1 that.

2 CHAIRPERSON MITTEN: We'll read it.
3 You don't have to read it.

4 MS. YOUNG: Okay, okay, okay, okay.
5 All right. That's fine. Let me just say this
6 last point. The point is that affordable housing
7 is not the problem in Ward 8. The problem in
8 Ward 8 is under-employment and unemployment.

9 And I also want to point, you know, to
10 the fact that we wouldn't even have to be here,
11 you know, if more of the moderate-income persons
12 your legislation targets would consider D.C.
13 communities they could easily afford to live in.

14 CHAIRPERSON MITTEN: Okay. I'm going
15 have that for your final remark.

16 MS. YOUNG: All right.

17 CHAIRPERSON MITTEN: All right?

18 MS. YOUNG: That's it.

19 CHAIRPERSON MITTEN: Thank you.

20 MS. YOUNG: Um-hum.

21 CHAIRPERSON MITTEN: This is very
22 interesting, your testimony. I was wondering,

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1 particularly one of your statistics, I'm not
2 questioning it, I'm just curious about it because
3 I would like to understand it better. You
4 mentioned that the average Ward 8 resident costs
5 the city \$12,000 and the Federal Government
6 \$9,000. What is the source of that information?

7 MS. YOUNG: I have federal -- several
8 sources. The Urban Institute was a source.
9 Wider Opportunities for Woman was a source.
10 There was also a study that Jair Lynch Companies
11 did for the Marshall Heights Community
12 Development Corporation.

13 CHAIRPERSON MITTEN: If you could, I
14 mean, to the extent that it's readily available -
15 -

16 MS. YOUNG: Okay.

17 CHAIRPERSON MITTEN: -- just submit
18 for the record some of the backup materials. I
19 would just be curious in reading more --

20 MS. YOUNG: Okay. I mean, you could
21 --

22 CHAIRPERSON MITTEN: -- of what you

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1 base your testimony on.

2 MS. YOUNG: You could, if you added up
3 what the city spends on social services and where
4 they spend it, you would get the numbers.

5 CHAIRPERSON MITTEN: Um-hum.

6 MS. YOUNG: I mean, you know, so, I
7 mean, it's pretty common knowledge, but I
8 certainly would be happy to submit that
9 information to you.

10 CHAIRPERSON MITTEN: That would be
11 great. Thank you.

12 MS. YOUNG: Okay.

13 CHAIRPERSON MITTEN: Anyone else,
14 questions, comments for the panel? Okay. Thank
15 you all for your testimony. Mr. Lyden, did you
16 have something in writing that you could give us?

17 MR. LYDEN: Yes, I do.

18 CHAIRPERSON MITTEN: Okay. That would
19 be great.

20 MR. LYDEN: My printer went belly up
21 after two copies.

22 CHAIRPERSON MITTEN: Okay.

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1 MR. LYDEN: Otherwise, you would have
2 had them.

3 CHAIRPERSON MITTEN: We have Barbara
4 Zartman, Duane Deason and if there is anyone else
5 who would like to testify in opposition, now
6 would be the time to come forward.

7 MS. ZARTMAN: Good evening. My name
8 is Barbara Zartman and I am here as the Zoning
9 Chairman of the Committee 100 on the Capitol --
10 on the Federal City. I will provide you with
11 text later on. I did just want to put into
12 context our fundamental problem with the
13 Inclusionary Zoning proposal.

14 The goal is one that the committee and
15 every other like-minded person supports, the
16 provision of housing that is affordable,
17 available to people who work in our city. The
18 morning's press brought a new emphasis on
19 workforce housing from the Administration, still
20 another program to attempt to reach that goal.

21 One of our problems is the way in
22 which this program has been structured.

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1 According to the meeting at Oyster Elementary, OP
2 tells us that at best, with their own numbers,
3 they will be producing 170 units of affordable
4 housing a year. That is being done at a price of
5 another more than 170 units of bonus density that
6 is being granted plus whatever else might be
7 available through PUDs, all of which amounts to
8 an incredible up-zoning of properties across the
9 District setting a standard for future zoning
10 that doesn't necessarily involve IZ and that is
11 troubling.

12 It has been said many times tonight
13 that this proposal won't cost anything. It will
14 cost a great deal and we believe that there are
15 better ways to spend city resources. It was
16 mentioned earlier there is an Urban League
17 lottery tonight.

18 Well, why not take the resources that
19 would be spent in establishing and monitoring
20 this incredibly complex, opaque program that
21 doesn't yet have enabling legislation that you
22 can assess, doesn't yet have regulations to

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1 administer it, take those resources and put them
2 into a form of lottery and target it as you wish,
3 for fire fighters, for teachers, for nurses, for
4 whomever you wish, and have those resources
5 directly available for people to use wherever
6 they wish in our city rather than have to
7 structure the Titanic in order to put another two
8 lifeboats out to sea. It's just the wrong
9 approach.

10 In addition, the targets that we heard
11 so much about at the earlier hearings included
12 the poorest of the poor and, of course, that is
13 not who is targeted here. We do think it would
14 be useful to take a look at the comparison of
15 District median income rather than regional area
16 median income.

17 Again, just the morning paper, the
18 District's median household income last year was
19 \$47,000. In Montgomery County is was \$82,000.
20 Are we providing affordable housing for people to
21 move in from Montgomery, from Fairfax, from other
22 high income counties so that they can enjoy

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1 subsidies that are being paid for with city's
2 resources?

3 We question whether this is the best
4 way to accomplish a very laudable good. We think
5 it's destabilizing. I sat here and saw the looks
6 of concern on some of the Commissioner's faces
7 when the question of how we'll know if this is
8 harming the market and you're going to rely on OP
9 to tell you when this is being harmful, if that
10 is what happens.

11 I think you heard tonight that it may
12 already be happening, and that is an incredibly
13 cumbersome approach to have to turn around the
14 entire real estate market in the District if you
15 find that this is being harmful or you might know
16 it as you start to see a whole lot more PUDs
17 coming through before IZ is enacted.

18 These are problems that I think you
19 don't have to face and, certainly, the earlier
20 testimony tonight should give you pause about
21 what you're being asked to commit to. These have
22 very, very far reaching consequences and not all

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1 of them are going to get caught by the people who
2 have come to testify tonight. Nobody can accuse
3 the Zoning Commission about being shy about
4 establishing PUDs in order to accomplish broader
5 community goods. I think that is a far more
6 malleable instrument.

7 Even though many of my colleagues
8 don't like PUDs or they think they are awful,
9 PUDs compared to IZ are simple, transparent. We
10 understand the rules. We know how to work with
11 them. This is not such an instrument and far for
12 me to be one who in any way wants to put any
13 brakes on the provision of affordable housing,
14 but I think this is just such a wrong way to go
15 at it. And I would hope you would give pause
16 before starting the train out of the tracks
17 because the consequences really are profound.

18 You spoke of W-2 Zoning. The proposal
19 is to eliminate IZ in W-2 Zoning in Georgetown.
20 I think the waters of the Anacostia are going to
21 be just as wonderful and inspiring and W-2 Zoning
22 ought to be excluded in both or in in both. And,

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1 yes, the tallest structure along the waterfront
2 in Georgetown is on the W-1 block.

3 CHAIRPERSON MITTEN: Thank you. Sir?

4 MR. DEASON: Thank you. My name is
5 Duane Deason. I'm a landowner in CG/W-2 and,
6 actually, it was a good lead-in there. I
7 appreciate that. I just wanted to pick up on I
8 guess a conversation that was had before even
9 things got started here about the height issue
10 relating to the CG/W-2 and how it has been
11 proposed at 80.

12 And it's interesting, I heard some
13 conversation from the Commission about whether
14 that was even necessary, and I wanted to -- my
15 point was to come up and tell you, actually, it's
16 not sufficient really to reach what you're trying
17 to give away as a bonus in here. So if you're
18 truly trying to give everyone a bonus of 20
19 percent in exchange for the IZ regulations and
20 the 10 percent requirement, then you do need to
21 give at least 80 percent and if not -- I mean,
22 sorry, at least 80 feet if not 90 feet for those,

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1 for areas along the water there at -- around the
2 CG/W-2.

3 That is because we're not normal W-2.
4 We're given an extra bonus of 1 FAR and 10 extra
5 feet under the CG regulations that were enacted
6 last year. Please, keep in mind we lost density
7 that day, the CG/W-2 owners. It was downgraded,
8 I believe. Before it was 90 feet and 6 FAR at
9 that point.

10 I also want to give a couple of other
11 points about it. I think most important
12 obviously is that we would not be able to reach
13 the full bonus density that is allowed under the
14 proposed IZ regulations, but also there are some
15 secondary issues that I think should also be
16 considered.

17 First of all, we can't just by adding
18 density to those type of properties on the water
19 -- we don't have the same luxury about just
20 digging deeper for parking. There are some major
21 issues relating to that, obviously cost being the
22 largest and I would hope the Commission would

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1 consider that.

2 Also, I had a design contest on my
3 property and architects, one of the chief
4 complaints they heard on that was that it was
5 already a very defined height and density that
6 really didn't give them a lot of ability to be
7 very creative on the water. And I know that's
8 where you would like to see creativity and I
9 would hope that that would be another point to
10 consider, that the height would give them a
11 little ability to be able to do something
12 interesting there.

13 I also wanted to mention that I am
14 surrounded by buildings next to me that are also
15 in CG/W-2 that are already 90 feet. In effect,
16 you know, one of the comments I got from people
17 interested in helping me develop the property is
18 that we were going to be a little bit dwarfed by
19 those already. By allowing the 90 feet, I think
20 in some ways you would really just be having
21 buildings that would somehow enhance that area.

22 Finally, I wanted to mention that the

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1 setbacks already imposed on CG/W-2 are immense
2 where we have a 75 foot setback. We have a lot
3 of constraints around the property already. I
4 just would ask the Commission to be very cautious
5 about restricting height or anything else there.
6 We have a very hard time coming up with building
7 designs and developing the property as is.

8 So I guess my point is I think that
9 really either we should be excluded from IZ and
10 we'll keep it at 70 feet if your height is the
11 main concern of the Commission, but if you are
12 going to give us the bonus and require us to be
13 under IZ, please, do give us the height necessary
14 to use it.

15 CHAIRPERSON MITTEN: Thank you.
16 Questions from the Commission? Any questions?
17 No questions?

18 MS. ZARTMAN: May I offer one more
19 citation I should have included?

20 CHAIRPERSON MITTEN: Quick.

21 MS. ZARTMAN: Just so that you can put
22 things in perspective. On page 33 of the latest

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1 OP report, you will see a track of poverty. It's
2 a map of poverty and you will find two of the
3 highest poverty levels, about 25 percent, are in
4 west Georgetown and in Foggy Bottom. Numbers can
5 be very misleading.

6 CHAIRPERSON MITTEN: Thank you. Thank
7 you both. Okay. Well, I guess we'll have -- our
8 next session is on the 19th, okay, and the focus
9 of that session will be the mapping exercise in
10 Historic Districts. So I know we'll see Mr.
11 Peterson at least again and maybe some of you as
12 well. Thank you for staying with us this evening
13 and we're adjourned.

14 (Whereupon, the Public Hearing was
15 concluded at 9:57 p.m.)
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