



November 5, 2022

Anita Cozart
Interim Director
District of Columbia Office of Planning
1100 4th Street SW, Suite 650
Washington, DC 20024

RE: Resolution Supporting the Elimination of the Inclusionary Zoning Exemption from
Downtown (D) Zones

Dear Interim Director Cozart:

On November 1, 2022, at the duly noticed and regularly scheduled meeting of the Advisory Neighborhood Commission 6E (“ANC 6E” or “Commission”) and with a quorum of 4 out of 7 Commissioners and the public present, ANC 6E approved the following letter and resolution by a vote of 6 for, 0 against, and 0 abstentions:

Large sections of the Mount Vernon Triangle neighborhood in ANC 6E are exempted from the Inclusionary Zoning (“IZ”) Program because they are located in Downtown (D) Zones.¹ This exemption means that when developers build new residential or mixed-use projects here, they are not required to set aside a certain number of units as affordable IZ units, which is the requirement in most other zones.²

ANC 6E supports the IZ Program as a tool to increase the availability of affordable housing units in high-cost and high-opportunity neighborhoods in the District. Furthermore, ANC 6E believes that the IZ Program should be extended to D Zones that are currently exempt from the affordability set-aside. Therefore, ANC 6E supports the proposed Zoning Text Amendment filed by the Office of the Attorney General (“OAG”) in Zoning Commission Case Number 21-23 that would eliminate the IZ exemption for D Zones, and that recommends the Office of Planning issue a favorably set-down report and support for Text Amendment.

Mount Vernon Triangle is a desirable, mixed-use neighborhood in ANC 6E. It is close to downtown job centers, is walkable and well-connected by transit, and has easy access to shopping, dining, and other amenities. Mount Vernon Triangle is largely zoned D-4-R and D-5-R, which makes much of the neighborhood exempt from IZ requirements. The lack of IZ

¹ The following Downtown zones are exempt from IZ requirements: D-1-R, D-3, D-4-R, D-5, and D-5-R. Of these IZ exempt zones, D-3, D-4-R, and D-5-R are all located in ANC 6E.

² The IZ set-aside calculations are defined in Subtitle 3 § 1003.2 (Type 1 Construction) and § 1003.3 (Non-Type 1 Construction). The formula for calculating IZ set-aside requirements is roughly equal to 10% of residential gross floor area (“GFA”) for Type 1 Construction (wood) and 8% of residential GFA for non-Type 1 Construction (non-wood).

requirements means that new developments have avoided the requirement to create affordable units, which limits the ability of low- and moderate-income residents to live here.

When the Office of Planning (“OP”) established the Inclusionary Zoning (“IZ”) Program in 2006, many of the Downtown (D) Zone areas had little housing. This includes parts of ANC 6E in the Mount Vernon Triangle neighborhood, but also in the parts of the NoMa, and Navy Yard neighborhoods that are D Zoned. The exemption of most D Zones from the requirements for IZ set-aside was justified at that time as an incentive to encourage residential development in the downtown area.

Fast forward to today, the neighborhoods of Mount Vernon Triangle, NoMa, and Navy Yard have experienced some of the most intensive residential development in the District. According to the Office of the Attorney General (“OAG”), since 2006 the Zoning Commission has approved three design reviews in the Central Washington Area³ of residential projects totaling 1,648 housing units, with only 20 affordable units, only 1 of which was required by the Zoning Regulations. Had these three projects been subject to requirements for IZ set-aside, they would have created approximately 132 affordable units.⁴ This represents just a fraction of the D Zone residential developments that have been completed in D Zones since 2006, and a lost opportunity to build hundreds of IZ units.

The IZ exemption for D Zones means that neighborhoods like Mount Vernon Triangle are underdelivering on affordable housing, which undermines DC’s targets for affordable housing production, forces adjacent (non-D Zoned) neighborhoods to pick up the slack, and creates an unnecessary subsidy for developers in D Zones. As of October 2021, the Central Washington Area has only delivered 298 affordable units, which is less than 14% of the Mayor’s 2025 target of 2,130 affordable units for this area.⁵

ANC 6E was recently approached by a developer requesting support for zoning relief at 1001 6th Street NW (BZA No. 20832)⁶. The developer presented two potential concepts for a lot in the D-5-R Zone, which is exempt from the IZ set-aside requirement. The first is an all-residential concept that would produce approximately 550 residential units (429,410 sq ft of residential GFA). The second is a residential plus hotel concept that would produce approximately 489 residential units (417,096 sq ft of residential GFA). If this proposed development were subject to the IZ Program requirements, the 8% set-aside⁷ would yield approximately 44 affordable units (34,353 residential GFA) under the first concept, and 39 affordable units (33,368 residential GFA) under the second concept. Because the D-5-R Zone is exempt from IZ requirements, the developer proposes a by-right delivery of zero (0) IZ units. This project represents a missed

³ The Central Washington Area is a planning area for the DC Comprehensive Plan, which includes the neighborhoods of Mount Vernon Triangle and NoMa.

⁴ ZC Case No. 21-23 (Apply IZ to non-IZ D Zones). Exhibit No. 3. Office of Attorney General statement of purpose and proposed text.

⁵ *Ibid.*

⁶ https://app.dcoz.dc.gov/Home/ViewCase?case_id=20832

⁷ This project is a non-Type 1 (non-wood).

opportunity to build additional affordable housing in furtherance of the housing production targets and related policies in the Comprehensive Plan.⁸

ANC 6E requests that the Office of Planning treat the Zoning Text Amendment to eliminate the IZ exemption from D Zones with appropriate urgency due to the number of new and emerging residential developments in D Zones. The case of the development at 1001 6th Street NW represents one of the few remaining new-build opportunities to create affordable housing in Mount Vernon Triangle. Further delay in the set-down and adoption of the OAG’s proposed text amendment to eliminate the IZ exemption from D Zones (ZC Case No. 21-23) will result in additional missed opportunities to create affordable housing called for by the Comprehensive Plan.

THEREFORE, BE IT RESOLVED that ANC 6E recommends that the Office of Planning support the proposed zoning text amendment in Zoning Commission Case No. 21-23 to eliminate the IZ exemption for Downtown (D) Zones;

THEREFORE, BE IT FURTHER RESOLVED that ANC 6E requests that the Office of Planning move expeditiously to file a favorable set-down report for Zoning Commission Case No. 21-23;

ON BEHALF OF THE COMMISSION,

Respectfully submitted,


Michael Eichler,
Chair

- CC: Karl Racine, Attorney General
- Brooke Pinto, Ward 2 Councilmember
- Charles Allen, Ward 6 Councilmember
- Alexandra Cain, Assistant Attorney General, Office of the Attorney General

⁸ For example, Comprehensive Plan Policy H-1.1.8: Production of Housing in High-Cost Areas