

~~2520~~ ~~TABLE 25.2: HOUSING LINKAGE~~

~~2520.1 The housing linkage objective requires applicants who obtain bonus commercial office space as a result of a discretionary and otherwise appropriate street or alley closing or zoning density increase to produce housing or contribute funds to the production of housing, particularly housing that is affordable to low and moderate income households throughout the District, in an amount based on a formula tied to the amount or value of the additional commercial office square footage obtained. 2520.1~~

~~2520.2 In establishing the housing linkage objective, the District sets forth the following purposes:~~

- ~~a. To encourage the construction and rehabilitation of housing throughout the District of Columbia, particularly housing that is affordable to low and moderate income households;~~
- ~~b. To reduce a shortage of affordable housing in the District which has been caused in part by increased demand for this housing from employees of new commercial development who compete with present residents for scarce, vacant affordable housing, and by high land values which raise the cost of housing and which are partly a function of the demand for additional commercial office space in the National Capital; and~~
- ~~c. To increase the income tax base and labor force in the District by providing a mechanism to stimulate the development and expansion of housing for employees in the District who cannot afford to reside in the District. 2520.2~~

~~2520.3 The policies established in support of the housing linkage objective are as follows:~~

- ~~a. Except as provided in 2520.11 of this section, whenever the Council approves a discretionary and otherwise appropriate street or alley closing which results in the provision of additional commercial office space, or whenever the Zoning Commission approves a discretionary and otherwise appropriate zoning density increase which results in the provision of additional commercial office space, the applicant who obtains the additional commercial office space shall be required to comply with the following housing requirement:
 - ~~1. The applicant shall construct or rehabilitate housing that is affordable to low and moderate income households in the District, the minimum amount of~~~~

~~which shall be calculated by the formula set forth in 2520.3(b) of this section, which shall be dedicated to use for affordable housing for no fewer than twenty (20) years, and which shall be developed in accordance with the schedule set forth in 2520.13 of this section; or~~

~~2. The applicant shall contribute funds, the minimum amount of which shall be calculated by the formula set forth in 2520.6 of this section, to a housing trust fund in accordance with the schedule set forth in 2520.13 of this section;~~

~~b. Except as provided in 2520.4, if the applicant agrees to construct or rehabilitate the affordable housing, then the total square footage of the affordable housing that the applicant shall be required to construct or rehabilitate shall be as follows:~~

~~1. Not less than one fourth (1/4) of the total square footage of the additional commercial office space, if the required affordable housing is located on or adjacent to the site of the additional commercial office space;~~

~~2. Not less than one third (1/3) of the total square footage of the additional commercial office space, if the required affordable housing is located off or not adjacent to the site of the additional commercial office space, and if the housing is located within the advisory neighborhood commission area where the additional commercial office space is located or Table 25.2: Housing Linkage 2520 within an area designated on an enacted land use map of the Comprehensive Plan as a housing opportunity area; or~~

~~3. Not less than one half (1/2) of the total square footage of the additional commercial office space, if the required affordable housing is located in any other area of the District. 2520.3~~

~~2520.4 If the additional commercial office space is located on a development site that is improved with one (1) or more housing units that are removed, either after the application or within one (1) year prior to the application to facilitate the commercial development, the total square footage of the required affordable housing shall be not less than the total square footage of the removed housing plus the square footage of housing required by §2520.3(b). 2520.4~~

~~2502.5 If the applicant agrees to construct or rehabilitate affordable housing pursuant to §2520.3(a), the applicant may satisfy this agreement in any manner chosen by the applicant, including but not limited to a joint venture, partnership, contract, or arrangement with another party to develop the required housing. 2520.5~~

~~2520.6 Except as provided in §2520.7, if the applicant agrees to contribute funds to a housing trust fund, the amount of funds to be contributed shall be no less than the total of one half (1/2) of the assessed value of the total square footage of additional commercial office space. 2520.6~~

~~2520.7 If the applicant agrees to contribute funds to a housing trust fund, and if the additional commercial office space is located on a development site that is improved with one (1) or more housing units that are removed, either after the application or within one (1) year prior to the application to facilitate the commercial development, the amount of funds to be contributed shall be no less than the total of the assessed value of the housing units that are removed plus one half (1/2) of the assessed value of the total square footage of additional commercial office space. 2520.7~~

~~2520.8 Nothing in this section shall require the Zoning Commission to grant or deny an application for a zoning density increase. 2520.8~~

~~2520.9 Nothing in this section shall supplant any requirement of the Zoning Regulations.—~~

~~2520.10 Nothing in this section shall obviate the requirement that zoning shall not be inconsistent with the Comprehensive Plan. However, the Zoning Commission and the Mayor's Office of Planning each shall consider an applicant's compliance with the requirements of this section as supportive of the Comprehensive Plan and as providing public amenities associated with an applicant's project. 2520.10~~

~~2520.11 The provisions of this section shall not apply to the following applicants:~~

- ~~a. — An applicant who obtains a street or alley closing or a zoning density increase for a development that includes, on or adjacent to the site of the development, an amount of housing that is equal to the amount that would be calculated pursuant to the formula set forth in §2520.3(b)(3);~~
- ~~b. — An applicant whose development obtains no additional commercial office space as a result of obtaining a street or alley closing or a zoning density increase;~~
- ~~c. — An applicant for a street or alley closing or a zoning density increase who represents a federal government agency, the Washington Metropolitan Area Transit Authority, or the Pennsylvania Avenue Development Corporation;~~
- ~~d. — An applicant who obtains additional commercial office space pursuant to the variance provisions of the Zoning Regulations;~~
- ~~e. — An applicant whose approved street or alley closing was decided by the Council, or~~

~~whose approved zoning density increase was decided by the Zoning Commission, prior to October 6, 1994;~~

~~f. An applicant who obtains a zoning density increase for a development that already is subject to a housing, retail, arts, or historic preservation requirement pursuant to the zoning regulations set forth in the Downtown Development District; or~~

~~g. An applicant who obtains a street or alley closing or a zoning density increase for a development about which the Council, in its legislation that approves of the street or alley closing, or the Zoning Commission, in its order that approves of the zoning density increase, makes all of the following findings after a public hearing, for which prior notice of a request for this exemption was provided to each affected Advisory Neighborhood Commission and in the District of Columbia Register, and during which the burden of proof is upon the applicant to justify granting this exemption:~~

~~1. The development associated with the street or alley closing or zoning density increase is located within an area designated in the text or map of the Comprehensive Plan as a development opportunity area, a production and technical employment area, or a new or upgraded commercial center; and~~

~~2. Imposition of no housing requirement or a housing requirement that is less stringent than the requirement imposed by this section is necessary to implement objectives and policies set forth in this Plan for that designated area, which otherwise would likely not be achieved. 2520.11~~

~~2520.12 An applicant who obtains a street or alley closing or a zoning density increase who is required to construct or rehabilitate affordable housing pursuant to this section shall not be issued a building permit for the applicant's commercial development until the applicant certifies to the District either that a building permit has been issued for the required amount of affordable housing, or that the applicant has contributed sufficient funds to a housing provider to construct or rehabilitate the required amount of affordable housing. 2520.12~~

~~2520.13 An applicant who obtains a street or alley closing or a zoning density increase who is required to contribute funds to a housing trust fund pursuant to this section shall proceed in accordance with the following schedule:~~

~~a. Not less than one half (1/2) of the required total contribution shall be made prior to the issuance of a building permit for any of the commercial development; and~~

~~b. The balance of the required total contribution shall be made prior to the issuance of a certificate of occupancy for any of the commercial development. 2520.13~~

~~2520.14 Prior to the issuance of a building permit or certificate of occupancy for the commercial development, whichever is applicable, the applicant shall certify to the District that the provisions of this section have been satisfied. 2520.14~~

~~2520.15 The Zoning Commission and all other agencies that have authority to adopt regulations to implement the housing linkage policies shall adopt regulations to implement the provisions of this section. 2520.15~~

~~*SOURCE: Apr. 10, 1984, D.C. Law 5-76, §3, 31 DCR 1049 (Mar. 9, 1984); Apr. 27, 1999, D.C. Law 12-275, §2(a), 46 DCR 1497 (Feb. 19, 1999); also codified at DC Official Code §§ 1-306.31 through 1-306.45.~~