PUBLIC LAND FOR PUBLIC GOOD

Making the Most of City Land to Meet Affordable Housing Needs

October 2012

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ACKNOWLEDGMENTS The authors and the Coalition for Smarter Growth are solely responsible for the content of this report. Our donors, including the foundations that provide general support for our work, were not involved in the drafting of the report and bear no responsibility for the content.

With this in mind, we wish to thank the Prince Charitable Trusts, the Naomi and Nehemiah Cohen Foundation, The Morris and Gwendolyn Cafritz Foundation, the Community Foundation for the National Capital Region, the Share Fund, and the MARPAT Foundation.

We also wish to thank Leslie Steen, Mary Filardo, Allison Barnard Feeney, Wanda Aikens, Carrie Thornhill, Geoffrey Ferrell, and Chapman Todd for their contributions to this report.

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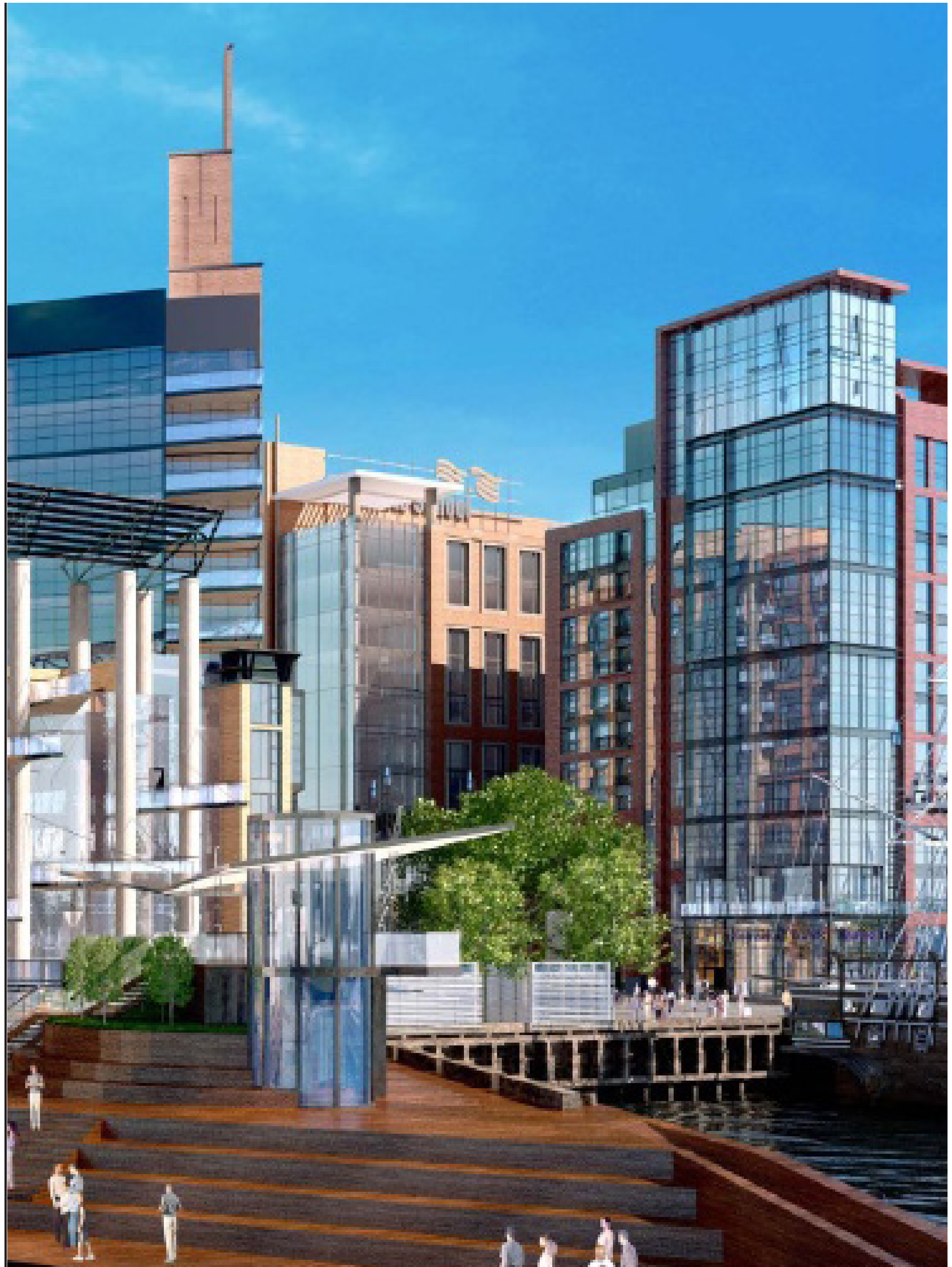
The Wharf - planned development of Southwest Waterfront. Courtesy of Hoffman-Madison Waterfront.

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EXECUTIVE SUMMARY

Over the last decade, D.C. has established an impressive record on affordable housing in public land redevelopment. Beginning with the Williams administration, the District set a goal to aside 20 to 30 percent of total housing units in public land developments for moderate to extremely low income households (down to 30 percent of Area Median Income (AMI), or about $32,000 for a family of four) throughout many parts of the city.

The District also attempted to leverage land and other resources to create affordable housing through mixed-use reconstruction of libraries and schools, although with less success. Overall, the public land development process has integrated thousands of affordable homes and helped to reenergize neighborhoods that had languished with little investment for years. In some cases, public land development is bringing affordable housing to places where such opportunities are rare.

The current administration has the opportunity to capitalize on the lessons learned over the past decade to make even more effective use of public land to produce affordable housing at moderate to deeply affordable levels. Recent indications, however, point in the opposite direction. The current administration's requests for proposals have reduced required set asides for affordable housing in public land development deals compared to the previous decade. They should reconsider this approach, given the growing need for housing at low and moderate income levels and the successful record of previous administrations in producing substantial amounts of affordable housing through public land redevelopment. Public land redevelopment is likely to offer some of the only opportunities to provide housing affordable to households below 60 percent AMI ($63,650 for a family of four).

While the District has implemented a number of successful projects, greater focus by the current administration and council is needed to ensure the city maximizes the public benefits that can be realized from public land. They should also ensure a more transparent accounting of those benefits, and early community planning process that addresses both citywide and local needs.

As the Mayoral-appointed Comprehensive Housing Strategy Task Force considers recommendations to strengthen the city's affordable housing efforts, it should ensure that the city once again capitalizes on public land redevelopment to provide substantial numbers of affordable homes for moderate, low and very low income households.

Recommendations

1. **Make affordable housing a top priority in public land redevelopment**. Preserving and generating an adequate supply of affordable housing for the District's lower income households is one of the greatest challenges facing the city.

2. **Set aside 30 percent of residential units as affordable.** Maintain the practice from the previous two Mayoral administrations and the standard set in the legislation for the Anacostia Waterfront Initiative, requiring 30 percent of total residential units to be affordable below 60 and 30 percent AMI. This is particularly important in neighborhoods that lack affordable housing now or are rapidly losing affordable units.

3. **Give preference to experienced affordable housing developers as partners.** They have the necessary knowledge and experience to put together the designs, financing packages and contractors to maximize affordability in a project.

4. **For rental developments, set a priority on meeting the needs of 30 percent AMI households as much as possible, along with serving households up to 60 percent AMI.**

5. **For for-sale units, focus on households earning 50 and 60 percent AMI, and no higher than 80 percent AMI.**

6. **Establish "workforce housing" standards that fit D.C.'s working households income levels.** This means targeting units to be affordable to households earning no greater than 80 percent AMI, not 80 to 120 percent AMI.

7. **Make retaining D.C. residents and workers through affordable housing development a central goal of the Deputy Mayor for Planning and Economic Development (DMPED) and public land dispositions.**

8. **Incorporate community plans, and other citywide goals into public land redevelopment plans.** In pursuit of the deal, DMPED has not always recognized the unique opportunity to use public land to help implement community plans and goals. DMPED should seek out opportunities to meet needs identified by residents and community plans through public land development.

9. **Coordinate city agencies to maximize public benefits**. The Mayor should direct the separate agencies that hold public land, assets, and subsidy sources to closely coordinate to make the most of these collective resources to serve moderate and low income residents.

10. **Commit to a better community engagement process.** Once the District government has established internal agreement on intersecting goals and needs, DMPED should coordinate an early public engagement process. The community can offer a wealth of ideas and knowledge about neighborhood needs, and ways to address local and citywide goals appropriate to the specific local context.

11. **Provide transparent valuation of public and private benefits.** Building public trust in public-private agreements involving the disposition and redevelopment of the city's land and facilities depends on an open process where the accounting for the value leveraged to pay for public benefits is broadly understood by and justified to the public.

INTRODUCTION

During the decades of disinvestment and population decline, the District acquired substantial amounts of vacant and underutilized land. Many of these properties are now valuable assets that can be redeveloped for housing, commercial uses, and new public facilities. The District also owns large parcels of former federal property and scores of aging schools, libraries, and other public facilities with the potential to meet a range of community needs.

Public land development has traditionally been viewed as a catalyst for revitalization and private investment in distressed neighborhoods. However, given D.C.'s strengthening real estate market, public land can play an important role in providing the diversity of housing the city needs, especially in areas with high and rising values. Public land redevelopment can also meet other community needs for services and amenities for a thriving city. Effective public-private development can provide updated public facilities such as libraries and schools, affordable housing, and enhanced community amenities, along with cost savings and other efficiencies.

Since 2000, the District has achieved significant public benefits from the redevelopment of city-owned land into mixed-use and mixed-income spaces. However, in some cases, deals intended to provide substantial affordable housing ultimately scaled back the public benefits and resulted in fewer units than expected with less affordability. The future potential pipeline for public land projects includes small properties throughout the city and major sites such as: Saint Elizabeth's East Campus with 183 acres and 2000 planned residential units; Poplar Point with 110 acres; McMillan Sand Filtration site with 25 acres and 800 planned residential units; and Walter Reed Campus with 67 acres.

The purpose of this paper is to assess how the District can more effectively use its own land to better address the needs of D.C. residents and build a more sustainable and economically integrated city. By examining the accomplishments and shortfalls of completed projects, we can identify future opportunities to increase affordable housing and other public benefits.

We consider case studies of redevelopment of surplus public land and public-private joint development of public facilities to assess the degree to which these initiatives address community and citywide needs. We offer recommendations for policies and procedural reforms to more effectively generate public benefits from the redevelopment of the extensive and valuable inventory of city-owned property, with a particular focus on providing affordable housing.

A Vision of Public Land for Public Good

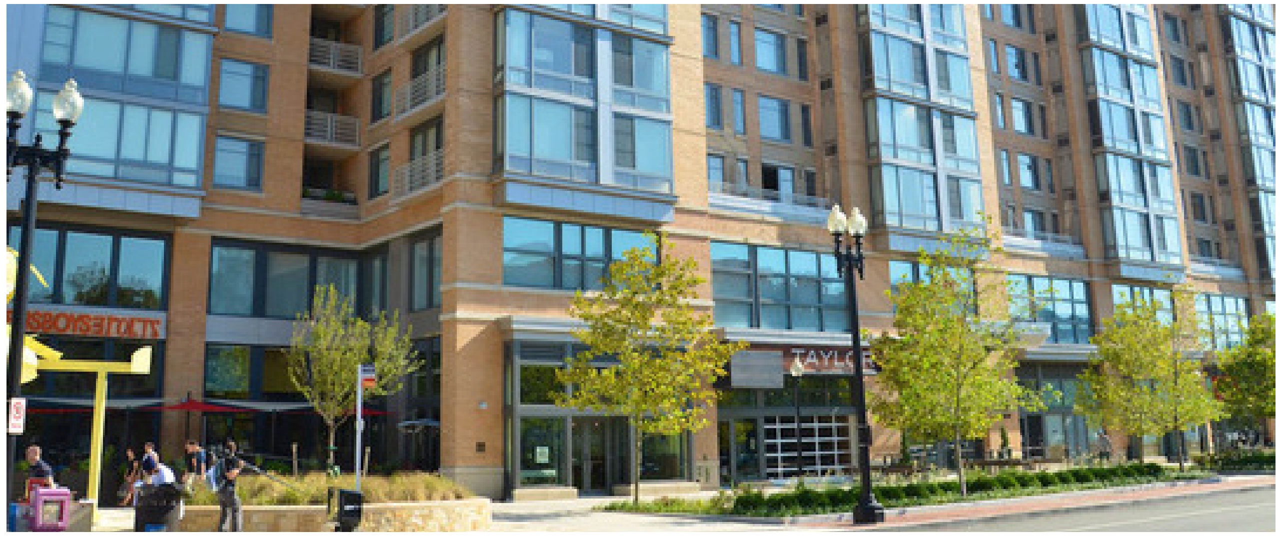
An important goal for city land development should be to build affordable housing opportunities so that all D.C. residents, including low and moderate income residents, can stay and share in the city's rising prosperity. Leveraging the value of public land is a creative, cost-effective way to increase D.C.'s stock of affordable housing. This is especially important in neighborhoods with little affordable housing or where affordable units are being lost to rising prices and redevelopment.

Over that last decade, the District created an impressive record on how affordable housing reaching to deep levels of affordability can be integrated into larger redevelopment efforts. Recent signs, however point to scaling back the pursuit of significant amounts of affordable housing, and deeply affordable homes in public land dispositions. This is the wrong direction for the city.

Now more than ever, the District needs to use all the tools it has to meet the housing needs of its residents who are falling behind. It needs to stake out a clear vision for how public land can help sustain and broaden the opportunities for moderate and low income residents. Building on the record of the last decade, the city can continue to make a significant contribution to the housing stock for its residents who are struggling to find and keep homes they can afford. Public land dispositions should be used as an important tool for providing affordable homes for our moderate and low income residents. We propose the following goals to best utilize public land for public good[1]:

- **Provide affordable housing for D.C. residents as a top priority in public land developments.** Public land is an important resource to the District for providing affordable housing. The land can be offered at deeply discounted rates to private developers in return for building affordable housing, eliminating the typically high cost of urban sites. Eliminating the underlying land cost is particularly important when seeking to provide housing for households earning 30 percent or less of the area median income (AMI)[2]. Leveraging the land value as a source of subsidy to build affordable

Progression Place planned mixed-use, mixed income development. Image courtesy of the Jarvis Company.



City Vista at 5th and K Street, NW. Photo courtesy of Gables City Vista.

housing creates funding that does not impact the District's budget or financial plan. Experienced affordable housing providers should be given preference as partners in the developer selection process. The city should also pool public and private subsidy resources to leverage the land value.

- **Maximize the site's potential.** Instead of building a one or two-story library or other public facility with a surface parking lot, build a robust mix of compatible uses and fully use the building envelope, especially sites adjacent to Metro stations, major bus corridors, and future streetcar lines.

- **Meet critical community needs.** While affordable housing should be the top priority, especially where public land might offer one of the only opportunities for affordable housing in the city's high cost or rapidly changing neighborhoods, redevelopment should also seek to meet other important public needs. Public land and facilities can be used to meet important local needs such as day care centers, health clinics, and workforce development training spaces. Depending on the size and character of the public land, include sites for affordable small business and non-profit commercial space, public art, parks, and innovative environmental design.

- **Ensure an early and robust public process.** The public process to create a site-specific plan must start early and allow the sharing of information and needs, helping the community and city stakeholders create a vision for the mix of public benefits and complementary private uses that fit the site's potential and context. This public engagement process must balance responsiveness to local needs and desires, with the responsibility of using public land for critical citywide goals such as affordable housing.

- **Ensure transparency in valuation and accounting.** The value of the public land and facilities and the accounting for private and public benefits in each public-private deal should be transparent and understandable to the public.

By leveraging the value of city-owned land to pay for affordable housing and other community benefits, the District can help ensure that D.C. residents across the continuum of income can share in the benefits of its rising desirability.

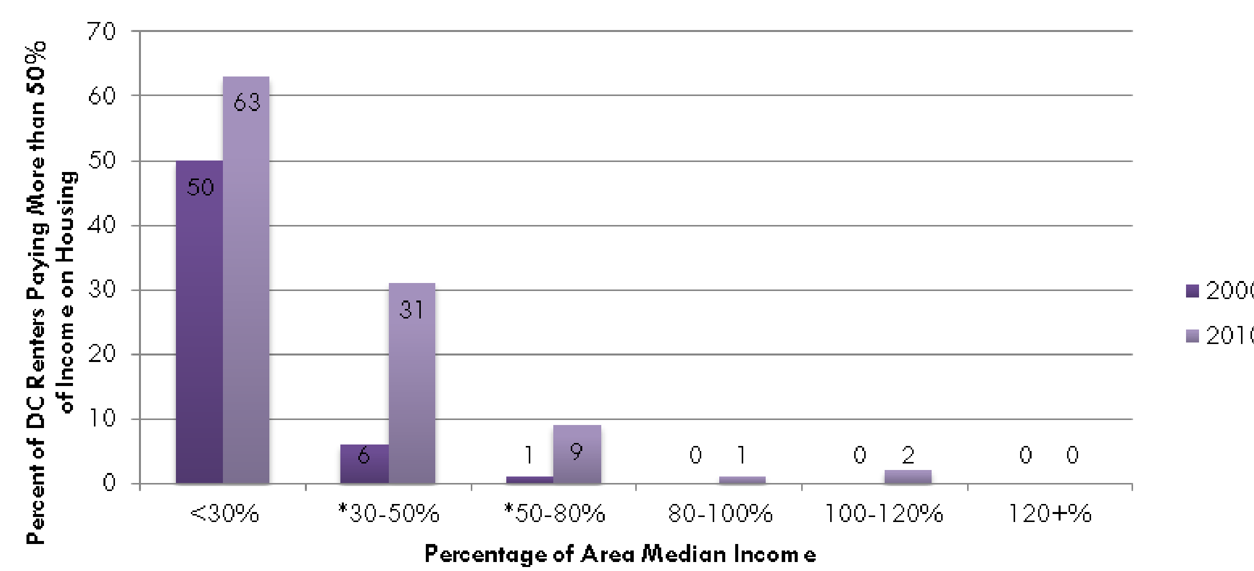
D.C.'S NEED FOR MORE AFFORDABLE HOUSING

Moderate and low income households are losing ground in the District. In 2010, D.C. Fiscal Policy Institute (DCFPI) found that 63 percent of households earning 30 percent area median income (AMI) or below spent more than half of their income on housing alone. (Thirty percent of AMI was $31,850 for a family of four in 2011.)

This is considered a severe cost burden, especially when 30 percent of a household's income spent on housing is considered a reasonable expenditure.[4] These households were by far the most affected of any income group by the rising cost of housing in D.C., but greater affordability problems are creeping up the income scale for households at 50 and even 80 percent AMI (Figure 1).

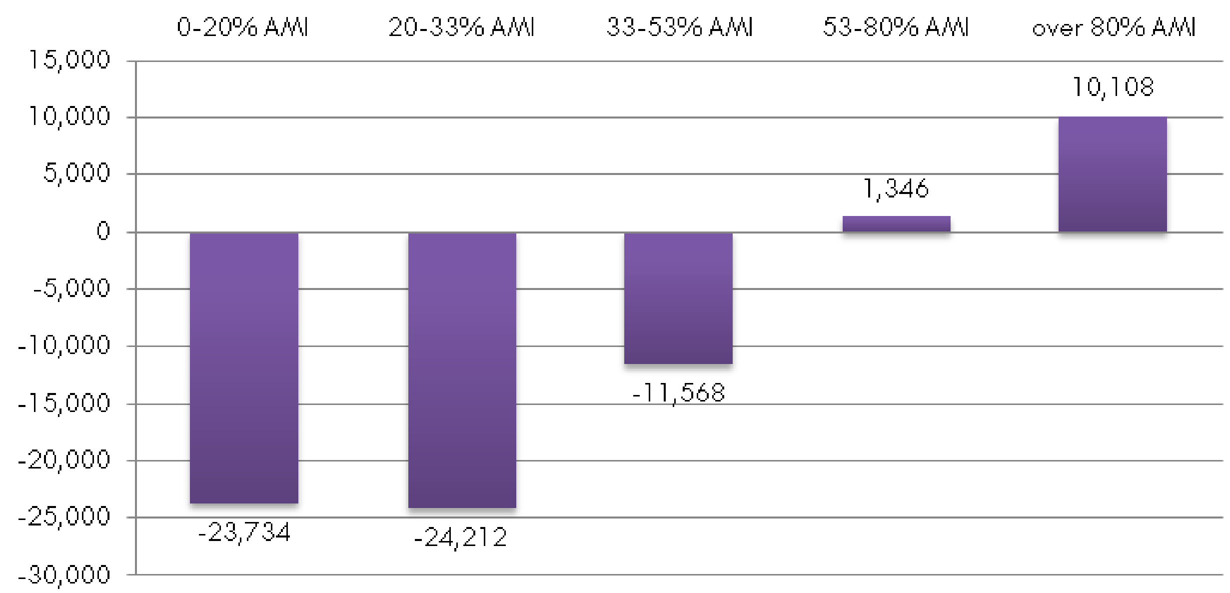
Since 2000, with the re-emergence of the D.C. housing market, rents and home values have risen sharply while incomes for lower wage workers

Figure 1. Affordability Problems Are Growing Among Moderate-Income Rental Households



*Indicates a statistically significant difference from 2010
Source: DCFPI Analysis of American Community Survey Data

Figure 2. Deficit or surplus of available and affordable rental units by household income, Washington D.C., 2009



Source: National Low Income Housing Coalition tabulations of 2009 American Community Survey PUMS data

remained flat. DCFPI estimates that between 2000 and 2010, D.C. lost half its low-cost rental units or 36,100 rental units priced less than $750. A worker earning $30,000 a year would be able to afford an apartment at this cost.[5] Home values have also soared with a doubling of median value to $400,000 and a drop in low-cost homes, those priced less than $250,000, by 70 percent during the 2000s.[6]

In addition, the city continues to lose affordable units in the federal Section 8 program, a major source of subsidized rental housing in the city. As these units which were built under the program created in 1974 have approached the end of their 20-40 year terms of affordability,[7] some landlords are opting not to renew their Section 8 contracts and converting the apartments to market rate. An analysis by the Urban Institute showed that between 2000 and June 2007, the District lost 1,995 Section 8 housing units or just over 15 percent of all Section 8 units in the city.[8] Approximately 11,190 units are under this program in D.C.[9] Waiting lists for housing choice vouchers (formerly known as Section 8 vouchers) in D.C. are now in the tens of thousands.[10]

In-migration of higher income households, rising housing prices, and declining affordable housing stock are compounding the challenges lower income D.C. residents face when seeking housing they can afford. As Figure 1 shows, households earning 30 percent AMI or below face the most acute housing problems.

Another way to assess D.C.'s housing needs is to examine the supply of housing affordable at different income levels. An analysis of housing supply and need by the National Low-Income Housing Coalition shows that the greatest shortages and needs are faced by households earning 50 percent of AMI and below (Figure 2).[11] For households earning between 53 and 80 percent AMI, a small surplus exists of units that are both affordable (rent is no more than 30 percent of income) and available (not occupied by a higher income group). The analysis also shows the District had a surplus of affordable and available housing units, citywide, for those households earning above 80 percent of AMI.

Table 1. Income comparisons using Area Median Income (AMI) and Washington, D.C. median income by household size, 2011

Income Limit	4-Person Household		3-Person Household	
	Washington Metro Region	Washington, D.C. only	Washington Metro Region	Washington, D.C. only
120% Median	$127,300	$84,500	$114,550	$76,050
100% Median	$106,100 (AMI)	$70,400	$95,500	$63,350
80% Median	$84,900	$56,300	$76,400	$50,650
60% Median	$63,650	$42,250	$57,300	$38,050
30% Median	$31,850	$21,100	$28,650	$19,000

Source: US Department of Housing and Urban Development, FY2011, and 2009 American Community Survey data

While housing analysts have repeatedly demonstrated the significant need for housing assistance below 50 and 30 percent AMI, a discussion about the need for higher income "workforce housing" has emerged periodically among District officials, business organizations and others.[12]

While there is no official definition of workforce housing, some have defined it as housing affordable to households earning 100 to 120 percent AMI. Yet based on this regional income definition, which includes the wealthiest suburban counties in the country,[13] most modest income working households in D.C. would not earn enough to qualify for a program to assist families earning 100 percent of AMI, let alone 120 percent of AMI or $127,300 a year.

The District's median income for a family of four is much lower, $70,400 – or equivalent to just 66 percent of AMI (Table 1). As shown in Figure 2, the city offers a sizable surplus of housing units for households above 80 percent AMI, but has a

Planned CityMarket at O Street. Courtesy of Roadside Development.

Table 2. Top 10 Occupations by Employment Totals for Washington, D.C. Residents, 2010

Occupation	Estimated Employment	Annual median wage	% of 2010 AMI (household of three)
Lawyers, and Judges, Magistrates, and Other Judicial Workers	20,556	$153,640	165%
Miscellaneous Managers, Including Postmasters and Mail Superintendents	14,815	$126,240	136%
Secretaries and Administrative Assistants	12,350	$50,575	54%
Janitors and Building Cleaners	10,507	$24,160	26%
Cashiers	9,059	$21,890	23%
Retail Salespersons	8,324	$22,750	24%
Management Analysts	7,566	$89,040	96%
Security Guards	6,776	$37,580	40%
Elementary and Middle School Teachers	6,145	$62,138	67%
Social and Community Service Managers	5,839	$74,700	80%
Other Notable Professions			
Police and Sheriff's Patrol Officers	1,7851	$65,380	70%
Firefighters	1,8422	--	--

Sources: Department of Labor, Bureau of Labor Statistics for median wage data and 2009 American Community Survey for employment data, except as noted.

[1]Metropolitan Police Department 2010 Annual Report.

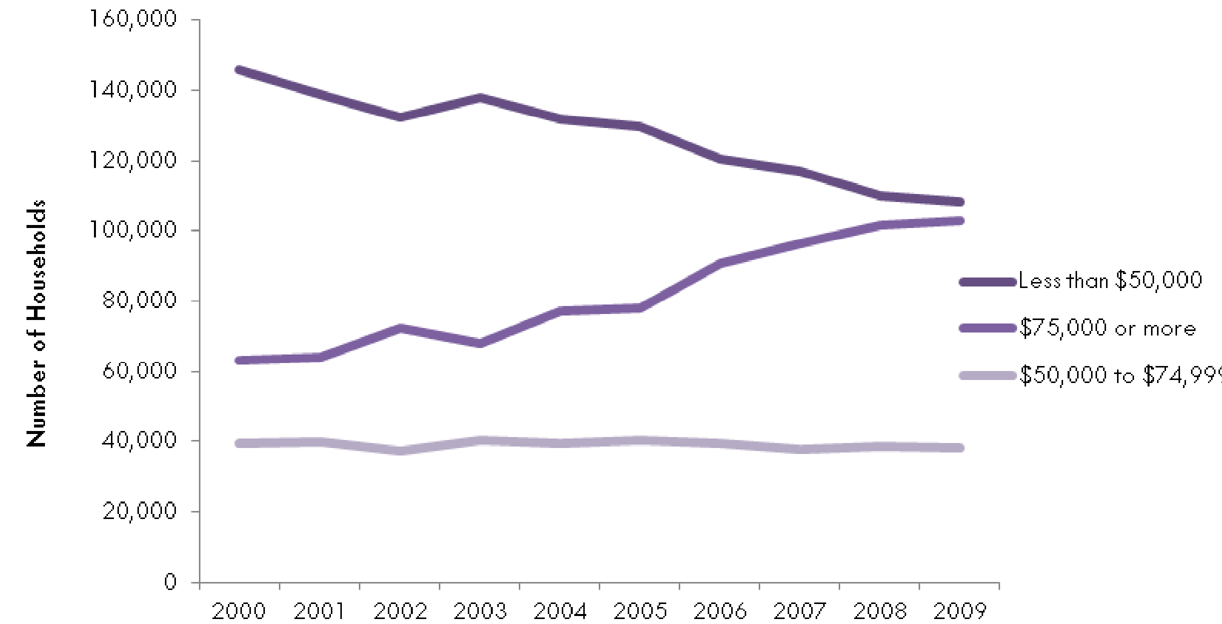
[2]Fire and Emergency Medical Services Department FY 2012 proposed budget. The last available salary figures are from FY 2007; FEMS used an average salary of $60,563 for firefighters in a MOU attachment.

significant shortage for households below 53 percent AMI, meaning that polices focused on "workforce housing" based on the region's AMI would fail to address the needs of most D.C. households.

When we look at the earnings of common occupations in D.C. (Table 2) – teachers, janitors, security guards, and even police officers – we see that a three-person household with one wage earner for these occupations falls well below 80 percent of AMI. After high-earning lawyers and managers, six of the remaining eight top jobs for D.C. residents fall below 80 percent AMI, with many falling far below.

Another way to get a sense of the need for housing at moderate and low income levels is to examine demographic trends. A Brookings Institution analysis of census data showed that between 2000 and 2009 the number of lower income households decreased while

Figure 3. Washington, D.C. Households by Income, 2000 to 2009



Source: Benjamin Orr and Alice M. Rivlin, Affordable Housing in the District - Where Are We Now? Brookings Institution, 2011; CSG Analysis of American Community Survey and Decennial Census data.

the number of higher-earning households increased. Evidence suggests that the lower income households were either leaving the city or doubling up and not being counted, while a rising number of higher income residents were moving to the city.[14] The number of households earning below $50,000 a year steadily declined over that period by 37,601 households, or 26 percent.[15] Meanwhile, those earning above $75,000 increased by nearly the same measure adding 39,632 such households, or 63 percent.[16] Households earning between $50,000 and $75,000 remained steady. Low incomes and rising home prices have combined to create a situation where the supply of affordable housing falls far short of meeting the housing needs of a large share of D.C. households.

The data presented above demonstrate that need, measured by cost burden, availability, and earnings among the most common occupations remains well below 80 percent AMI, and mostly below 50 percent AMI. Targeting assistance to help D.C. residents facing the greatest housing challenges means focusing on households at the 30 percent AMI level. Combining resources such as public land and other subsidies can help serve 30 percent AMI households. Deeply affordable housing at the 30 percent AMI level is not only the most in short supply, it is also the most difficult to produce and sustain. Paying for housing costs at this deep level of affordability usually requires an operating subsidy in addition to a subsidy for the capital construction costs. Given these challenges, public land plays an important role by relieving the cost of land as a major factor in the production of affordable housing to meet D.C.'s most challenged households.

THE DISTRICT'S RECORD ON AFFORDABLE HOUSING PRODUCTION IN PUBLIC LAND REDEVELOPMENT

The turnaround in the city's economy and surging land market beginning in the late 1990s led to substantial redevelopment of underutilized public land. During this period, a number of major public land holding agencies offered mixed-use and private development opportunities, including two former quasi-governmental redevelopment agencies: the National Capital Revitalization and Anacostia Waterfront Corporations, along with the D.C. Public Library board, and the office of the Deputy Mayor for Planning and Economic Development.

Through the 2000s, as a matter of policy, the administrations of Mayors Anthony Williams and Adrian Fenty offered surplus city-owned lands for redevelopment with the condition that 20 to 30 percent of residential units be affordable to low and moderate income residents (Table 3). Only the former Anacostia Waterfront Corporation lands had a statutory requirement to produce affordable units at specific levels in projects with housing. Requests for certain percentages of affordable units did not always result in the targeted amount in a final agreement, especially at the deepest level of affordability. However, many public land projects produced substantial amounts of moderate to deeply affordable units (see Table 4 and Appendix 2).

In January 2011, newly sworn in Mayor Vincent Gray appointed Victor Hoskins as Deputy Mayor for Planning and Economic Development. The new administration continued to execute public land development deals in the pipeline with substantial amounts of affordable housing. While the administration has not articulated an explicit percentage of affordable units in new public land dispositions, it has asked for affordable housing to be "maximized" at and below 80 percent AMI, or at least comply with inclusionary zoning (IZ) standards.

Table 3. Affordable Housing Requested in Public Land Dispositions, 2000 to 2012

	Total Set Aside	Income Targeting Split
Williams Administration	20%	5% at 30% AMI 5% at 60% AMI 10% at 80% AMI
Fenty Administration	30%	15% at 30% AMI 15% at 60% AMI
Anacostia Waterfront Lands Law	30%	15% at 30% AMI 15% at 60% AMI
Gray Administration	Per inclusionary zoning (8-10%) / "maximize"†	Per inclusionary zoning (50-80% AMI) / at or below 80% AMI †

† per Parcel 42 request, April 20, 2012.

In new residential developments, inclusionary zoning requires an 8-10 percent set aside for households earning 50 to 80 percent AMI, depending on the zoning category. Inclusionary zoning applies to any housing development of 10 units or more in most parts of the city and provides a density bonus to compensate the property owner for the below market-rate units.

While we do not yet know the outcome of requests to "maximize" affordable housing, we do know that inclusionary zoning standards are less than half the set aside of what was expected for public land dispositions in the past. Additionally, inclusionary zoning does not provide for extremely low income households below 50 percent AMI. For areas zoned for higher densities, where most development is occurring, IZ only requires providing eight percent of the housing units at the 80 percent AMI level, which is above D.C.'s median household income.

In contrast to relying on basic inclusionary zoning standards, previous administrations sought much greater percentages of affordable units at deeper levels of affordability in public land deals. Due to city ownership and the city's ability to deeply discount the price of the land to the developer, public land has offered a significant opportunity to provide a substantial number of affordable housing units and provide housing for residents with moderate to very low incomes.

Deputy Mayor Victor Hoskins has stated that the Mayor's Comprehensive Housing Strategy Task Force would be an appropriate body to provide guidance on the question of the role of public land dispositions in providing affordable housing. The Task Force's recommendations are due in the fall of 2012.[17] In the meantime, recent solicitations for development proposals by this administration have not been as specific about income targeting or set asides for affordable housing as was the practice during the last decade (see Table 3).

Discontinuing the practice in solicitations of setting strong and specific standards for the percentage of affordable units and for income targeting for very low income levels, is likely to result in fewer units and less affordability in developer proposals for city land.

In contrast to the treatment of affordable housing, the city has maintained other numeric targets in its solicitations: for local hiring (51 percent of jobs) and minority and disadvantaged business participation (35 percent of the contracts). Setting specific targets is essential for clearly communicating to bidders and the public the city's priorities, and how a proposal will be evaluated.

While 30 percent AMI is a difficult level of affordability to reach, especially because it requires ongoing operating funds to meet expenses not covered by rents, the city's public land development efforts have, over the last decade, created significant numbers of deeply affordable units as part of larger mixed-income or all affordable projects.

The greatest need for affordable housing in the District continues to be for households earning 30 percent of AMI and below. At this income level, households are likely to pay more than half their income in housing costs and face an acute shortage of units at affordable rents. While funding deeply affordable units remain a major challenge, the city's publicly owned land offers an important opportunity to create these units by removing the cost of land as a factor from the development's equation. By setting specific affordable housing targets to be reached and assigning higher priority to this goal in the selection of winning development proposals, the city will more effectively leverage public land to help serve D.C. residents facing the greatest housing need.

Former D.C. Land Agencies: National Capital Revitalization Corporation and the Anacostia Waterfront Corporation

During the administration of Mayor Williams in 1999, the return to fiscal health and the recovery of the national economy contributed to higher land values and demand for city parcels that had been vacant or underutilized for decades. To help spur investment in the city, the D.C. Council adopted legislation in 1998, creating the quasi-governmental National Capital Revitalization Corporation (NCRC). The law charged NCRC "to retain and expand businesses located within the

District, attract new businesses to the District, and induce economic development, job creation, and job training,"[18] with emphasis given to particular "Priority Development Areas" spread throughout the District.[19] Similarly, a Revitalization Plan developed by NCRC emphasized "a specific mission: improving District businesses, promoting real estate development, and infusing economic development into the District of Columbia."[20]

The legislation establishing the NCRC did not include requirements for affordable housing, but the Williams administration worked with the NCRC to require affordable housing in the deals transferring public land for private residential development.

Beginning in 1999, major public land developments undertaken by NCRC included a downtown mixed-use 685-unit rental and condominium project, City Vista, at 5th and K Streets, NW (which began selling units in 2007)[21] and nine parcels of land around the Columbia Heights Metro station (opened in 1999).

In its requests for proposals (RFPs), the city routinely solicited affordable housing set asides of 20 percent of the total number of residential units divided between three income groups: five percent at 30 percent AMI, five percent at 60 percent AMI, and 10 percent at 80 percent AMI. According the D.C. Office of Planning (DCOP), the nine parcels on 13 acres of formerly public land in Columbia Heights yielded 596 new affordable housing units, representing 35 percent of the total number of units produced on those parcels.[22] Table 4 shows a number of the projects developed in the early to mid-2000s with affordable housing.

Table 4. Selected Early 2000s Public Land Projects

Project	Address/ Neighborhood/ Ward	Total Payment to District	Total Number of Housing Units	Affordable Housing Income Targetting Split/ Total
Verona Parc Condominiums (2003)	1328-52 Euclid Street, NW/ Columbia Heights / Ward 1	$24,3075	For sale: 33	2 at 30% AMI 3 at 60% AMI 2 at 80% AMI 7 total
Highland Park (2003)	1400 Irving Street, NW / Columbia Heights / Ward 1	$2,420,000	Rentals: 235 For sale: 24	5% at 30% AMI 5% at 60% AMI 10% at 80% AMI Total 20% 46 total
City Vista (2005)	475 K Street, NW / Columbia Heights / Ward 6		Rentals: 244 For sale: 441	5% at 30% AMI 5% at 50% AMI 10% at 80% AMI Total 20% 138 total
Solea Condominiums (2006)	1414 Belmont Street, NW / Columbia Heights / Ward 1		For sale: 59	5% at 30% AMI 5% at 50% AMI 10% at 80% AMI Total: 20% 15 total

Source: Land Disposition Agreements provided by DMPED; Deputy Mayor for Planning and Economic Development's Affordable Housing Database, FY06-August 4, 2010 published at: http://images.tbd.com/pdfs/district_affordable_housing_fy06-fy10-8-5_4_10.pdf

In 2004, the Williams administration created the Anacostia Waterfront Corporation (AWC), a quasi-governmental organization similar to NCRC but with a particular focus on the land bordering the Anacostia River. Along with economic revitalization, the AWC sought to restore the water quality of the river and to direct a share of investment and jobs generated by AWC land development to Ward 8 residents.[23] Unlike the NCRC legislation, the act creating the AWC mandated affordable housing standards for residential developments, requiring 30 percent of the units to be designated for affordable housing, divided evenly between households earning up to 30 percent AMI and 60 percent AMI.[24]

Shortly after taking office in 2007, Mayor Fenty disbanded the NCRC and AWC and absorbed their holdings into the D.C. government. However, the high standards for affordable housing, labor and stormwater management for the AWC properties were retained when transferred to the D.C. government's office of the Deputy Mayor for Planning and Economic Development (DMPED).[25]

In addition to the 30 percent affordable housing requirement for AWC lands, the Fenty administration included a similar requirement (setting aside 30 percent for households earning below 30 and 60 percent AMI) in most RFPs for other public land proposed for residential development. Unlike the AWC lands, this standard was never codified in law, and land dispositions did not necessarily include the 30 percent AMI income targeting despite the provision in the RFP.

D.C. Public Libraries and Mixed-Use Redevelopment

The potential to increase the supply of new affordable housing extends beyond the parcels

Highland Park mixed-use, mixed income redevelopment in Columbia Heights. Photo by M.V. Jantzen

Scale model of "the Wharf" mixed-use, mixed-income project at Southwest Waterfront. Photo by Eric Mo.

controlled by DMPED, including a range of D.C. buildings, libraries, and schools and their surplus school sites. The city has considered and attempted to incorporate affordable housing and other mixed-use development in the redevelopment of its outdated libraries a number of times but has no built examples.

Historically, the D.C. Public Library (DCPL) only built single-use library buildings. Recent exceptions to this practice have been the placement of formerly freestanding library kiosks inside new recreation centers.[26] Currently, DCPL is considering the option of building additional stories and adding private uses to the central library to pay for an over $200 million overhaul.[27] It is pursuing mixed-use redevelopment of its outdated West End Library in collaboration with DMPED. During the mid-2000s, two of four libraries (Benning Road and Tenley) under reconstruction were considered for mixed-use development but ultimately were rebuilt as single-use structures. Throughout the 2000s, city and library officials along with the public debated the merits of mixed-use libraries as a means to replace obsolete library facilities.

In May 2007, the DCPL Board of Trustees approved an official Mixed-Use Real Estate Projects Policy, but it takes a cautious approach. Although it does not explicitly rule out mixed-use projects, the policy states that DCPL will not solicit proposals for such development. It will review unsolicited proposals, which is the case for the West End Library redevelopment, but the policy makes clear that, among other requirements, the community must show strong support for the concept. The proposal also must provide "significant cost savings or other tangible benefits to DCPL," and the selection of a mixed-use project must not impose "significant construction delays."[28]

While DCPL's policies are cautious, Ginnie Cooper, Chief Librarian since 2006, said that she and DCPL have been willing participants in the number of, albeit unsuccessful, mixed-use proposals in the past and are currently considering such options. She said she believes the agency should pursue mixed-use libraries where they make sense – when a replacement library site is located on a major street, in a higher density area, and close to transit.[29] In addition to the West End mixed-use library project and the consideration of the Martin Luther King Jr. Central library as a mixed-use renovation, she suggested that the Southwest Branch library is also a good candidate for mixed-use replacement.[30]

THE DISTRICT'S PUBLIC LAND REDEVELOPMENT PROCESS

Converting a parcel of D.C. land into an approved private development or mixed-use public facility is a multi-step process. (See Appendix 1 for a detailed description.) In brief, the process starts with several executive agencies reviewing D.C. properties once they are no longer needed for their original use.

If no other District agency can utilize the building or parcel, the Mayor can then ask the D.C. Council to approve the classification of the land as surplus. If the surplus property is a school, the city must first make the site available to charter schools. If a charter school is not awarded the school site, DMPED will then solicit and review offers for development of the parcel via an RFP, as is the case for all other sites. The winning submission and the terms of the proposed deal are then reviewed by the Council, which will vote whether to approve of the disposition to the selected developer.

The city and the developer will then negotiate and finalize a land disposition and development agreement (LDDA or LDA) that specifies the terms of the transaction, including the specific community benefits the developer will provide.

Depending on the zoning and historic designation, the project may also need approval from the Historic Preservation Review Board (HPRB), the Zoning Commission, or the Board of Zoning Adjustment (BZA). Throughout the entire process, the developer and, to a lesser extent, the city will often meet periodically with residents via public forums, Advisory Neighborhood Commission (ANC)[31] meetings, and gatherings with various civic organizations and neighbors.

The land dispositions involve an exchange of benefits between the city and the private developer. In exchange for public benefits, such as affordable housing, the District will reduce the purchase price or long-term lease rate of the land. Of the 15 D.C. land dispositions with residential development enacted between 2008 and 2011 for which purchase or lease amounts could be determined, close to half were for $1 or $10.[32]

According to the Office of the Chief Financial Officer (CFO), 7 public land dispositions in 2010 were documented as providing a land price subsidy of $0 due to the fact that the value of the benefits or conditions of the property were determined to be greater than the purchase price or lease value.[33] No other values, however, were indicated.

In addition to deeply discounted land purchase or lease prices, projects have also received other public subsidies, including federal assistance such as Low Income Housing Tax Credits and local funding through Tax Increment Financing (TIF), PILOTs (payments in lieu of taxes) and tax abatements.[34] While some projects incorporated a request for subsidies into their bids, in a number of cases, winning bidders have later asked the city for additional subsidies.[35]

Under D.C. law, the Mayor (through DMPED) and the Chief Financial Officer must conduct financial analyses of land dispositions, including: "a description of any affordable housing provided" and "estimates of the monetary benefits and costs to the District."[36] However, neither analysis provides values for all the stated public benefits

The Office of the Chief Financial Officer (CFO) has the longest-standing record of reviewing dispositions under D.C. law, requiring that any new legislation to dispose of property include an "estimate of the costs" to the city for the four fiscal years following enactment of the law.[37] The CFO conducts these reviews to provide an account of the effect of legislation on District revenues, particularly to identify any reductions in revenues.

Yet, the CFO is charged only with identifying the negative impacts on revenues for four years. While the CFO will state the loss of a District asset through the selling of city property, the disposition is not considered to have a fiscal impact because the value of assets are not included in the budget or financial plan.

Disposition statements commonly indicate that the sales price or lease value should reflect the land value minus any public benefits. However, the exact value of public benefits is rarely enumerated in public documents.[38] Though assets such as the value of a new public asset (e.g., libraries) might be given concrete values, affordable housing is not. Thus, the CFO does not fully calculate whether the benefits received are reflected in the negotiated sales price and the deal structure with the developer. Without an official valuation of the benefits, the public is unable to confirm if the write-down in purchase price or lease rate is commensurate with the costs of the benefits.

Another barrier to transparency is the difficulty tracking the final results of each deal. While LDAs appear as bills and are readily available on the D.C. Council's website, LDAs often change after approval, and final records are not necessarily posted online. The D.C. Department of Housing and Community Development is charged with tracking all the affordable dwelling units produced through public land dispositions but have stated that it cannot make this information available to the D.C. Council or public at this time.[39] This makes verifying the final public benefits difficult.

Less Parking, More Affordable Housing

One significant cost variable in new development is the amount of parking provided. With underground parking costing $20,000 – $60,000 per space, the cost of parking has a significant impact on overall cost of the project and the affordability of housing.

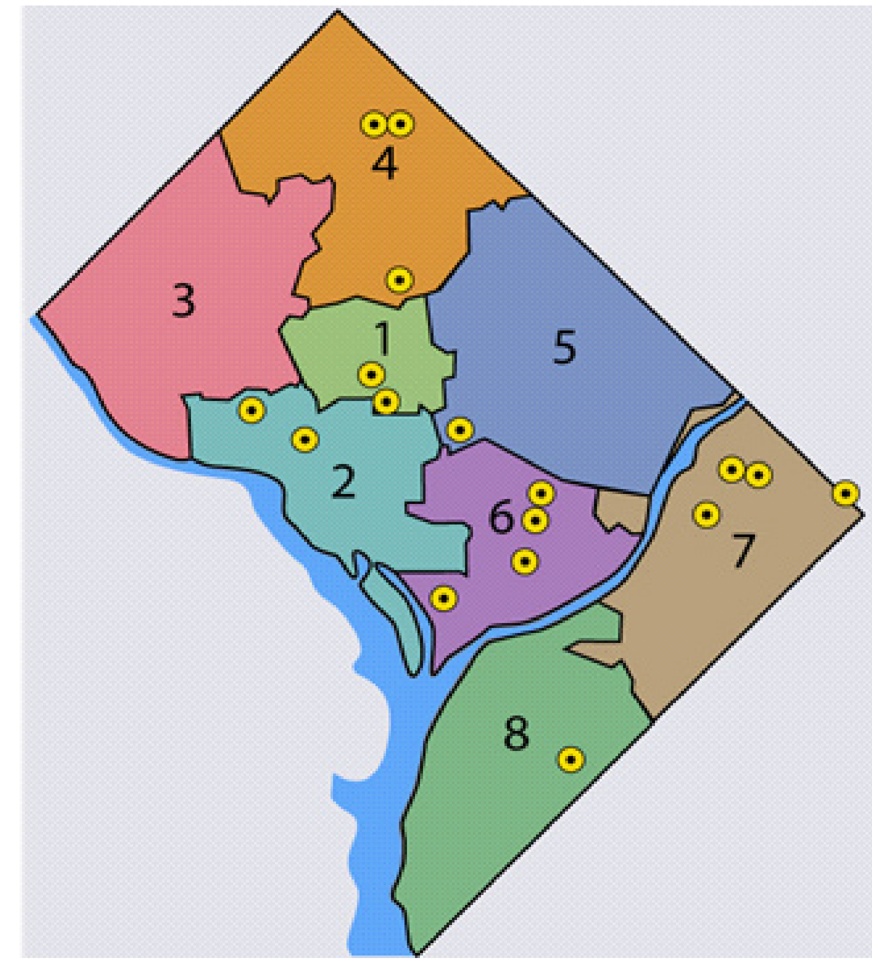
Over the last few years, DDOT and OP have significantly changed their approach to parking supply – encouraging less vehicle parking in new construction. Through the development review process, DDOT and OP have pushed developments to reduce vehicle parking supply and promote access to transit, bicycling, and walking as leading transportation options.

No better example exists of the risks and costs of building more parking than needed, than that of the NCRC's land dispositions around the Columbia Heights Metro Station in the early 2000s. Most residential projects were built with one parking space per unit, even for the affordable units, despite the area's low car ownership rate. Forty to 70 percent of households did not own a car in the census tracts that made up the area.[40] Developers have reported low demand to lease parking spaces at market prices given the neighborhood's accessibility via transit, walking, and bicycling.[41]

Meanwhile, NCRC's large scale DC USA retail project in Columbia Heights famously included too much parking -- as much as two times the amount needed. This saddled the city with additional unexpected costs to operate the city-owned garage.[42]

D.C.'s low car ownership rate (over a third of households do not have a car), and high level of transit service, along with expanding bicycle facilities and high walk-to-work rate (second highest in the country) have caused OP and DDOT to rethink suburban development models for parking supply.[43] Increasingly, new residents are choosing to live in the District specifically because it allows them to have a high quality of life without owning a car.[44] These conditions offer DMPED and developers the opportunity to expand the supply of new affordable housing units by working with DDOT and OP to minimize the number of parking spaces and their cost in each development project.

Figure 4. Affordable Units from D.C. Public Land Dispositions by Ward, 2008-2011



Source: CSG Analysis of LDAs, 2008-2011 (Appendix 2)

Geographic Distribution of Affordable Units in Public Land Deals

The results of the land disposition process are difficult to compile from available D.C. government data, but analysis of available information on the city's Land Development Agreements offers some understanding of income targeting and geographic distribution of affordable units.

Figures 4 and 5 show a snapshot of the geographic distribution of affordable housing public land deals from 2008-2011. In the western and most affluent part of the city, little public land is available compared to central and eastern parts of the city. In the western-most Ward 3, no public land projects occurred as it has little public land other than public facilities.

During this period, the city proposed one Ward 3 project at the Tenley Library/Janney School site, to provide housing affordable at the 60 and 30 percent AMI levels along with new public facilities, but ultimately abandoned the mixed-use approach in 2009.

The Hurt Home historic renovation project, located in the western part of Ward 2 in the neighborhood of Georgetown, is likely to produce only three units at 80 percent AMI. This number is significantly lower than the original proposal for 12 affordable units in which more than half of those units were to be affordable at 60 percent AMI. The other Ward 2 project, West End Library/Fire Station project is proposed to create 52 units affordable at 60 percent AMI. If these affordable units are built, it will be a rare and important contribution to this desirable part of the city.

The formerly underutilized and partly industrial waterfront portion of Ward 6 is planned for the most dramatic change. The large scale Southwest Waterfront project in Ward 6 will produce at least 150 affordable units, half at 30 percent AMI, as part of a total of 1,200 units in a major mixed-use development.

Figure 5 demonstrates that the largest share of planned affordable housing from public land deals, especially very low income housing at the 30 percent AMI level, occurs in the eastern parts of the city -- east of the Anacostia River (Wards 7 and 8) and Ward 6. While only one Ward 8 project agreement moved forward in this period, all 19 units will be at 30 percent AMI. Historically, Ward 8 has offered significant amounts of affordable housing.

Not shown in Figure 5 are the early 2000s Columbia Heights development deals in Ward 1 which also produced significant numbers of units at 60 and 30 percent AMI (see examples in earlier Table 4). In the rapidly changing Shaw neighborhood in Ward 2 just north of downtown, the delayed City Market at O Street project will include 80 units of affordable senior housing at 60 percent AMI.

While it has proven impossible to compile a comprehensive picture of DMPED deals over the last decade due to difficulties in obtaining information, Figure 6 shows that subsidized affordable housing (not necessarily LDAs) occurs mostly east of Rock Creek Park and is concentrated in Wards 7 and 8 and parts of 5 and 6. This map, compiled by D.C. Office of Planning based on 2010 Census data, shows the percent of subsidized affordable units as the total of all housing units

Figure 5. Affordable Housing Units in D.C. Land Disposition Agreements, 2008-2011

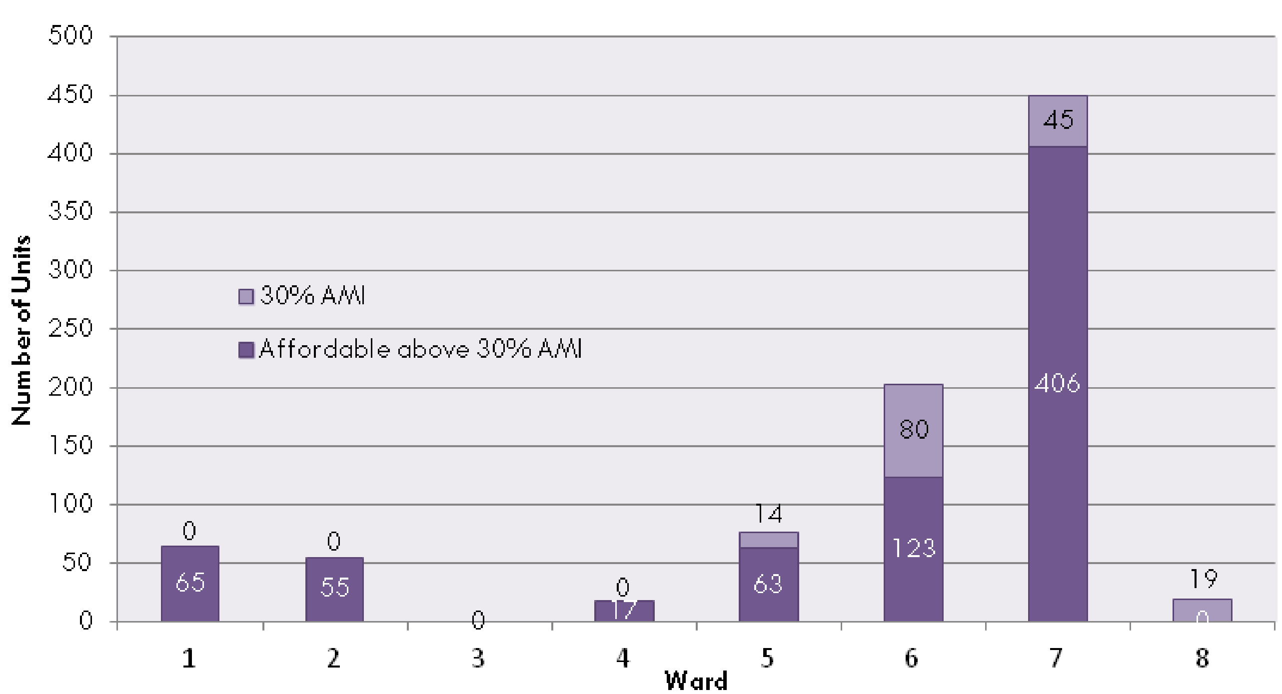
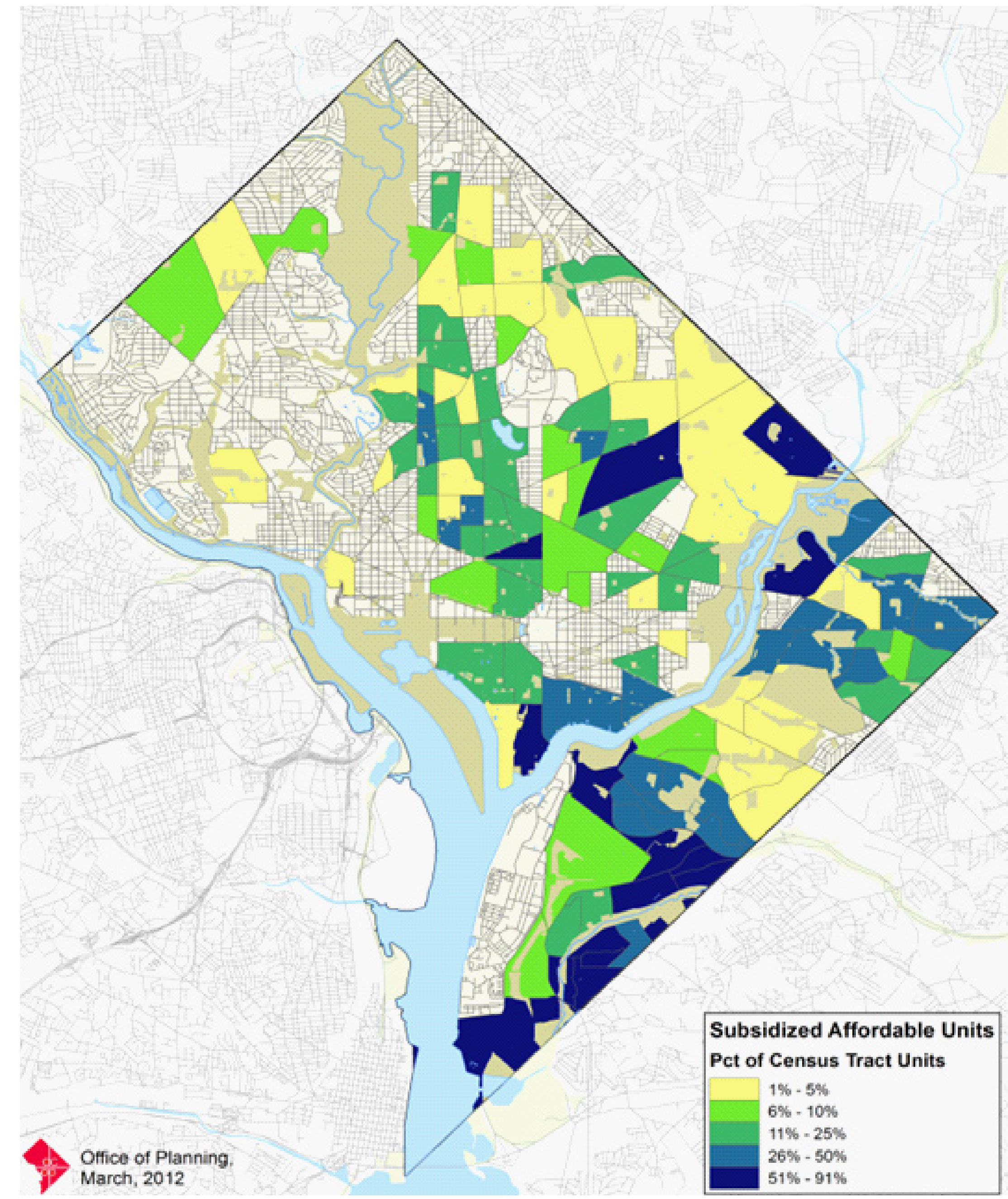


Figure 6. Percent of Subsidized Affordable Units by Census Tract (2010), District of Columbia



by census tract. In large portions of Ward 8, more than 50 to 90 percent of all the homes are subsidized. With public land redevelopment opportunities distributed across many parts of the city, including neighborhoods rising in demand, seeking more affordable housing as a part of public land dispositions will increase the opportunity for moderate and low income households to live in more neighborhoods west of the Anacostia River and outside areas with concentrations of subsidized housing.

CASE STUDIES

To understand the challenges and opportunities in D.C.'s efforts to produce affordable housing on public land, we examined case studies of recent land dispositions and library redevelopment proposals.

Hine Junior High School

Despite the extra challenge of rebuilding in a historic district, the Hine School project, next to the Eastern Market Metro station, is a good example of realizing a balance of affordable housing and other public benefits through a community input process. A number of prominent local community groups engaged early to express their vision for the site and influenced the selection of the developer and winning design. The project will include a substantial number of low and moderate income housing units.

The Hine Junior High School site is situated in the Capitol Hill neighborhood, on a block bounded by Pennsylvania Avenue, 7th and 8th Streets, SE, and a public alley just north of C Street. While various schools have occupied the site since 1864, the last school (built in the late 1950s) on the site closed in 2008, and the city declared the parcel surplus in 2010. Located adjacent to vibrant stretches of retail, next to the historic market house, and across the street from the Eastern Market Metro station, the parcel presents a promising site for redevelopment. The current building's

Proposed Hine School redevelopment. Courtesy of Stanton/Eastbanc.

Table 5. Hine Junior High School

310 7th St, SE, Ward 6 (PUD submissions: 11/23/11; Pre-hearing statement: 3/26/12)	
Parcel Size	3.16 acres
Office	163,392 square feet (s.f.)
Retail	39,305 s.f.
Residential	254,187 s.f. 158 units
Affordable Housing	46 units (29% of total) • 5 @ 30% AMI • 29 @ 60% AMI • 12 @ 80% AMI in lieu of IZ
Other Public Benefits	Reopening C Street, SE, between 7th and 8th streets SE; Public Plaza along C Street for weekend vendors

undistinguished architecture is considered an eyesore, and half of the land area is consumed by a surface parking lot used by long-standing flea markets on weekends.

The early stages of the disposition process offered positive signs of active community engagement. Less than a month after the Fenty administration put Hine on its final list of recommended school closures in February 2008, the Capitol Hill Restoration Society released a list of criteria it wished to see in any proposed redevelopment.[45] These same criteria were endorsed by the Barracks Row Main Street organization.

Advisory Neighborhood Commission 6B issued its own resolution urging community input.[46] Ward 6 Councilmember Tommy Wells, who represents the area, responded to calls for community input and held three public forums throughout 2008 to discuss the neighborhood's vision for the site and gain input. These meetings took place before the city officially offered the site to developers in an RFP in late December of 2008.

When the city offered the site for bid at the same time as 10 other recently closed schools, it received the most proposals.[47] Once DMPED reduced the initial list of submissions to four front-runners in June 2009, the prospective plans were presented to the public for comment prior to DMPED's selection of a development team.

Residents generally split between two options, and ANC 6B did not endorse a particular proposal.[48] In August of 2009, the city selected the team led by Stanton Development Corporation and EastBanc, Inc.,[49] with a project designed by the architect Amy Weinstein, who has designed several projects in the Capitol Hill area.[50]

Following the selection of the Stanton-EastBanc team to develop the site, residents and other interested parties debated varying opinions for the appropriate scale of development for the site. Some local groups, such as the Eastern Market Metro Community Association and the newly-formed Eyes on Hine group, consisting of neighbors across from the site on 8th Street SE, voiced opposition to the proposed height and massing of the project and asked for more open space.[51]

The Capitol Hill Restoration Society also expressed opposition to the height of the office component on the corner of Pennsylvania Avenue and 7th Street SE (which has since been reduced by a floor), while stating that other parts of the proposal could be "considered compatible with the historic district."[52] Flea market advocates allied with project skeptics to oppose the proposed reduction to the size of the weekend flea market which has used the school's parking lot for years.

Supportive groups such as the 7th Street Merchants Association and the DC Preservation League voiced their backing of the project at the Historic Preservation Review board and Zoning Commission hearings.[53] Leading up to the Zoning Commission hearing date in the summer of 2012, opponents to the project increased their visibility with petitions, yard signs, websites, and engagement in community meetings.[54]

The local ANC voted to support the project with a list of conditions that the developer largely agreed to. Following vigorous debate, and extended public hearings, the Planned Unit Development (PUD) application is anticipated to receive final approval at the Zoning Commission's October 2012 meeting.

Unlike many LDAs, the Hine agreement sets an annual rental rate paid to the District government for the south parcel for the office space and market-rate housing at five percent of the value of the property ($50/floor area ratio (FAR) square foot or $21 million) or about $1 million per year, less community benefits. The office component, also a rarity, provides added revenues and diversity to the project. The north parcel sets a purchase price for the ground floor retail of the affordable housing building.

While the cost of community benefits has not been fully enumerated, this rental arrangement could provide the city with an ongoing revenue source. Despite the payments agreement, the new taxes generated from the project would comprise the great majority of the city's new revenues.[55]

The project will include a substantial number of low income housing units at 60 percent AMI – 29, and a handful – five - of very low income units at 30 percent AMI in a 34-unit building on the north side of the parcel. The project will also provide 12 units affordable at 80 percent AMI in lieu of inclusionary zoning for the market-rate residential buildings on site.

Along with local benefits such as plaza space for weekend merchants and a flexible, reconnected C Street, this project will result in a substantial number of affordable homes at low income levels in a highly desirable neighborhood next to a Metro station.

West End

What began as a rocky start to an unsolicited proposal at the West End library resulted in a strong neighborhood consensus among most stakeholders. The developer's effort to build the library and fire station and use the air rights for market-rate and affordable housing succeeded in winning broad approval from community members through extensive community engagement. After years of discussion, the project stands out as the only public-private library mixed-use joint development project to advance in the District of Columbia.

The project will offer new public facilities, including a state-of-the-art library and fire station at no direct cost to the city, along with new housing, retail, and landmark architecture. The status of funding for the affordable housing component is still uncertain, but the District has committed finding a funding source to provide $7 million needed to complete the financing plan for the 52 units above the new fire station, which would all be affordable at 60 percent AMI.

The West End neighborhood defines the western edge of downtown and is situated blocks north of Foggy Bottom Metro station and east of Georgetown. Three aging public facilities stand out as incongruent in this rapidly redeveloping landscape of high-end hotels, offices, and apartment buildings: a fire station at 23rd and M Streets, NW (Square 50), the West End Library at 24th and L Streets (Square 37), and next to the library on L Street, a police special operations building at 23rd Street, NW.

Table 6. West End Library & Fire Station

West End Library (1101 24th St, NW) & Fire Station (2225 M St NW), Ward 2 *(PUD Application materials, Sept. 2, 2011)*	
Parcel Size	1.07 acres in Parcel 37/library .37 acres in Parcel 50/fire station
Office	n/a
Retail	10,300 s.f.
Residential	164 units in Square 37 52 units in Square 50
Affordable Housing	52 units at 60% AMI (51,000 s.f.), subject to funding
Other Public Benefits	17,000-20,000 s.f. library 17,600 s.f. fire station

The city first sought to dispose of this land in July 2007, when the D.C. Council approved emergency legislation to give the site to the developer EastBanc, landowner of a parcel adjacent to the library.[56]

Though EastBanc had publicly presented its ideas for the redevelopment of the parcels earlier that year,[57] the community believed the disposition process had proceeded too quickly with little public input. Several community groups, including three local ANCs, called on the Council to rescind the disposition and re-open the process for more extensive community input and competitive bidding.[58] In October of 2007, the D.C. Council responded to concerns by rescinding the initial disposition.[59]

Restarting the disposition process gave local groups time to convene and generate their recommendations for the site. Several ANCs and civic groups "held vision sessions, distributed surveys, and conducted studies" throughout 2008 regarding residents' ideas for the library.[60] Many of these groups came together in March 2008 for a public forum that produced a "wish list" for

Proposed West End Library & Fire Station. Courtesy of TEN Arquitectos.

Table 7. EastBanc's Estimate of Financial Contribution for the Library & Fire Station

Land purchase (District Properties)		$20,081,527	*$91/floor area ratio (FAR) square foot for Square 37 (library site) per LDA*
Property Tax Credit		($1,000,000)	*First amendment to LDA*
Environmental Clean-up Cost Credit	+	($1,000,000)	*Per current estimate (could be as high as $1,500,000 per LDA)*
EastBanc financial contribution		**$18,081,527**	
Library Hard & Soft Costs		$8,926,323	*Current cost estimate*
Fire Station Hard & Soft Costs	+	$9,037,359	*Current cost estimate*
Value returned to community		**$17,963,682**	
Remaining difference		**$117,844**	*Contingency costs per LDA are more than this amount*

Source: EastBanc W.D.C Partners, "Memorandum to D.C. Zoning Commission Re: Zoning Case 11-12 Analysis of how the Applicant is "absorbing the cost of the library and fire station and if the District is indirectly paying these costs, in what sense are these public benefits" as requested by Commissioner Cohen," January 19, 2012, via D.C. Zoning Commission case search, http://dcoz.dc.gov.

the direction of the area's development, and in a February 2009 statement prior to the official RFP release, DMPED urged potential developers "to address all stakeholder concerns and requirements and demonstrate creative ways to incorporate them into their development plans."[61]

After D.C. released the official RFP in July 2009, the city received two development proposals, one from EastBanc that included plans for reconstruction of both the library and fire station, and one led by Toll Brothers, Inc. to only rebuild the library with housing above.[62] Following further community review and consultation, and having obtained an endorsement from ANC 2A,[63] the city again awarded EastBanc rights to redevelop the two parcels.

Opportunities for public participation in the disposition process appear to have had a positive effect on residents' attitudes towards the redevelopment. Moreover, the community saw this as the best opportunity to replace outdated facilities and add amenities. ANC 2A's endorsement letter for EastBanc's proposal declared, "the neighborhood strongly supports the redevelopment of these sites and is pleased that it has the opportunity to realize state-of-the-art public facilities."[64]

In the deal to build a new library and fire house, the financial structure offers more information to the public for the community benefit values than is typically available. Table 7 shows the estimated costs for the project and in-kind payment to the city of $18 million.

While the deal promises to provide the city with a new library and fire station at no direct cost to the District other than forgoing the land value of the sites (which currently provides no revenues due to public uses), the affordable housing component is contingent on additional subsidies. In addition to the new public facilities, the deal commits to 52 units of rental housing affordable at 60 percent AMI on the fire station site. These 52 units were conditioned on the availability of "project generated tax funds."[65] This provision originally anticipated a financing mechanism of at least $7 million from a PILOT (payment in lieu of taxes which would divert new property taxes from the site into a subsidy fund)[66] based on the anticipated new property tax revenues from the development.

This subsidy from the PILOT would be combined with Low Income Housing Tax Credits of $4.5 million, and the remainder funded through a D.C. Housing Finance Agency bond.[67] Since the District now restricts TIFs and PILOTs due to the debt cap for city borrowing, the city rejected the PILOT as a means of financing the project. Much uncertainly has surrounded the commitment to fund the affordable housing portion of the project due to the expense and city budgetary constraints. The Gray administration has proposed financing the $7 million subsidy for the affordable housing through the capital budget but has not secured the approval of the D.C. Council. Anticipating the original deal for subsidized housing above the fire station, EastBanc requested and received relief from an inclusionary zoning requirement on the library site.

Ironically, while a PILOT cannot be used to pay for affordable housing, future property taxes will be diverted to pay for a unique maintenance fund for the public facilities.

The maintenance fund is considered a community benefit sought by the neighbors. This diversion of taxes will be 85 percent of transfer and recordation taxes from the units and amount to roughly $200,000 per year in perpetuity. The remaining 15 percent transfer and recordation taxes will continue to be dedicated to the Housing Production Trust Fund (though recent D.C. budgets have diverted revenues from this fund). This diversion of future taxes from the site is only allowed because it occurs outside the four-year window that the CFO evaluates for fiscal impacts, unlike the PILOT proposed for affordable housing. The diversion of taxes would start after construction is complete.[68]

The CFO estimates the tax diversion will be $8.5 million over 20 years but warns that there is no sunset provision, so the diversion will occur indefinitely. In creating this unique maintenance fund through diversion of taxes from the site, the city is reducing the revenues flowing from the project into the District's general fund.

At a January 5, 2012 Zoning Commission hearing, speakers raised concerns about exempting the project from providing inclusionary zoning units, whether the developer would be fairly compensating the city for the development rights, and why an outside subsidy would be needed for

Proposed West End Library & Fire Station. Courtesy of TEN Arquitectos.

the affordable housing component rather than be paid for through revenues from the new market-rate development.

EastBanc contends it is providing the full value of the sites in-kind by building a new library and fire station, and that there is no additional land value to subsidize the affordable housing. In a post-hearing statement, EastBanc stated that the District "asked for between $27 and $30 million of public development in exchange for approximately $20 million of land value." Market and appraised values are often different, and in the case of the fire station, EastBanc argues a fire station has special costs and impacts associated with it that make it worth much less than the $17 million appraised value for a site absent a fire station.

EastBanc also believes it should be credited for the cost savings it can offer the city in constructing the library, estimating that it can build the library for $9 million, $6 million less than the average $15 million cost of the District's new libraries.[69]

In the Zoning Commission hearing, D.C. Office of Planning staff cited the library and fire station as "two significant public benefits and concludes that their combined provision is commensurate with the flexibility requested to height and density and other areas." This assessment meant that Office of Planning would not oppose relief from inclusionary zoning requirements.

While the gap between the appraised value and the in-kind construction of public facilities remains an issue for skeptics, the project documents offer more information about the cost of the public benefits than most other public land deals. In the end, there is broad support for the disposition that provides new community facilities through value leveraged from the site, new complementary private uses, and new property tax revenues. However, one opponent, the West End Library Advisory Group, created by the Ralph Nader-funded Library Renaissance Library Project, filed a legal motion challenging the Zoning Commission's approval of the project. This action could cause substantial delay and cost.[70]

The struggle to fund the affordable housing for the site is due to the replacement of the public facilities taking precedence. But beyond that, it is also due in part to the high costs of the building design. In future deals seeking affordable housing, consideration should be given to working with experienced affordable housing developers who are in a better position to design and build a more affordable product as part of a public land disposition.

Southwest Waterfront

After years of anticipation, a major project of the Anacostia Waterfront Initiative is moving toward final approvals and construction. This large scale waterfront redevelopment, renamed "The Wharf," will produce 150 to 220 units of very affordable housing in a high-end, mixed-use, multi-phase project. While representing about 15 percent of the total new units, this is still just half of the 30 percent originally committed to in the competitive RFP process and required in the original law establishing the Anacostia Waterfront Corporation. While the project will supply many new affordable homes for D.C. households earning 30 percent AMI in a vibrant, mixed-income environment, the original requirements would have provided even more.

The redevelopment of the Southwest waterfront is one of the city's largest public land dispositions. The city's extensive effort to refurbish long-underutilized parcels of land along the waterfront is similar to many other cities which have created inviting destinations along their riverfronts.
The Southwest Waterfront project, led by local developer PN Hoffman, is currently a $2 billion development that will provide significant retail, office, and residential space and aims to create a signature waterfront destination along the Washington Channel for residents and tourists within close proximity of the National Mall. The 26 acre waterfront site is also within walking distance of the Waterfront and L'Enfant Metro stations.

The Wharf - planned development of Southwest Waterfront. Courtesy of Hoffman-Madison Waterfront.

The complexity and size of the Southwest Waterfront development makes it unique in many ways but provides some lessons for future dispositions. Consolidating interspersed private development parcels with the larger public parcels posed an extra challenge for the project.[71] The amount of public infrastructure to be provided for the area's redevelopment is also substantial, evidenced by one of the largest subsidies in D.C. history – the $92 million land value and a $198 million in TIF/PILOT debt to pay for the infrastructure and other related costs.[72]

In the early 2000s, NCRC looked to target the Anacostia waterfront for redevelopment.[73] In 2004, the city transferred jurisdiction over riverfront redevelopment with the creation of the Anacostia Waterfront Corporation (AWC). AWC was directed to focus not just on economic revitalization but also environmental remediation, substantial affordable housing creation, and increased employment opportunities for D.C. residents as a part of a major Anacostia Waterfront Initiative planning effort.[74] When the AWC and NCRC were disbanded in 2007, their land portfolios were subsumed within DMPED. The legislation which moved AWC lands under DMPED's purview retained the original community benefit requirements for AWC properties, including the condition to set aside 30 percent of residential units as affordable housing, split between 30 percent and 60 percent AMI.[75] Stormwater management and employment standards were also retained.[76]

The original 2006 proposal from the developer, PN Hoffman, committed to the affordable housing component as part of the nearly 1,000 residential units to be constructed on the site, with affordable units set in terms of 231,000 square feet or over 200 units.[77] While the total number of residential units dropped steadily over the next several years, the commitment to the affordable housing was maintained at 30 percent of total units. However, in late 2010, PN Hoffman informed the city that residential real estate was recovering more

Table 8. Southwest Waterfront - "The Wharf"

600-1000 Water St, SW, Ward 6 (Source: 6/28/11 PUD Application & Zoning Order No. 11-03, 10/17/11, Stage 2 PUD Application, 2/3/2012)	
Parcel Size	26.6 acres
Office	375,000 - 1,075,000 s.f.
Retail	222,000 - 479,000 s.f.
Residential	1,080,000 - 1,875,000 s.f. 1,200 - 1,500 units
Hotel	400,000 – 500,000 s.f.
Affordable Housing	Minimum of 150 units or 160,000 s.f., split between 30% AMI and 60% AMI; 15% of total residential units (~220 units planned)
Other Public Benefits	• 85,000 - 105,000 s.f. • Performing arts space • Public parks • $1 million to workforce intermediary • CBE & local hiring • Streetcar tracks

robustly than commercial in the wake of the 2008 financial crisis. Therefore, it wished to replace some proposed office space with more residential units.[78] According to PN Hoffman, to do so would require limiting the affordable unit requirements to the first 500 units. The D.C. Council introduced legislation to accommodate this request, and despite the objections of affordable housing advocates, the D.C. Council approved the cap on affordable housing, requiring a minimum of 150 units and 160,000 square feet.

As part of the reduction in affordable housing, the developer promoted the idea of adding a new category of "workforce housing," for households earning 100-120 percent AMI. The new provision requires 20 percent set aside for 100-120 percent AMI households for all housing units over the first 500. Given that D.C.'s median income is 66 percent of the Washington, D.C. metropolitan area's median income (which was $106,100 for a family of four in 2011); the developer's proposal would mean those units would be priced far above what most D.C. working households could afford. Regardless, the D.C. Council embraced the last minute proposal and incorporated it into the revised land development agreement. The action did not allow for a detailed discussion about what constitutes housing need and affordability for D.C. residents.

Tenley Library/Janney Elementary School and Benning Library

Though situated on opposite ends of the District, the Tenley/Friendship and Benning Road libraries both went through contentious redevelopment processes that failed to result in mixed-use libraries or affordable housing. Under the best of circumstances, a mixed-use approach faces many hurdles, but the initial conditions in these cases were even more challenging. In 2004, DCPL closed these branch libraries. It cancelled the construction contracts, and then entertained mixed-use proposals. In addition to the original mistake by DCPL of prematurely closing the libraries, the failure of city agencies to work together, to have a well-structured public process, or to methodically evaluate the alternatives doomed opportunities for mixed-use projects and additional community benefits.

Both neighborhood libraries, along with the Shaw and Anacostia branches, were closed at the end of 2004 in preparation for reconstruction. In 2004, DCPL awarded a $20 million contract to Hess Construction Company to rebuild all four libraries. However, anticipating recommendations from a mayoral task force on D.C. libraries and determining that Hess's designs would not meet national or task force's standards, DCPL terminated the contract, having already spent $3 million.[79] This was the first complication in what became a protracted redevelopment process for these facilities.

At various times and to varying degrees, city officials considered the concept of redeveloping the Benning and Tenley libraries as mixed-use facilities, pairing the new libraries with residential units, including affordable housing and possibly retail. Because various individuals and groups in both communities expressed strong resistance to these proposals, in the end only single-use libraries were built on the sites, missing opportunities to include new mixed-income housing near a Metro station and save the city millions of dollars.

> The [school and library] agencies had no interest in combining land and resources… By the time the mayor got behind it, this idea had quite a lot of entrenched opposition.
>
> Allison Barnard Feeney
> Former SIT member & Ward 3 Vision activist

For Tenleytown, local developer Roadside Development offered an unsolicited proposal in 2005 for a mixed-use library combined with school renovations for the adjacent Janney Elementary School.[80] A local community group, Ward 3 Vision, picked up the idea and urged DCPL and DMPED to solicit bids for a mixed-use library combined with accelerated school improvements rather than simply replacing the single-use library. The high value site faces the Tenleytown Metro station and a commercial hub on Wisconsin Avenue. The site was a rare opportunity for affordable housing in this affluent part of the District of Columbia.

Initially, parents representing the school through the Janney School Improvement Team (SIT) supported a public-private partnership that would simultaneously redevelop the library site while expediting renewal of Janney's outdated facilities. [81] The joint library-school renovation proposal would free-up playground space by removing portable classrooms and a parking lot, through building shared underground parking.[82] After releasing an RFP in October 2007, DMPED modified the original RFP in early 2008. The revised request specified that residential units could not be built directly over the library. To accommodate residential units under this restriction, the resulting designs would have decreased outdoor play space.[83]

This debilitating change appears to have been predicated on a desire to allow the library

Table 9. Tenley Library/Janney Elementary School

4200 Wisconsin Ave, NW, Ward 3 (LCOR Proposal, 2/28/2008 – never built)	
Parcel Size	3.63 acres (3.28 acres school and grounds, 0.34 acre library parcel)
Office	N/A
Retail	1,700 s.f.
Residential	174 units
Affordable Housing	53 units, split between 30% and 60% AMI
Other Public Benefits	• 20,000 s.f. library • School modernization, expansion and new playing fields

Unbuilt proposal for mixed-use library development at Tenley/Friendship. Rendering by Grimm + Partner Architects. Courtesy of L-COR.

construction to proceed independent of other elements of the project and prompted the SIT to object to the loss of the play space. Frustration with the process grew with parents worried about the impact on the school and residents weary of waiting for a new, permanent library. Some residents expressed their frustration by protesting the July 2008 news conference announcing the city's selection of LCOR as the site's developer.[84]

The plan continued to lose support from the school community and city officials. Councilmembers Mary Cheh and Kwame Brown sent a letter in late October 2008 expressing their view that the library should be built as a single-use facility separate from any mixed-use plans on the site.[85] Due to continued delays and mounting community pressure, the DCPL Board in late 2008 unilaterally declared that it would construct the originally planned single-use facility at the site.[86] Deputy Mayor Neil Albert continued to push for dialogue between the city, LCOR, and community groups and indicated that LCOR would be open to amending its plans to respond to resident feedback. For example, in a letter to Councilmembers Cheh and Brown in January 2009, Albert indicated that LCOR was addressing the Janney SIT's concerns regarding green space, modifying designs so that Janney would see "a net gain of 300 square feet of green space at the school."[87]

Eventually, Albert and Mayor Fenty acquiesced to the DCPL's decision to construct a single-use library. In March 2009, Mayor Fenty announced that the school and library construction would proceed without a housing component, though one could be added in the future.[88] This change meant the city would forgo the five million dollars in savings on library construction that the mixed-use deal would have provided.

Despite cancellation of the mixed-use public-private project and the loss of the prepaid ground lease for the school improvements, the administration nonetheless moved capital funds from other schools to be able to do a full modernization and expansion for Janney. This put both construction projects ahead of schedule.

The accelerated pace was originally justified only because the funding stream from the public-private partnership would have freed up city funds for other schools. While Janney had severe crowding and building condition needs, other schools faced significant needs too. With the elimination of the benefits of the funding stream to the city from the joint-development, moving forward with an accelerated free-standing modernization of Janney represented a shift in public funding priorities. The high costs of the Janney modernization and expansion increased inequitable school expenditures and contributed to the disproportionate share of school modernization funds spent in Ward 3 public schools over the last decade.[89] The public-private partnership model proposed for this renovation would have offered a more equitable way to meet the needs of the in-demand school while not shifting resources away from less affluent areas.

A new, stand-alone Tenley/Friendship library opened in 2011. DPMED paid for the incorporation of $1 million worth of structural supports to allow housing to be constructed next to and partially above the library in the future, but many doubt such an addition will be feasible or offer much affordability.

> A multiuse library could have been the hub of learning, the arts and community life. This could be a meeting place for the creative energy of various groups of people. This is especially important in an underserved area where there's so much fear within the community.
>
> Wanda Aiken
> Longtime Ward 7 resident, artist, arts educator and activist. She imagined that a new mixed-use library could combine arts space, artist housing, a café, bookstore, or maybe even a museum

The Benning Road library site is about half a mile from the Minnesota Avenue and Benning Road Metro stations in the far Northeast corner of the District. The site is just east of the busy Minnesota Avenue and Benning Road intersection and what is often called "Downtown Ward 7," a prime area for mixed-use development and a range of services. For the Benning Road Library, frustration with the several-year closure of the library fueled residents' skepticism of the idea of a mixed-use building from the beginning.

DCPL closed the library in 2004 but did not provide temporary bookmobiles until September of 2006. The bookmobiles, however, were seen as inadequate replacements since they could not serve as meeting spaces, had shorter hours, and were placed in less accessible locations.[90] After more delays due to conflicts with Pepco, the electric utility company, DCPL opened a spacious full-service, but temporary, indoor facility in July 2007. This came a full two years after the D.C. Council provided the funding for the temporary facility.[91]

By that time, some residents' frustration with the reconstruction process had reached the point that they filed a lawsuit against the city, seeking to block the demolition of the old library and force investigation of renovation options.[92] Though the courts eventually allowed the demolition of the library, a judge also found that the city had not adequately involved or informed the ANC in the planning process for the library's reconstruction.[93]

Amid this environment of community frustration, the city considered mixed-use redevelopment options at multiple points in the process, but none of the proposals gained broad community support. In the fall of 2006, the Marshall Heights Community Development Organization (MHCDO) partnered with the city to convene community meetings to discuss plans to develop artist housing and studio space above a rebuilt library that would combine MHCDO land as well. Early on, the idea garnered significant resistance at public forums.[94]

Given that the library had been closed, many community members simply wanted their library rebuilt and were skeptical about how a mixed-use facility would work. Some suggested that artist housing would attract pedophiles to the library. Another skeptic was the Ralph Nader-funded Library Renaissance Project, a citywide group that worked to oppose the mixed-use idea. Despite visible support from long time community members who were local artists, the proposal did not advance. Then CEO of MHCDO Carrie Thornhill said that frustration over the situation and the efforts of the outside group resulted in one

Table 10. Oyster Elementary School

Ward 1 (21st Century School Fund, Building Outside the Box - opened 2001)	
Parcel Size	1.67 acres
Office	N/A
Retail	N/A
Residential	211 units
Affordable Housing	None
Other Public Benefits	• 20,000 s.f. library • School modernization, expansion and new playing fields

of the ugliest community processes she had ever witnessed. She said the contentious environment eliminated the opportunity for a community discussion about the idea.[95]

Later in 2008, developer City Interests LLC proposed moving the library to the adjoining parcel, expanding its size, and including it in a larger development they were planning nearby. This idea found some local support from ANC members and Yvette Alexander, the Ward 7 Councilmember.[96] However, by that time, DCPL officials were wary of accepting any redevelopment that further delayed opening a new facility.[97] Eventually, the city turned down City Interests' offer, and DCPL proceeded with its own library design. In April 2010, almost five and a half years after closing the Benning Library, DCPL opened a new single-use facility, renamed the Dorothy I. Height/Benning Neighborhood Library in honor of the civil rights leader.

Oyster Elementary School

Although the Oyster School reconstruction process largely predates the 2000s when the city had reached a new status in fiscal stability, the case offers an example of a successful public-private partnership process.[98] One of the elements of success for this effort was that the origin of the proposal for a joint development project emanated from the school community not the government and or a developer. Second, a non-profit organization acted as a community intermediary, which bridged the gap between parties that were not necessarily well equipped to communicate with each other. The intermediary also worked effectively with the government and the private developer, and used foundation grant money to hire leading real estate development consultants to assess the feasibility of the school community's proposals before any developers were involved, and negotiated the deal with the city and private developer.

Despite the academic success of the Oyster Bilingual Elementary school, the school's failing building could have led to its closure. During the 1990s, no funds were available for capital rehabilitation of aging schools. This period coincided with the District's deep financial problems and the operation of a Congressionally-appointed financial control board from 1995-2001.

In the midst of these challenges, parents, the principal, and neighborhood residents worked to identify an alternative funding source to fix the building. In a multi-year process, the community developed a public-private partnership that would divide the school property in half, build the new school on one half, and capture funding by granting the rights to a private developer to build a new apartment building on the other half. The school community along with a parent-founded non-profit, the 21st Century School Fund, worked with school and city officials to assess the school's needs beginning in 1992 and create a vision and strategy for a new Oyster school building.

The school community used the 21st Century School Fund as the non-profit intermediary to

Oyster Elementary School. Residential portion not shown, to the right. Photo by Marion Phillips.

negotiate the deal with the D.C. Public School Board (DCPS), other government entities, and the private developer. The 21st Century School Fund, founded by Oyster School parent Mary Filardo, helped the school community drive the process, which included conducting independent real estate feasibility assessments and hiring an experienced development company to represent them in negotiations with DCPS and LCOR.[99]

Filardo asked the city if it wished to include affordable housing in the new residential building and met with the Housing Finance Agency (HFA) about its willingness to finance the housing portion of the project. She found HFA officials were interested and included this in the RFP that went to developers. However, developers responded that HFA financing was too cumbersome, and the city itself sought no affordable housing benefits from the site.

Developer responses were weak, in large part because of the city's financial and market conditions at the time, and the first RFP attracted no qualified bids. The second time, three qualified bidders responded, and in the end, the combination of the value of the site and future property taxes from the new residential high-rise (211 units) were projected to generate enough funding to pay for school improvements as part of the deal.

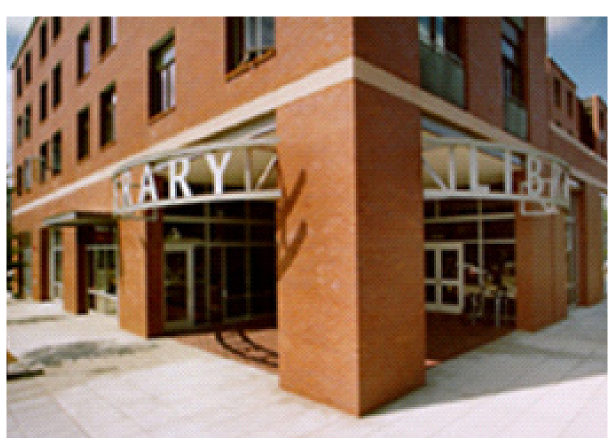
Some criticized the loss of outdoor space, but a portion of that space had been used as a de facto staff parking lot. The incorporation of structured parking, the first in a school project in the city, limited the loss of outdoor play space and when combined with the placement of the new school on the site, resulted in a better configuration for the play area.[100]

PRACTICES IN OTHER JURISDICTIONS

Hollywood Library - Portland, Oregon

The Hollywood Library is generally considered a trailblazer for mixed-use libraries and a first of its kind development in that it incorporates a café, along with residential units above the library. The community built this mixed-use facility under the leadership of Ginnie Cooper, who later became chief librarian for D.C.[101]

Opened in 2002, the site blends a 13,000 square foot library and a small coffee shop on the first floor with 47 rental units above.[102] The project is located only five blocks from a Portland Metro light rail station. Of the residential units, 40 percent are reserved for households earning up to 60 percent of AMI. In 2005, this location was the busiest branch library in the county. Multnomah County Library's June Mikkelsen said "mixed-use has worked well. Noise is not a problem in the library and safety is enhanced by the presence of residents who naturally keep an eye on things."[103]



Hollywood Library in Portland, Oregon.
Photo courtesy of Multinomah County Lbrary System.

The development of the library as a mixed-use facility was not without its difficulties. The process of designing the site for mixed-use extended the development and construction timeline by two years.[104] The Hollywood Library's initial design also faced opposition from neighbors who successfully lobbied to lower the building's height by one story.[105]

Additionally, developers had to contend with the higher costs imposed by the standards of design public officials expected for a public facility. A manager for the site's construction firm noted that architects plan civic facilities to last 100 years, far longer than a typical stand-alone residential project.[106] These issues prompted concerns from local residents about the costs of pursuing such a design and whether this warranted the additional public resources.[107] Despite these challenges, the mixed-use design prevailed and has been viewed as a success since opening day.

The experience in Portland offers several lessons. Officials engaged the community early on in meetings through 1997 and 1998 regarding where to locate the new library. They conducted a preliminary study in 1999 to confirm that a mixed-use development would work on the site.[108] A resolution by the Multnomah Board of County Commissioners in May of 1999 required the consideration of mixed-use developments in the disposition of public lands,[109] and this commitment to a mixed-use project required the coordination of several government agencies, including the county library and city planning departments.

Table 11. Hollywood Library

Portland, OR (opened 2002)	
Parcel Size	0.69 acres
Office	n/a
Retail	815 s.f.
Residential	44,000 s.f. 47 units
Affordable Housing	19 units @ 60% AMI
Other Public Benefits	13,000 s.f. library

This early cooperation between government bodies prior to a specific mixed-use proposal likely paid off when delays in the process led to constituent criticism of the plan and questions of its worth. The commitment of multiple government agencies helped in addressing community input and carrying the project to completion. Such cooperation stands in contrast to the lack of internal agreement and coordination among D.C. agencies during the Tenley and Benning Library rebuilding processes.

Arlington Mill Community Center - Arlington, Virginia

The Arlington Mill Community Center is currently under construction in the Columbia Pike neighborhood of Arlington with 122 units of affordable housing on the same site as a five-floor, 66,000 square foot community center.[110] The county acquired the site as part of a strategy to preserve affordable housing, provide new services and spark revitalization for the Columbia Pike corridor.

The development of this mixed-use project is 15 years in the making, the result of an extensive planning process that began in 1996. That year the county acquired a former Safeway grocery store, which it renovated for a temporary community center. At the same time, planning began for the site's future redevelopment into "a central hub of civic activity" and "an anchor for Columbia Pike."[111] By early 2002, the county had formed a work team that, along with the architecture firm, began a series of charrettes and forums with local residents.[112]

Throughout 2002, the community actively participated in developing proposals and choosing among preliminary designs to help direct the county's vision for the center. This input, along with follow-up work by a steering committee, led to the RFP for the site in the spring of 2007, which called for a mixed-use facility that would include the community center, 3,000 to 5,000 square feet of retail, and 200-250 residential units.[113]

In July of 2007, the county selected Public Private Alliances, LLC (PPA) as the developer,[114] based on plans for a 48,000 square foot community center and 192 units of housing with a third of housing set aside as affordable. Unfortunately, the effects of the

Planned Arlington Mill Community Center. Image courtesy of Arlington County.

2008 recession hampered PPA's efforts to obtain financing for the market-rate portion of the project, and development stalled in 2009.[115] By this point, the old community center had been closed for several months, and services had been moved to other locations, leaving the county to debate whether to reopen the old center or wait for the project to be revived. The county decided on an alternative approach.

Since the county had financed part of the project with bonds approved in 2006, the county had the resources to keep part of the construction moving forward. In September 2010, following further community outreach and feedback, the County Board approved a plan that separated the community center and residential portions of the project. The county took on sole responsibility for the community center development, which minimized the delay in recreating a centralized community space.

At the same time, the county remained focused on obtaining a separate developer for the housing portion of the site and mandated that any eventual proposal match the affordable unit total of PPA's original design.[116] In 2010, the county came to an agreement with the Arlington Partnership for Affordable Housing to construct a 122-unit affordable rental housing development, with all but one of the units affordable to those earning at or below 60, 50, and 40 percent AMI.[117] The units would be "family sized" with 80 percent of them two and three bedrooms. In addition, the project sets aside the 40 percent AMI units for clients of Arlington County's Supportive Housing program.[118] Construction is proceeding, and both the community center and residential portions are slated to open by the end of 2013.[119]

The Arlington Mill project suffered setbacks due to the economy and will not include market-rate units but will ultimately deliver 122 affordable units. The project will provide a high level of public benefit – affordable housing at very low income levels with largely family-sized units, along with supportive housing, and a new community center. The effort demonstrated it is feasible to accomplish these goals in a public-private partnership with extensive community input and some patience. The revision of the project into two parts – first construction of the community center, and later the housing, shows adaptability to economic conditions. Today, the project is recognized by Arlington housing advocates as an example of "public land for public good," a policy proposed by a local civic group.[120]

Table 12. Arlington Mill Community Center

Arlington, VA (details as of County approval of affordable housing plan, 2/12/2011)	
Parcel Size	1.90 acres
Office	N/A
Retail	1,500 s.f.
Residential	211 units
Affordable Housing	121 affordable units: • 3 at 40% AMI and for those in Arlington Co.'s Supportive Housing program • 13 at @ 50% AMI • 95 at @ 60% AMI
Other Public Benefits	• 55,500 s.f. community center • 8,700 s.f. gym

CONCLUSION: MAKING THE MOST OF D.C.'S PUBLIC LAND TO ADDRESS RESIDENTS' NEED

The current administration has the opportunity to capitalize on the lessons learned over the past decade for the use of public land to realize critical community benefits, especially affordable housing. This report offers case studies and recommendations to the administration, in order to help it establish strong and clear policies to govern the negotiation of public benefits in the disposition of public lands or joint development under public-private partnerships with private sector developers. One of the key goals of public land development agreements should be to use public land to increase the supply of housing for low and moderate income residents, including for those earning 30 percent of AMI or less.

Over the last decade, D.C. has produced a number of impressive redevelopment initiatives. Beginning with the Williams administration, the District worked to integrate very low and extremely low income housing into market-rate developments on public land in emerging neighborhoods. The city also attempted to leverage land and other resources to create mixed-use facilities out of library and school reconstructions. The District government has used the land disposition and development process to help reenergize blocks and neighborhoods that had languished with little investment for years.

In some cases, such as Columbia Heights parcels and City Vista at the edge of downtown, the public land project supported and catalyzed an emerging real estate market, and in others, such as Hine School at Eastern Market and the West End Library, it capitalized on the value of a mature market. However, in other cases, such as the Benning and Tenley library replacements, the city attempted but failed to achieve mixed-use development with affordable housing. Public land redevelopment in affluent neighborhoods could offer the only opportunity to provide housing affordable to households at and below 60 percent AMI ($57,300 for a family of three).

Affordable housing has been a prominent component in many of the city's projects and should be in the future. Successful public land deals require that D.C. government agencies, civic, community, and private development interests all work collaboratively to create a vision, plan a design and agree on a schedule for implementation.[121] Early and systematic community involvement should be a key component to land development agreements, but the current practice has varied widely.

Accounting for both local and citywide needs has also been a challenge, with the result that affordable housing (a citywide need) in projects in the most affluent neighborhoods such as West End, Tenleytown and Georgetown (Hurt Home) has been significantly diminished or eliminated. In contrast, projects in other parts of the city have produced substantial numbers of affordable units.

D.C. has not provided transparent enough accounting of the value the District is receiving in return for the value of the land and development rights it is providing. When benefits such as affordable housing are included in a disposition, documentation from the city presently provides only a rough estimate of whether the affordable housing, in terms of number of units or income targeting, justifies providing the discount in the price negotiated with the developer. Transparent and rigorously evaluated transactions would give D.C. residents and decision-makers greater confidence that officials are making the most of the city's limited land assets and development potential to meet public goals.

As the 21st Century School Fund Executive Director Mary Filardo points out, "It's not just the government and the private developers, but the community too" that is needed to make a joint development a success.[122]

By strengthening the public process, and maintaining commitment to the core public need of affordable housing for the lowest income households, the District can better utilize its valuable public land, meet the critical needs of residents, and build improved, inclusive communities. While the District has implemented a number of successful projects, greater focus by the administration and council is needed to ensure the city maximizes the public benefits that can be leveraged from public land.

Recent indications from the administration, however, show a retreat from affordable housing as a top priority for public land dispositions. This direction needs to be reversed. Similarly, other public officials, including the D.C. Public Library Board, and to a limited extent, D.C. Public Schools, need to embrace a broader vision recognizing the full range of community needs and benefits that can be achieved through joint development of public facilities. These agencies should work collaboratively with the Mayor and Council, with the Mayor providing overall leadership that brings together all the entities.

Recommendations

1. Make affordable housing a top priority in public land redevelopment.

Rationale: Preserving and generating an adequate supply of affordable housing for the District's lower income households is one of the greatest challenges facing the city. To address this need, affordable housing, particularly for low income households at 30 percent of AMI, should remain a top priority in public land dispositions and joint development of public facilities. The city has a number of successful projects to demonstrate that including 30 percent AMI and 60 percent AMI is possible in mixed-income, largely market-rate developments. Yet, for most public facility redevelopments, the city has not pursued the inclusion of affordable housing. The Oyster School included only market-rate housing, the Benning Library and Tenley Library/Janney School plans never became mixed-use projects. The West End Library/Fire Station redevelopment has struggled to secure the funding for the affordable housing component. The city should commit to integrating affordable housing in future public land deals. While other citywide goals can be pursued in public land deals, affordable housing should remain a top priority.

2. Set-aside 30 percent of residential units as affordable. Maintain the practice from the previous two Mayoral administrations and the standard set in the legislation for the Anacostia Waterfront Initiative, setting aside 30 percent of total residential units as affordable below 60 and 30 percent AMI. This is particularly important in neighborhoods that lack affordable housing now or are rapidly losing affordable units.

Rationale: During the 2000s, while RFPs requested specific income targeting and percent set-aside, the city often allowed the final number of affordable units and the degree of affordability to be reduced. The Mayor should restate his commitment to affordable housing at very low income levels. Providing significant affordable housing opportunities in public land deals in expensive neighborhoods or where affordable units are rapidly being lost should be a special priority for land dispositions. Public land may provide the only opportunity in these neighborhoods to offer some affordable housing and local access to high performing schools for lower income families.

3. Give preference to experienced affordable housing developers as partners.

Rationale: They have the necessary knowledge and experience to put together the designs, financing packages and contractors to maximize affordability of a project. Giving preference to experienced affordable housing developers in requests for proposals will help ensure the will and understanding of how to provide housing at very affordable levels in public land deals. This is especially important for extremely low income housing.

4. For rental housing, set a priority on meeting the needs of 30 percent AMI households as much as possible, along with serving households up to 60 percent AMI.

Rationale: Residents earning 30 percent AMI or less face the greatest housing challenges, thus city-owned land should play a role in addressing this need. In the past, while city RFPs have requested a 30 percent affordable housing set-aside with half at 30 percent AMI, the city often reduced or eliminated the requirement. For rental housing developments, the District should remain committed to providing homes affordable at 30 percent AMI.

5. For for-sale units, focus on households earning 50 and 60 percent AMI, and no higher than 80 percent AMI.

Rationale: Most successful assisted homeownership begins with income targeting at 50 percent AMI and up. Given that the greatest housing need among low and moderate income households is at the lower end of the income spectrum, homeownership assistance should be concentrated at the 50 to 60 percent AMI levels. Assistance for affordable homeownership should not exceed 80 percent AMI.

6. Establish "workforce housing" standards that fit D.C.'s working households' needs. This means targeting units to be affordable to households earning no greater than 80 percent AMI, not 80 to 120 percent AMI.

Rationale: The city's median income is much lower than the region's AMI. Targeting assistance above 80 percent AMI would miss most of D.C.'s working households. Serving D.C. households at lower income levels -- at 30, 50 and 60 percent AMI should be the top priority, as these households face the greatest challenges to find a home they can afford on their incomes. At the upper end of income targeting, to serve struggling moderate income working households, 80 percent AMI is the logical limit.

7. Make retaining D.C. residents and workers through affordable housing development a central goal of the Deputy Mayor for Planning and Economic Development (DMPED) and public land dispositions. The Mayor should explicitly embrace the goal of retaining D.C. residents and workers by establishing affordable housing development as a central goal of the DMPED office.

Rationale: Since the incorporation of NCRC and AWC into DMPED, the process and goals for public land deals, particularly for affordable housing, has been unclear. DMPED, like other economic development agencies, focuses on business development, employment growth and neighborhood revitalization.

Affordable housing is often viewed as the responsibility of Department of Housing and Community Development, rather than a core responsibility of DMPED through its land development activities. Yet these public land assets offer important opportunities to provide new units of affordable housing. DMPED should fully incorporate retaining lower income D.C. residents and affordable housing into its core responsibilities, along with growing the tax base, expanding employment opportunities for D.C. residents, redeveloping underutilized land and revitalizing distressed neighborhoods.

8. Incorporate community plans, and other citywide goals into public land redevelopment plans. In pursuit of the deal, DMPED has not always recognized the unique opportunity to use public land to help implement community plans and goals. DMPED should seek out opportunities to meet needs identified by residents and community plans through public land development.

Rationale: DMPED should build on current community plans and address how a public land parcel redevelopment can help achieve identified goals. These plans are often built through community consultation and the matching of government and other resources. Community members offer a wide range of ideas and are most familiar with the needs of their neighborhoods. Other city planning efforts such as Office of Planning Small Area Plans and DDOT's Great Streets initiative provide a framework for community improvements that often be effectively met through public-private redevelopment of public land.

Public land can also play a critical role in city initiatives such as the streetcar plan which is anticipated to affect housing prices. In this case, DMPED should coordinate an affordable housing strategy for planned streetcar corridors with nearby public land redevelopments to mitigate upward pressure on housing prices, as recommended in the Office of Planning's Streetcar Land Use Study.[123]

9. Coordinate city agencies to maximize public benefits. The Mayor should direct the separate agencies that hold public land, assets, and subsidy sources to closely coordinate to make the most of these collective resources to serve moderate and low income residents.

Rationale: DMPED can use its power to direct D.C. Housing Authority, Department of Human Services, Department of Mental Health, Department of Health, and others to collaborate to provide greater affordability through the public land disposition process. Combining all the available resources is a key way to maximize the ability of the city to provide affordable housing down to deeply affordable levels.

Additionally, agencies that control land and assets such as libraries, schools, parks and recreation, and surplus land – should formally coordinate public facility capital programming to seek opportunities to use public-private partnerships to reduce costs, increase efficiency and maximize other potential community benefits and citywide goals. In the past, internal disagreement among D.C. agencies and authorities has hampered effective joint development of public facilities and public lands.

The first step in successful joint development and optimal utilization of public properties is full coordination among the various responsible agencies and boards. Second is incorporating the potential contributions and efficiencies of public-private ventures and co-location into a broader comprehensive 10-year capital program plan.[124] Capital programming should consider the potential to expedite facility renewal through public-private partnerships. Improved designs and avoidable costs within projects can also be addressed by increased collaboration between DDOT, OP and DMPED, especially around parking supply and other public realm issues that are best addressed before a deal is in place. The coordination envisioned by the 2009 legislation hasn't been realized, and it will require the leadership of the Mayor to ensure better coordination and maximum benefits for the city.

10. Commit to a better community engagement process. Once the District government has established internal agreement on intersecting goals and needs, DMPED should coordinate an early public engagement process. The community can offer a wealth of ideas and knowledge about neighborhood needs and ways to address local and citywide goals appropriate to the specific local context.

Rationale: With everyone at the table and all the information available, the city is more likely to achieve consensus on a vision for the mix of public benefits and complementary private uses that fit the site's potential and context. DMPED, with the assistance of Office of Planning, Department of Housing and Community Development or in some cases, the private developer, should conduct design charrettes that build consensus around a community vision, goals and potential for a site, and a form-based design code to guide the physical parameters of the project. DMPED, Office of Planning, and other responsible agencies should work with representative community intermediaries where they have the capacity and confidence of the local community to help improve communication and trust between the city and the community.

11. Provide transparent valuation of public and private benefits.

Rationale: Building public trust in public-private agreements involving the disposition and redevelopment of the city's land and facilities depends on an open process, where the accounting for the value leveraged to pay for public benefits is broadly understood by and justified to the public. The city could better serve its constituents by modifying regulations to provide a transparent accounting of public benefit values, which would help confirm that the city fairly writes down land values when negotiating with developers. The council intended the District Land Disposition Amendment Act of 2009 to make valuation of public benefits more explicit, but the city's land disposition and development agreements finalized since passage of the act have failed to quantify the value of affordable housing and other benefits in exchange for private development rights.[125] Building on the standards set in the Exemptions and Abatements Information Act of 2011, more detailed accounting and evaluation of the public benefits is needed.

APPENDIX 1: DETAILED PUBLIC LAND DEVELOPMENT PROCESS IN WASHINGTON, D.C.

The process of disposing of public land in D.C. begins with its categorization as surplus. D.C. code places the primary power in the Mayor to declare a public land parcel as surplus. Three offices – the Department of Real Estate Services (DRES), the Office of the City Administrator (OCA), and the Deputy Mayor for Planning and Economic Development (DMPED) - review District properties to investigate whether vacant or underused public land can be utilized for other purposes by city agencies and in the case of school buildings, charter schools. If no suitable uses are found, and if the D.C. Council confirms such a determination, then the parcel is officially deemed surplus and made available for disposition.

DMPED is then responsible for soliciting offers to develop the parcel and does so via a request for proposal (RFP) or Request for Expressions of Interest (RFEI). This request describes the parcel of land available and stipulates any public benefits that the city expects to be accommodated within site plans. Once the proposals are received, they are reviewed by DMPED, and a proposal or development team is selected. The winning proposal is presented to the D.C. Council, which conducts its own review of the disposition and votes on a resolution to approve of the property disposal. Their assessment includes a review of fiscal impact statements from the Office of the Chief Financial Officer (CFO) verifying that the disposition will not negatively impact the District budget for a four year period. Additionally, the council reviews valuations of the land via tax assessments or property appraisals and testimony submitted by the developer and other affected parties.

The CFO has the longest-standing record of reviewing dispositions. D.C. law requires that any new legislation include an "estimate of the costs" to the city for the four fiscal years following enactment of the law.[126] The CFO conducts these reviews to provide an accounting of the effect of legislation on District revenues and in particular any reductions in revenues. Though disposition legislation must be reviewed through this process, the CFO is charged only with identifying the negative impacts and therefore does not offer a full picture of the financial impacts and benefits.

The CFO's review of the dispositions is particularly important because the costs and benefits of the deals are not reflected as normal budgeted expenditures in the city's annual budgets. In the fiscal impact review, the CFO's office assumes that any public land is revenue producing from the point of privatization over the course of the next four and sometimes more years. If a parcel of public land is to be privatized, the city's revenue estimates will include these new revenues from the taxes to be generated. The city's revenue estimates are the basis for the budgeted expenditures. A fiscal impact statement evaluates a property disposition, as advice to the Council without impact of law, to determine if it will have any negative impact on revenues projected to be included in the general fund. If the property disposition calls for the reduction of any future taxes, it is considered to be a loss to the general fund. If the loss to the general fund is larger than the taxes to be generated, the result is a negative fiscal impact statement, and the Council must budget an expenditure equal to the loss. It is important to note that the fiscal impact statement does not evaluate the potential cost saving benefits generated by these expenditures.

In addition, the city does not include the change in the value of its public land in its budgets since it is an asset that does not actively generate annual revenue. While fiscal impact statements for dispositions almost always include either a tax assessment or land value appraisal, city budgets do not incorporate these amounts. Thus, when such land is sold, it does not appear in city budgets as an asset "loss," nor are the community benefits accounted for as a gain in assets in the budget. The Office of the CFO has listed "land price subsidy" from land dispositions in its 2010 and 2011 reports on how economic development incentives are allocated. According to the Office of the Chief Financial Officer, the seven public land dispositions in 2010 were documented as providing a land price subsidy of $0 as the value of the benefits or conditions of the property were determined to be greater than the purchase price or lease value.[127]

It is common for disposition statements to indicate that the sale price or lease value should reflect the land value minus any public benefits. However, the exact value of public benefits is rarely enumerated.[128] Though assets such as the value of new construction (e.g., libraries) are occasionally given concrete values, affordable housing is not. Thus, the CFO does not fully calculate whether the benefits received are reflected in the negotiated sales price and deal structure with the developer.

If approved by the Council, the developer and the city then conclude a land disposition and land development agreement (LDA), which codifies the terms agreed upon between the city and the developer. This includes deadlines for beginning construction and the specification of any required public benefits. Some of these benefits are relatively standard for all projects. For instance, D.C. code requires all public land dispositions to include a First Source agreement, wherein the developer agrees to make a meaningful effort to hire District residents for at least 51 percent of their workforce.[129] Dispositions also include a certified business enterprise agreement or CBE agreement. CBEs are businesses certified by the District as small, local, or disadvantaged.

Starting in 2005, D.C. obligated construction projects that involved city funding to set aside 35 percent of contract dollar volume for CBEs.[130] In addition, a 2009 bill specified that 20 percent of both equity and development participation must go to CBEs "in all development projects supported by District funds and in all development projects that take place on District-owned property."[131] These requirements were further codified for dispositions in the District Land Disposition Amendment Act of 2009, which stipulated the aforementioned contract, equity, and development minimum set asides for all District public land dispositions.[132] Apart from these generally expected benefits are additional benefits particular to the proposal, such as affordable housing set asides, infrastructure improvements, etc. While affordable housing is usually a part of a residential development, it is not required by law other than former AWC lands.

Following selection, the project may have to move through several other approvals, depending on the site's location and the scale of construction the developer wishes to pursue. Should the site lie in a Historic District, then the Historic Preservation Review Board (HPRB), which decides whether new construction is consistent and compatible with the historic character of that particular area, must first review and approve plans. Additionally, the proposal may seek to obtain increased density and to build beyond the matter-of-right limitations of the site's current zoning. If so, the development applies to either the Board of Zoning Adjustment (BZA), or, for major changes, the project would be proposed as a Planned Unit Development (PUD) which is reviewed by the D.C. Zoning Commission. The Commission reviews the proposal to assess the merit of the added value of the amenities of the project related to the Comprehensive Plan and compared to what would be possible under matter-of-right zoning. Once the development has received approval through these processes, it is ready to obtain financing and permits and begin construction.

Throughout all these stages, the developers also meet with local community groups to hear their thoughts and concerns about the project. A substantial part of the public engagement process involves the developer seeking support from the relevant Advisory Neighborhood Commission (ANC). The ANCs are the most local level of elected representation in the District. While they do not have official statutory powers, their views are meant to carry "great weight" in decisions made by D.C. agencies.[133] Unless a developer has sufficient support from community groups or individuals, it may be difficult to obtain approval from the appropriate District authorities.

The most recent modifications to the disposition process were in 2009, via two D.C. Council acts. Councilmember Kwame Brown introduced the first of these in March 2009, the District Land Disposition Amendment Act of 2009 signed into law in August of that year. This act required the Mayor's office to submit to the Council additional documentation regarding disposition approvals. The primary piece of newly required information was a financial analysis "of the economic factors that were considered in proposing the disposition of the real property."[134] The analysis must substantiate the disposition process proposed by the Mayor, demonstrating that "competition was maximized," that the balance of benefits and costs to the District were properly weighed, and that the Mayor's office determined that the disposition brings the maximum overall benefit to the District compared to other options for the land.[135]

The second recent change to the disposition process came from the Public Land Surplus Standards Amendments Act of 2009. Introduced by Councilmember Harry Thomas, Jr. in January 2009, the bill became law a year later. Under this statute, the Mayor must now bring the disposition proposal to the D.C. Council in two parts: first to approve the determination by the Mayor that the land is surplus; and second, to approve the proposed disposition.[136]

The act also mandates a public meeting be held to allow public comment on the proposed surplus determination before the Mayor requests the council's approval.[137] Further, the act states that the Department of Real Estate Services shall compile a comprehensive database of District property and submit it to the Council every three years and shall make the database available to the public.[138] Finally, the legislation calls for the formation of a District Facilities Planning Advisory Committee, which is meant to review public lands and provide advice to the Mayor regarding how that land should be treated.[139] As of the publication of this report, it appears that neither the requirements for a public database nor the formation of a committee have been met.

APPENDIX 2: 2008-2011 LAND DISPOSITION AGREEMENTS

2008 Land Disposition Agreements (LDAs)

Site Name/Developer/ Location	Appraisal	Payment to the District	Est. Total Housing Units	Affordable Housing Set-Aside	Affordability Term	Affordable Housing Details	Additional Public Benefits	CBE[1]	Notes	Legislation # / Act / Res # / Sources
Dispositions with Housing										
Southwest Watefront • Hoffman-Struever Waterfront LLC • 690 Water Street, SW (and adjacent parcels), Ward 6	$92 million	$1 annual rent 99-year ground lease (also $198 million TIF/PILOT)	1200	9% - 30% AMI 9% - 60% AMI **TOTAL: 18%** 160,000 GFA, 150 units mimimum	20 years for owned units; 50 years for rental units	• 15% @ 30% AMI, 15% @ 60% applying only to first 500 units • Must be at least 160,000 sf or 150 units • 30% AMI units all rental, 60% AMI units can be rental and for-sale • After 1st 500 units: 20% of GFA for workforce housing at 100% to 120% AMI • 1st 80,000 sq ft must be 100% AMI, rest may be up to 120% AMI	$1 million for workforce intermediary program; seeking LEED Gold designation; 20% of new jobs for Ward 8 residents; 30% of apprenticeships reserved for residents east of Anacostia River; ~100,000 sf cultural space	35% contract $ volume	$198 million in public financing via TIF/PILOT provided public infra-structure	Clarification Act: B18-1075 / L18-0359; Last Disposi-tion Approval: PR17-1240 / R17-0954 accessed via LIMS - DC Council's website: http://dc-clims1.dccouncil.us/lims/; PUD Zoning Commision Case No. 11-24, Nov. 23, 2011.
Tewkesbury Condos • Blue Skye Development, LLC • 6425 14th St, NW, Ward 4	$3 million	$270,000 purchase	26	15% @ 30% AMI 15% @ 60% AMI 21% @ 80% AMI **TOTAL: 51%** (actual appears to be 10 units @ 60% AMI, 16 units @ 80% AMI)	Minimum of 10 Years	Affordable housing based on percentages in resolution; parts of committee testimony claim all units would be affordable housing, with 10 units affordable at 60% AMI and 16 at 80% AMI; none at 30% AMI	Development is tied to the construction of a 54-unit senior housing project at 1330 Missouri Ave, NE, with all units affordable at 60% AMI	35% contract $ volume		PR17-1163 / LIMS; Dec. 11, 2008 committee report
Dispositions with Limited Data										
Home Again Ivy City Demonstration Redevelopment • 1200 block of Wylie Street, NE, Ward 6		No committee reports available on LIMS, unable to obtain most data						50% contract $ volume		PR17-0642 / LIMS
Douglass School • KIPP DC • 2600-2620 Douglas Road, SE, Ward 8		No committee reports available on LIMS, unable to obtain most data								PR17-1231 / LIMS

[1] When known, CBE agreements all called for 20% equity distribution and 20% development participation to CBEs

2009 Land Disposition Agreements (LDAs)

Site Name/Developer/Location	Appraisal	Payment to the District	Est. Total Housing Units	Affordable Housing Set-Aside	Affordability Term	Affordable Housing Details	Additional Public Benefits	CBE[1]	Notes	Legislation # / Act / Res # / Sources
Dispositions with Housing										
Unnamed • Donatelli Development • 3813-3815 & 3825-3829 Georgia Ave, NW, Ward 4	$1.5 million	Ground lease, amount unknown	12	15% @ 30% AMI 15% @ 60% AMI **TOTAL: 30%** (actual appears to be 4 units @ 60% AMI, none at 30% AMI)	Not specified	12 condo units total on site, 33% for 60% AMI per DMPED testimony	"portion" of 8,000 sf retail set aside for local/CBE businesses	40% contract $ volume	8,000 s.f. of retail	PR18-0011 / R18-0072 / All bills and committee reports can be accessed via LIMS on DC Council's website: http://dcclims1.dccouncil.us/lims/
Hayes Street Apartments • Blue Skye Development LLC • 4427 Hayes St, NE, Ward 7	$1,802,160	Purchase; amount unspecified, assumed to be $1	26	35% @ 30% AMI 65% @ 60% AMI **TOTAL: 100%**	Not specified	9 units @ 30% AMI to be reserved for Lincoln Heights/Richardson Dwellings residents		40% contract $ volume		PR18-0013 / R18-0073
Minnesota-Benning Phase 2 • Donatelli/Blue Skye Development • Multiple addresses at Benning Road & Minnesota Ave, NE, Ward 7	$13,176,000	$10 purchase	370-375	30% @ 60% AMI **TOTAL: 30%**	Not specified	DMPED sources state total units: 325 rental units @ 60% AMI, remainder townhouses for sale @ market rate	"portion" of 23,000 sf retail set aside for local/CBE businesses, 50,000 s.f. green space	35% contract $ volume	23,000 s.f. retail; 50,000 s.f. green space; right-of-way for future street connection on property recommended in Minnesota Avenue Great Streets Plan not preserved	PR18-0314 / R18-0262 / LIMS
Eastern Avenue • JackSophie Eastern Urban Matters Development and Beulah Community Improvement, Inc. • 400-414 Eastern Ave, NE & 6100 block of Dix St, NE, Ward 7	$2,052,870	$1 purchase	56	100% @ 30-75% AMI **TOTAL: 100%**	Not specified	56 for-sale units (3-bedroom town homes), all affordable for 30% to 75% AMI	10 units set aside for Lincoln Heights/Richardson Dwellings residents	35% contract $ volume	Eastern Ave lot consisted of several buildings vacant for over a dozen years, Dix St lot vacant ground; unit total includes development on adjacent parcel, 405-409 61st St, NE	PR18-0325 / R18-0264 / LIMS
Unnamed • Argos Group, Hamel Builders, Architrave • 525 9th St, NE & 1341 Maryland Ave, NE, Ward 6	$1,932,710	$260,000 purchase	9	44% @ 60% AMI **TOTAL: 44%**	Not specified	9 total condo units, 4 units (~44%) affordable at 60% AMI	Restoration of two historic structures (former police station and firehouse, a designated historic landmark)	50% contract $ volume; 25% equity/ development	Higher CBE terms than most all other dispositions; Argos and Architrave are themselves CBEs	PR18-0035 / R18-0074 / LIMS
Dispositions without Housing										
Strand Theater • Washington Metropolitan Community Develop. Corp. (includes Warrenton Group) • 5131 Nannie Helen Burroughs Ave, NE, Ward 7		$1 annual rent ground lease	0	n/a		n/a	1,000 s.f. "flexible community and arts space"; "a portion" of commercial/retail space at below-market rates and for local/CBE businesses.	35% contract $ volume	8,800 s.f. retail, 6,400 s.f. office; property had been vacant for 35 years; WMCDC's offer was only one received by District solicitation for offers	PR18-0324 / R18-0263 / LIMS
Clark School • E.L. Haynes Public Charter School • 4501 Kansas Ave, NW, Ward 4		25-year ground lease ($0 rent first 15 years, ~$238k annually years 16-25)	0	n/a		n/a	Will be renovated for charter school location, extending E.L. Haynes through high school, doubling students to 900	35% contract $ volume	E.L. Haynes in operation since 2004, first year-round public school in District; rent equals $12.89 / sq ft rate minus $15 mill rent credit to cover renovation costs	PR18-0593 / R18-0338 / LIMS
Carter G. Woodson School • Friendship Collegiate Public Charter School • 4095 Minnesota Ave, NE, Ward 7		30-year ground lease ($371,450 base increasing 2% per year after year five)	0	n/a		n/a	Served 1,359 students in 2007-08, 67% of whom were low-income	n/a	Friendship Collegiate had been under 20-year lease with city for this site since 2000; debt refinancing required an extension of the original lease to 30 years	PR18-0060 / R18-0030 / LIMS

[1] Unless otherwise noted, all CBE agreements called for 20% equity distribution and 20% development participation to CBEs

[2] For 2009 dispositions, all Council resolutions stipulated lessees or purchasers would enter First Source Agreements, but exact terms could not be located

2010 Land Disposition Agreements (LDAs)

Site Name/Developer/Location	Appraisal	Payment to the District	Est. Total Housing Units	Affordable Housing Set-Aside	Affordability Term	Affordable Housing Details	Additional Public Benefits	CBE[1]	Notes	Legislation # / Act / Res # / Sources
Dispositions with Housing										
Unnamed • William C. Smith & Co. • 1320 Mississippi Ave SE, Ward 8	$978,720	$1 annual rent ground lease	19	100% for shelter families **TOTAL: 100%**	40 years	Housing for 19 families from shelter system	on-site, "wrap around service" for families	35% contract $ volume	Site of former police station, vacant 20 years	PR18-0646 / R18-0457 Bills and committee reports can be accessed via LIMS on DC Council's website: website: http://dcclims1.dccouncil.us/lims/
Whitelaw • Whitelaw Hotel Limited Partnership • 1839 13th St, NW, Ward 1		$427,500 purchase (District has leased property to developer since 1991)	35	100% @ 60% AMI **TOTAL: 100%**	14 years	35 rental units, all at or below 60% AMI; units to be affordable for at least 14 years after sale of Whitelaw	Unknown	Unknown	DC has leased Whitelaw to WHLP since 1991; no committee reports available on LIMS	PR18-0860 / R18-0495 / LIMS
Hurt Home • Argos Group & Potomac Investment Properties • 3050 R St, NW, Ward 2	$6,093,000 (CFO's assessed value: $9,456,500)	$350,000 purchase price according to Schedule J of Draft LDA (< 20 units)	15	20% @ 80% AMI **TOTAL: 20%**	40 years	20% sold 80% AMI or less (~3 units of 15 total)	Argos Group is a CBE; 7 of 35 units to set aside for "police officers and firemen"	40% contract $ volume	Georgetown historic bldg; initial proposal was for 35 units, of which 12 (34%) would be for 60% or 80% AMI; project was changed after negative feedback from residents, parking ratio increased to 2 per unit	PR18-0955 / R18-0549 / LIMS
Unnamed • Charliemay LLC • 4808-4826 Block Nannie Helen Burroughs, NE, Ward 7	$525,520	$1 purchase	70	100% @ 30-60% AMI **TOTAL: 100%**	40 years	1 bldg: all 70 rental units rented at "60% AMI & 30% AMI," including 23 units for Lincoln Hts-Richardson Dwellings residents	Some of 6,000 s.f. office space to be set aside for "human capital programming" for relocated Lincoln Hts-Richardson Dwellings residents	40% contract $ volume	Replaces 23 units of Lincoln Hts-Richardson Dwellings/New Communities; 3000 s.f. retail, 6000 s.f. office	PR18-0957 / R18-0551 / LIMS
West End (Library & Fire Station) • EastBanc, W.D.C. Partners • 1101-1111 24th St, NW; 2301 L St, NW; 2225 M St, NW, Ward 2	West End Library site: $12.2 million; Fire station site: 17.8 million for total of $30 million	$91/FAR sf (~$17.9 million) in in-kind contribution for new library & fire station construction	226	23% @ 60% AMI **TOTAL: 23%** (contingent on funding)	Not specified	"up to" 52 units at or below 60% AMI "conditioned on availability of project generated tax funds;" was 25% of originally proposed total units (205). All affordable units would be above fire station (Square 50).	~20,000 s.f. library, ~16,000 s.f. fire station	35% contract $ volume	~9.6k sq ft retail; condo bldg 153 units; & 52 units affordable rental units conditioned on tax funds. Section 8.2.b.iii of Draft LDA lays out funding scenarios for affordable housing, caveats	PR18-0959 / R18-0553 / LIMS
Hine Jr. H.S. • EastBanc, Stanton Development Corp. • 310 7th St, SE, Ward 6	$30 million or $219 per FAR sq foot.	South Parcel: annual ground rent equals 5% of value of property ($50/FAR sq ft or $21 million) less community benefits; North Parcel: purchase in fee $50/FAR ft of non-affordable hsg (~$800,000)	158	3% @ 30% AMI 19% @ 60% AMI 8% @ 80% AMI **TOTAL: 30%**	40 years	North Parcel: Rental Bldg 33 (originally 35) total units, with 28 for rent @ 60% AMI and 5 @ 30% AMI; half age restricted 55yrs+ South Parcel: Condo Bldg 116 (originally 97) total units, w/ 12 IZ units (80% AMI)	Proposed office space for International Relief & Development, "performance and living space for Shakespeare Theater Company;" both fell through. Rebuilding C St between 7th and 8th St	35% contract $ volume	Total of 2 blgs: 35 rental units, 97 condos; ~49k sq st retail, ~212k sq ft office. 100 room hotel may take up 65k sq ft of office space	PR18-0963 / R18-0555 / LIMS
MM Washington Career H.S. • Mission First Development, Urban Matters Development Partners, and Mt. Lebanon CDC • 44 P St, NW, Ward 5	$12 million	$1 annual rent ground lease	90	15% @ 30% AMI 70% @ 60% AMI **TOTAL: 85%**	Not specified	Term sheet: 80-90 units rented to seniors all at 80% AMI or less Draft LDA 6/10/10: 15% of units at 30% AMI (14), 80% of units at 60% AMI (72), rest (4) at market rate Affordability Covenant: 15% at 30% AMI, 70% at 60% AMI	"space that may be utilized by the community," ~15,000 s.f.	35% contract $ volume		PR18-0961 / R18-0574 / LIMS
Dispositions without Housing										
Washington Center for Aging Services • Stoddard Baptist Home, Inc. • 2635 18th St, NE, Ward 5		Ground lease, amount unknown	0	n/a		n/a	long-term care nursing facility	35% contract $ volume	No committee reports available on LIMS, unable to obtain most data	PR18-0770 / R18-0431 / LIMS
Old Naval Hospital ("Hill Center at the Old Naval Hospital") (designated historic building) • Old Naval Hospital Fndn. • 921 Penn. Ave, SE, Ward 6		65 year $1 annual rent ground lease (received $5.5 million grant from city to assist restoration)	0	n/a		n/a	Space for community events and education; 150 renovation jobs for DC residents; District to get 15% of gross receipts after foundation has amassed a capital reserve fund	35% contract $ volume	$5.5 million grant from city to assist in restoration, designated historic building, vacant since 1998	PR18-1008 / R18-0653 / LIMS

[1] Unless otherwise noted, all CBE agreements called for 20% equity distribution and 20% development participation to CBEs

[2] For all dispositions, all Council resolutions stipulated lessees or purchasers would enter First Source Agreements, but exact details were not always available. When found, First Source Agreement terms called for developers to reserve 51% of new jobs/apprenticeships for DC residents.

2011 Land Disposition Agreements (LDAs)

Site Name/Developer/Location	Appraisal	Payment to the District	Est. Total Housing Units	Affordable Housing Set-Aside	Affordability Term	Affordable Housing Details	Additional Public Benefits	CBE[1]	Notes	Legislation # / Act / Res # / Sources
Justice Park • Euclid Community Partners, LLC • 1421 Euclid Street NW, Ward 1	$1.33 Million	annual ground rent of 10% of cash flow for the first 5 years and each year thereafter pay the greater of $10,000 or 10% cash flow, escalated 2.5% annually; annual contribution of $10,000 for maintenance and beautification	30	100% @ 60% AMI **TOTAL:100%**	Not specified	According to developer, some units will be priced at 50% AMI	first affordable housing development in the DC specifically for deaf professionals	35% contract $ volume		PR 19-009 / LIMS
H Street Project • 1113-1117 H Street N.E. • 1115 H Street Partners, LLC, Ward 6	$682,000	15% of land price or $100,000 at closing	16	2 @ 50% AMI 2 @ 80% AMI **TOTAL: 25%**	Not specified		5-story building comprised of 16 residential units and 2,000 s.f. of retail	35% contract $ volume		PR 19-238 / LIMS

All Disposition on LIMS

Legislation No.	Short Title	Council Period	Previous Leg. Numbers	Enrolled?	Detailed in this spreadsheet?	Notes
PR15-0816	REVISED VACANT AND ABANDONED PROPERTIES COMMUNITY DEVELOPMENT DISPOSITION APPROVAL RESOLUTION OF 2004	15		No	No	
PR15-1014	VACANT AND ABANDONED PROPERTIES COMMUNITY DEVELOPMENT DISPOSITION APPROVAL RESOLUTION OF 2004	15	PR15-0352 PR15-0742	No	No	
PR16-0216	REVISED OLD CONVENTION CENTER SITE DISPOSITION APPROVAL RESOLUTION OF 2005	16		Yes	No	
PR16-0244	VACANT AND ABATEMENT PROPERTIES COMMUNITY DEVELOPMENT DISPOSITION APPROVAL RESOLUTION OF 2005	16		Yes	No	
PR16-0352	BRUCE SCHOOL DISPOSITION APPROVAL RESOLUTION OF 2006	16	PR15-1219	Yes	No	
PR16-0353	CRUMMELL SCHOOL DISPOSITION APPROVAL RESOLUTION OF 2005	16	PR15-1218	No	No	
PR16-0354	OLD CONGRESS HEIGHTS SCHOOL DISPOSITION APPROVAL RESOLUTION OF 2006	16	PR15-1215	Yes	No	
PR16-0355	LANGSTON AND SLATER SCHOOLS DISPOSITION APPROVAL RESOLUTION OF 2005	16	PR15-1214	No	No	
PR16-0356	KEENE SCHOOL DISPOSITION APPROVAL RESOLUTION OF 2005	16	PR15-1216	Yes	No	
PR16-0417	4919 C STREET, SE, DISPOSITION APPROVAL RESOLUTION OF 2006	16		Yes	No	
PR16-0728	OLD ENGINE COMPANY 12 DISPOSITION APPROVAL RESOLUTION OF 2006	16		Yes	No	
PR16-0852	SOUTH CAPITOL STREET DEVELOPMENT DISPOSITION APPROVAL RESOLUTION OF 2006	16		Yes	No	
PR17-0111	6428 GEORGIA AVENUE NW, DISPOSITION APPROVAL RESOLUTION OF 2007	17		Yes	Yes	
PR17-0227	RANDLE CIRCLE, SE DISPOSITION APPROVAL RESOLUTION OF 2007	17		No	No	
PR17-0323	BARNABY ROAD SITE, PARCEL 238, LOT 40, DISPOSITION APPROVAL RESOLUTION OF 2007	17	PR17-0067	No	No	

All Disposition on LIMS (con't)

Legislation No.	Short Title	Council Period	Previous Leg. Numbers	Enrolled?	Detailed in this spreadsheet?	Notes
PR17-0642	HOME AGAIN IVY CITY DEMONSTRATION REDEVELOPMENT PROJECT DISPOSITION APPROVAL RESOLUTION OF 2008	17		Yes	Yes	Supplemental resolution (PR17-0643) also enrolled; committee data unavailable so details are missing
PR17-0813	NEW COMMUNITIES NORTHWEST ONE DISPOSITION APPROVAL RESOLUTION OF 2008	17		No	No	*Had committee hearing
PR17-1163	6425 14TH STREET, NW, DISPOSITION APPROVAL RESOLUTION OF 2008	17		Yes	Yes	
PR17-1231	DOUGLASS SCHOOL LEASE EMERGENCY DISPOSITION APPROVAL RESOLUTION OF 2008	17		Yes	Yes	
PR17-1240	SOUTHWEST WATERFRONT THIRD REVISED DISPOSITION APPROVAL EMERGENCY DECLARATION RESOLUTION OF 2008	17	PR17-0023 PR17-0644 PR17-0105 PR17-0211	Yes	Yes	
B18-0701	WASHINGTON CENTER FOR AGING SERVICES DISPOSITION APPROVAL EMERGENCY ACT OF 2010	18	B18-0702	Yes	Yes	
PR18-0011	3813-3815 AND 3825-3829 GEORGIA AVENUE, NW, DISPOSITION APPROVAL RESOLUTION OF 2009	18	PR17-1164	Yes	Yes	
PR18-0012	FIFTH AND I STREETS, NW, DISPOSITION APPROVAL RESOLUTION OF 2009	18	PR17-1165	No	No	*Had committee hearing
PR18-0013	4427 HAYES STREET, NE, DISPOSITION APPROVAL RESOLUTION OF 2009	18	PR17-1166	Yes	Yes	
PR18-0035	525 9TH STREET, NE, AND 1341 MARYLAND AVENUE, NE, DISPOSITION APPROVAL RESOLUTION OF 2009	18	PR17-1217	Yes	Yes	
PR18-0060	CARTER G WOODSON SCHOOL LEASE DISPOSITION APPROVAL RESOLUTION OF 2009	18	PR17-1028	Yes	Yes	
PR18-0314	MINNESOTA-BENNING PHASE 2 REDEVELOPMENT DISPOSITION APPROVAL RESOLUTION OF 2009	18	PR17-1167 PR18-0014	Yes	Yes	

All Disposition on LIMS (con't)

Legislation No.	Short Title	Council Period	Previous Leg. Numbers	Enrolled?	Detailed in this spreadsheet?	Notes
PR18-0317	HOWARD THEATRE DISPOSITION APPROVAL RESOLUTION OF 2009	18		No	No	
PR18-0323	NEW COMMUNITIES NORTHWEST ONE – SITE 2 DISPOSITION APPROVAL RESOLUTION OF 2009	18		?	?	Error Viewing on LIMS
PR18-0324	STRAND THEATER DISPOSITION APPROVAL RESOLUTION OF 2009	18	PR17-1161 PR18-0010	Yes	Yes	
PR18-0325	EASTERN AVENUE PROPERTY DISPOSITION APPROVAL RESOLUTION OF 2009	18		Yes	Yes	
PR18-0337	FOURTH/SIXTH AND E STREETS, SW, PROPERTY DISPOSITION APPROVAL RESOLUTION OF 2009	18		?	?	Error Viewing on LIMS
PR18-0593	CLARK SCHOOL DISPOSITION APPROVAL RESOLUTION OF 2009	18		Yes	Yes	
PR18-0606	TAFT SCHOOL DISPOSITION APPROVAL RESOLUTION OF 2009	18	PR18-0336	Yes	Yes	
PR18-0646	1320 MISSISSIPPI AVENUE, SE LEASE DISPOSITION APPROVAL RESOLUTION OF 2010	18		Yes	Yes	
PR18-0770	WASHINGTON CENTER FOR AGING SERVICES DISPOSITION APPROVAL EMERGENCY DECLARATION RESOLUTION OF 2010	18	PR18-0715	Yes	Yes	
PR18-0860	WHITELAW DISPOSITION APPROVAL RESOLUTION OF 2010	18		Yes	Yes	
PR18-0955	HURT HOME DISPOSITION APPROVAL RESOLUTION OF 2010	18		Yes	Yes	
PR18-0959	WEST END PARCELS DISPOSITION APPROVAL RESOLUTION OF 2010	18		Yes	Yes	

GLOSSARY OF ACRONYMS

ANC - Advisory Neighborhood Commission - the most local level of elected representation in the District; does not have official statutory powers, but their views are meant to carry "great weight" in decisions made by D.C. agencies.

AMI – Area Median Income – categorizes and defines household income and is used to set eligibility thresholds. Each year, the US Department of Housing and Urban Development (HUD) calculates a median income for the Washington, D.C. metropolitan area. For 2011, the AMI for the DC-Virginia-Maryland metropolitan area was $106,100 for a four-person household. Low income, as defined by HUD, is calculated as a household making 80 percent AMI or below. A four-person household earning 80% AMI would equate to $67,600; 50 percent to $53,050; and 30 percent to $31,850.

AWC - Anacostia Waterfront Corporation, 2004 – 2008: quasi-D.C. governmental land development organization similar to NCRC but with a particular focus on the land bordering the Anacostia River; along with economic revitalization, the AWC sought to produce a significant share of affordable housing in new development, restore the water quality of the river and to direct a share of investment and jobs generated by AWC land development to Ward 8 residents.

CBE – Certified Business Enterprise – businesses certified by the District as small, local, or disadvantaged. Construction projects that involve city funding are required to set aside 35 percent of contract dollar volume for CBEs.

CFO – Chief Financial Officer and Office of the Chief Financial Officer (OCFO) – an independent office that provides oversight and direct supervision of the financial and budgetary functions of the District government. Duties include forecasting revenue for the District government, developing fiscal impact statements for proposed legislation, performing tax expenditure analysis, and providing advice on economic development matters.

CSG – Coalition for Smarter Growth - the leading non-profit organization addressing where and how the Washington region grows, partnering with communities in planning for the future, and offering solutions to the interconnected challenges of housing, transportation, energy and the environment.

DCFPI - D.C. Fiscal Policy Institute - conducts research and public education on budget and tax issues in the District of Columbia, with a particular emphasis on issues that affect low- and moderate-income residents.

DCOP or **OP** – D.C. Office of Planning - guides development of the District of Columbia, including the preservation and revitalization of distinctive neighborhoods, by informing decisions, advancing strategic goals, encouraging the highest quality outcomes, and engaging all communities.

DCPL – D.C. Public Library

DHCD – Department of Housing and Community Development – D.C. government agency charged with creating and preserving opportunities for affordable housing and economic development and revitalizing underserved communities in the District of Columbia.

DMPED – Office of the Deputy Mayor for Planning and Economical Development - charged with executing the Mayor's economic development strategy which encourages growth and investments across the District.

DRES – Department of Real Estate Services - manages the District's owned and leased real estate assets in support of D.C. agency clients and D.C. residents.

FAR – Floor Area Ratio – figure that expresses the total gross floor area as a multiple of the area of the lot; this figure is determined by dividing the gross floor area of all buildings on a lot by the area of that lot

GFA – Gross Floor Area – the total floor area inside the building envelope, including external walls, and excluding the roof

HPRB - Historic Preservation Review Board – the official body of advisors appointed by the Mayor to guide the government and public on preservation matters in the District of Columbia.

HUD - U.S. Department of Housing and Urban Development - mission is to create strong, sustainable, inclusive communities and quality affordable homes for all.

IZ – Inclusionary Zoning - requires matter of right projects to allocate a percentage of housing units in new residential developments to qualified low- and moderate-income households. In D.C., DHCD administers D.C.'s IZ program.

LDA – Land Disposition Agreement - specifies the terms of the transaction, including the specific community benefits the developer will provide for the development rights to D.C. publicly-owned land.

LDDA – Land Disposition and Development Agreement - codifies the terms agreed upon between the city and the developer for D.C. publicly-owned land.

MHCDO - Marshall Heights Community Development Organization - nonprofit community-based organization that has undertaken community development activities in the Ward 7 area of Washington, DC; its mission is to help grow Ward 7 into the District of Columbia's most welcoming, prospering, livable community for everyone.

NCRC - National Capital Revitalization Corporation, 1998-2007 - an independent corporate instrumentality of the District of Columbia charged to retain and expand businesses located within the District, attract new businesses to the District, and induce economic development, job creation, and job training, with emphasis given to particular "Priority Development Areas" spread throughout the District.

OCA – Office of the City Administrator - responsible for the day-to-day management of the District government, setting operational goals and implementing legislative actions and policy decisions approved by the Mayor and D.C. Council.

OP – Office of Planning - performs planning for neighborhoods, corridors, districts, historic preservation, public facilities, parks and open spaces, and individual sites; also conducts historic resources research and community visioning, and manages, analyzes, maps, and disseminates spatial and US Census data.

PILOT – Payments-In-Lieu-Of-Taxes – a type of financing used for economic development in the District in a similar manner to TIF bonds, relying on tax revenue increases from the assessed value of a property generated by new construction as a source of bond repayment. In D.C. this financial tool is often used as a diversion of tax revenues on previously tax-exempt, government-owned properties to finance bonds whose proceeds underwrite infrastructure or other project costs. PILOTs are also a payment to the city for an untaxed property or an alternative amount paid to the city instead of taxes.

PUD – Planned Unit Development – a special multi-purpose project planning tool which allows a developer greater flexibility in site planning and building design. This flexibility permits the developer to incorporate amenities in the project that exceed those that could have been achieved under the general provisions of the Zoning Regulations. When a project is designated as a PUD, the Zoning Commission usually mandates the development of standards specifically tailored to the project.

RFP – Request for Proposals - issued at an early stage in a procurement process, where an invitation is presented for suppliers, often through a bidding process, to submit a proposal on a specific commodity or service.

S.F. – Square Feet – a measure of building floor area.

SIT – School Improvement Team - an organization of teachers, administrators, parents, and members of the community; primary focus is to participate in the development of education specifications and schematic design (modernization and construction).

TIF – Tax Increment Financing – This program allows the District government to sell bonds backed by a development's future taxes, with the bond money helping to pay the developer's construction costs. TIF is not a loan; the development's taxes, which would already have to be paid, are used to pay back the principal and interest on the bonds. TIFs are a public financing method that is used for subsidizing redevelopment, infrastructure, and other community improvement projects. In 2010, no TIFs were approved due to the District's debt cap.

ENDNOTES

[1] We credit the Arlington New Directions Coalition for first coining the term "Public Land for Public Good;" see: "Public Land for Public Good," *New Directions*, Fall 2007, http://www.arlingtonnewdirectionscoalition.org/uploads/Public_Land_for_Public_Good_Newsletter_Article.doc.

[2] Area median income (AMI) is used as a way to categorize and define household income and to set eligibility thresholds. Each year, the US Department of Housing and Urban Development (HUD) calculates a median income for the DC metropolitan area. For 2011, the AMI for the DC-Virginia-Maryland metro area, was $106,100, for a four-person household. Low income, as defined by HUD, is calculated as a household making 80% AMI or below. A four-person household earning 80% AMI would equate to $67,600; 50% to $53,050; and 30% to $31,850.

[3] Jenny Reed, *Disappearing Act: Affordable Housing in DC is Vanishing Amid Sharply Rising Housing Costs*, May 7, 2012. DC Fiscal Policy Institute. http://www.dcfpi.org/wp-content/uploads/2012/05/5-7-12-Housing-and-Income-Trends-FINAL.pdf

[4] See: http://www.hud.gov/offices/cpd/affordablehousing/

[5] Jenny Reed, *Disappearing Act: Affordable Housing in DC is Vanishing Amid Sharply Rising Housing Costs*, May 7, 2012. DC Fiscal Policy Institute. http://www.dcfpi.org/wp-content/uploads/2012/05/5-7-12-Housing-and-Income-Trends-FINAL.pdf

[6] Ibid.

See: District of Columbia. *Homes for an Inclusive City: A Comprehensive Housing Strategy for Washington, D. C., Comprehensive Housing Strategy Task Force*. Washington, D.C., April 5, 2006.

http://dc-chstaskforce.org/docs/CHSTFfinalreport4606.pdf. The Housing Choice Voucher program, also known as Section 8, is the principal program offered by the federal government to assist very low-income households, the elderly, and the disabled in affording housing in the private market through housing vouchers offered through local public housing agencies. In order to qualify for the program, household income cannot exceed 50% AMI.

[8] Peter Tatian and G. Thomas Kingsley, "District of Columbia Housing Monitor," NeighborhoodInfo DC, Winter 2008, http://www.neighborhoodinfodc.org/housing/DCHousingMonitor_2008_1.pdf.

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[10] District of Columbia. *Homes for an Inclusive City: A Comprehensive Housing Strategy for Washington, D. C., Comprehensive Housing Strategy Task Force*. Washington, D.C., April 5, 2006. http://dc-chstaskforce.org/docs/CHSTFfinalreport4606.pdf

[11] A note on the income figures of 53 and 33 percent: these numbers were converted to the metropolitan area AMI levels from D.C. only numbers, as the original analysis treated D.C. as a state.

[12] See the Urban Land Institute's Terwilliger Center for Housing, http://www.uli.org/ResearchAndPublications/TerwilligerCenterforWorkforceHousing.aspx

[13] By Carol Morello and Ted Mellnik, "Seven of nation's 10 most affluent counties are in Washington region," *Washington Post*, September 19, 2012. http://www.washingtonpost.com/local/seven-of-nations-10-most-affluent-counties-are-in-washington-region/2012/09/19/f580bf30-028b-11e2-8102-ebee9c66e190_story.html

[14] D.C. Fiscal Policy Institute, "New Census Data Show that One in Five DC Residents Lived in Poverty in 2010," September 22, 2011, http://www.dcfpi.org/new-census-data-show-that-one-in-five-dc-residents-lived-in-poverty-in-2010, accessed December 13, 2011.

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[16] Ibid.

[17] Victor Hoskins, Deputy Mayor for Planning and Economic Development, personal communication, March 27, 2012. See information about the DC Comprehensive Housing Strategy Task Force at: http://www.taskforce2012.org/

[18] National Capital Revitalization Corporation Act of 1998, A. 12-355, § 3(b), 45 D.C. Reg. 3747 (June 12, 1998) (codified at D.C. Code § 2-1219.02(b)).

[19] *Id.*, § 15(b)(2), (codified at D.C. Code § 2-1219.14(b)(2)).

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[21] See: http://dmped.dc.gov/DC/DMPED/Programs+and+Initiatives/Neighborhood+Revitalization/Ward+Six/CityVista and http://www.loweenterprises.com/reg/development/.

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[28] Board of Library Trustees, "Mixed-Use Real Estate Projects Policy," DC Public Library, May 23, 2007, http://dclibrary.org/node/3157.

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[31] ANCs, or Advisory Neighborhood Commissions, are "the body of government with the closest official ties to the people in a neighborhood" (http://anc.dc.gov/anc/site/default.asp). They do not have official statutory powers in the land disposition process, but their input is meant to carry "great weight" in decisions by other District agencies.

[32] See Appendix 2: CSG analysis of D.C. land dispositions, 2008-2011.

[33] Office of the Chief Financial Officer, District of Columbia. "District of Columbia Unified Economic Development Budget Report for Fiscal Year 2011," March 2012. http://cfo.dc.gov/cfo/frames.asp?doc=/cfo/lib/cfo/FY11_Unified_Report_Main.pdf

[34] After the debt cap was approached and further TIFs discouraged by the CFO, the D.C. Council switched

from providing TIFs and PILOTs to providing tax abatements for developments, which, unlike TIFs and PILOTs, were not considered to have a fiscal impact according to the CFO's standard analysis. See: Kwame Boadi, "Making Sense of the District's Tax Abatement Dollars: Nine Questions to Consider," DC Fiscal Policy Institute, December 14, 2011. http://www.dcfpi.org/wp-content/uploads/2011/12/12-15-11tax-abatement-paper.pdf

[35] See for example: Jonathan O'Connell, "Donatelli Development, others request tax breaks for D.C. projects" *Washington Business Journal*, May 21, 2009. http://www.bizjournals.com/washington/stories/2009/05/18/daily75.html; Virginia Avniel Spatz, "Minnesota-Benning 'Phase 2' 'Direct Economic Benefit' or Not?" East of the River Magazine, February 2012. Also see: Kwame Boadi, "Making Sense of the District's Tax Abatement Dollars: Nine Questions to Consider," DC Fiscal Policy Institute, December 14, 2011. http://www.dcfpi.org/wp-content/uploads/2011/12/12-15-11tax-abatement-paper.pdf

[36] District Land Disposition Amendment Act of 2009, A. 18-179, § 2(b), 56 D.C. Reg. 6859 (Aug. 28, 2009) (codified at D.C. Code § 10-801(b-1)(1)).

[37] District of Columbia Home Rule Act, Pub. L. 93-198, § 602(c)(3), 87 Stat. 813 (Dec. 24, 1973) (codified at D.C. Code § 1-206.02(c)(3)).

[38] Common fiscal impact statement language for dispositions resembles this form: "the proposed disposition of this property would result in a reduction of District real property assets of approximately $XXX. Since assets are not included in the budget and financial plan, the disposition of the property through a long term lease (or purchase) will have no direct fiscal impact on the District's budget and financial plan." The OCFO provides a search page for fiscal impact statements at http://app.cfo.dc.gov/services/fiscal_impact/search.asp.

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[41] Better Cities & Towns, "Washington DC is considering eliminating its minimum parking requirements for retail establishments," Jan. 1, 2010. http://bettercities.net/article/washington-dc-considering-eliminating-its-minimum-parking-requirements-retail-establishments

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[47] Ruth Samuelson, "Hine, Stevens Schools Receive Greatest Number of Development Proposals," *Washington City Paper*, April 26, 2009, http://www.washingtoncitypaper.com/blogs/housingcomplex/2009/04/06/hine-stevens-schools-receive-greatest-number-of-development-proposals/.

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[125] Examples of disposition analysis in support of disposition of real property, Part 4: Hurt Home - pg. 20 of 318; Nannie Helen Burroughs - pg. 20 of 314; West End - pg. 25 of 282, MM Washington Career HS - pg. 21 of 298, Hine Jr High - pg. 19 of 362.

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[136] *Id*., § 2(a)(1)(B), (codified at D.C. Code § 10-801(a-1)(4)).

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[138] *Id*., § 4, (codified at D.C. Code § 10-1031(a-c)).

[139] *Id*., § 4, (codified at D.C. Code § 10-1031(a-c)).

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