

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

SUPPLEMENTAL MEMORANDUM

TO: Zoning Commission for the District of Columbia
FROM: Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation
DATE: March 21, 2008
SUBJECT: Zoning Commission Case 04-33C - Report for **Setdown** for an Emergency Text Amendment to the Inclusionary Zoning (IZ) Regulations – Amended Recommendation

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BACKGROUND

OP submitted a report, dated March 20, 2008, recommending an emergency amendment to Chapter 26 of the Zoning Regulations – Inclusionary Zoning. The amendment would not affect the substance of the program, but rather clarify its implementation.

This report recommends a minor corrective change to the recommended text of the March 20, 2008, report, as noted below. The intent of OP in the March 20, 2008, report was to ensure that the regulations to implement the Inclusionary Zoning program were subject to both the full Council review process set forth in the Inclusionary Zoning Implementation Emergency Amendment Act of 2008, and for public notice and opportunity to be heard through the Administrative Procedure Act prior to implementation.

However, the March 20th report did not take into account that a resolution is one form of legislation. Since a resolution is a form of legislation, the Council's review of the implementing regulations pursuant to the Inclusionary Zoning Implementation Emergency Amendment Act of 2008 might have triggered implementation before the public notice, comment, and review period was completed pursuant to the rulemaking process. Therefore, OP is recommending the change set forth in this report.

RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission adopt the following amendment to the Zoning Regulations on an emergency basis; schedule a public hearing to consider adoption of the amendment on a permanent basis; and authorize the issuance of a Notice of Proposed Rulemaking at this time.

A Chapter 26, INCLUSIONARY ZONING, § 2608.1 as follows (deletions are ~~struck through~~ and additions to the existing text are **bold and underlined**)

2608.1 The provisions of §§ 2600 through 2607 of this Chapter as adopted by Zoning Commission Orders 04-33, and 04-33A, and 04-33B and all amendments made by Orders No. 04-33A and 04-33B to 11 DCMR Chapters 1, 11 through 14, 15, 16, and 19 §§ 1402.1, 1904.2, and 1999.2 shall become effective upon **the later of the publication of the first purchase/rental schedule notice of final rulemaking implementing the Act in the D.C. Register and the effective date of any resolution of the Council adopting the regulations.**

JLS/ar

ZONING COMMISSION
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CASE NO. 04-33C
EXHIBIT NO. 2