

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING

AND

Z.C. ORDER NO. 04-33G(1)

Z.C. Case No. 04-33G

(Text Amendment – 11 DCMR)

(Location of Inclusionary Units in Inclusionary Developments)

Subject to 11-C DCMR § 1001.4)

January 30, 2017

The Zoning Commission for the District of Columbia, (Commission) pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2012 Repl.), hereby gives notice of its adoption of an amendment to Subtitle C (General Rules) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

The Inclusionary Zoning (IZ) Regulations contained in Chapter 10 of Title 11-C DCMR establish mandatory affordable housing requirements for developments subject to its provisions, while also granting bonus density and providing for modifications to certain development standards. Subsection 1001.2(b) of Chapter 10 subjects developments located in the zone districts identified in § 1002.1(a) to IZ if the development is proposing to add new gross floor area that would result in ten (10) or more dwelling units. Subsection 1001.4 further provides that if the new gross floor area comprising ten (10) or more units would result in an increase of fifty percent (50%) or more in the floor area of an existing building, IZ applies to both the existing and the increased gross floor area.

Dwelling units resulting from IZ are defined by 11-B DCMR § 100.2 as “inclusionary units.” The development standards for inclusionary units are set forth in § 1005 of Subtitle C. The proposed amendment would add a new § 1005.6 to allow inclusionary units in developments subject to § 1001.4 to be located solely in the new addition provided all the existing units were occupied at the application for the addition's building permit and all other requirements of Chapter 10 are met.

The text of this amendment was advertised in the notice of public hearing for this case, but was inadvertently omitted from the notice of proposed rulemaking published in the *D.C. Register* on September 9, 2016, at 63 DCR 11434. When the Commission took final action on the proposed amendments, it authorized the publication of a notice of proposed rulemaking for this amendment. That notice of proposed rulemaking was published in the December 16, 2016 edition of the *D.C. Register* at 63 DCR 15508. No comments were received and no changes made to the text as proposed.

Because the other amendments made in this case were to become effective on June 5, 2017, this amendment shall also become effective on that date or upon the publication of this notice in the *D.C. Register* whichever is the last to occur.

Chapter 10, INCLUSIONARY ZONING, of Title 11-C DCMR, GENERAL RULES, is amended as follows:

§ 1005, DEVELOPMENT STANDARDS REGARDING INCLUSIONARY UNITS, is amended by adding a new § 1005.6 to read as follows:

1005.6 In an inclusionary development subject to § 1001.4 of Subtitle C, inclusionary units may be located solely in the new addition provided all the existing units were occupied at the application for the addition's building permit and all other requirements of this chapter are met.

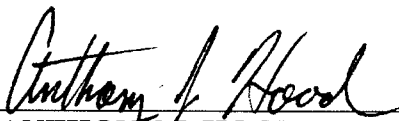
At their public meeting on October 16, 2016, upon the motion of Vice Chairman Miller as seconded by Commissioner May, the Zoning Commission **APPROVED** the publication of the proposed rulemaking at the same time it approved final action of the previously-approved amendments in this case by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, and Michael G. Turnbull, and Peter G. May to approve; Third Mayoral Appointee position vacant, not voting).

On January 30, 2017, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission **APPROVED** final action its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Peter A. Shapiro, having not participated, not voting).


In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become effective upon publication in the *D.C. Register*; that is on June 9, 2017.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

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The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.