

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, September 20, 2018, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 04-33I (Office of Planning – Text Amendment to Subtitle C, Chapter 10, Inclusionary Zoning (IZ), and Corresponding Text Amendments to Subtitles D, E, F, G, H, and K)

THIS CASE IS OF INTEREST TO ALL ANCs

On November 3, 2017, the Office of Zoning received a report that served as a petition from the District of Columbia Office of Planning (OP) proposing text amendments to the Zoning Regulations of 2016 (11 DCMR) to Subtitle C, Chapter 10 Inclusionary Zoning, and the corresponding sections for Inclusionary Zoning in Subtitle D – Residential House (R) Zones, Subtitle E – Residential Flats (RF) Zones, Subtitle F – Residential Apartment (RA) Zones, Subtitle G – Mixed Use Zones (MU), Subtitle H - Neighborhood Mixed Use (NC) Zones, and Subtitle K – Special Purpose Zones. The proposed amendments correct errors and omissions, make technical changes, reorganize certain sections, and provide clarifications to language.

On November 13, 2017, the Commission voted to set down the petition for a public hearing. The OP set down report served as a pre-hearing filing.

Summary of Proposed Text:

The proposed amendment to Subtitle C § 1001.1 would clarify that the bonus density is the amount utilized by the project and not the theoretical twenty percent (20%) permitted by § 1002.3

The proposed amendments to Subtitle C §§ 1001.2 and 1001.5 would replace the list of individual zone names in (a) with a general reference to the zone chapters within individual subtitles and clarifies that the ten (10)-unit trigger can apply to multiple contiguous lots if they are under common ownership one (1) year prior to the first building permit in (c). In those zones where IZ is not applicable, a statement to that effect is specifically proposed.

The proposed amendment to Subtitle C § 1001.3 would maintain consistency with § 1001.2(c) and ensure that the IZ requirements apply to one (1) or more contiguous lots if the permit for the tenth unit was applied for within three (3) years of the first building permit application.

The proposed amendment to Subtitle C § 1001.4 would clarify that IZ applies to an existing building if an addition to that building uses bonus density and clarifies that IZ requirements do

not apply to the existing building if the total floor area of a ten (10)-unit expansion is less than fifty percent (50%) of the floor area of the existing building and bonus density is not utilized.

The proposed amendments to Subtitle C § 1001.6 would reinsert (a)(5) which was part of the original 1958 Regulations and adds the university and embassy housing to the section from § 1001.5.

The proposed amendments to Subtitle C §§ 1002.2 and 1002.4 would delete “IZ Dimensional Modifications for Lower Density Residential Zones” and “Modifications to Height and Lot Occupancy for Bonus Density” tables and the proposed amendments to subtitles D, E, F, G, H, and K would include the information from those tables into the respective sections of each zone.

The proposed amendments to Subtitle C §§ 1003.1 and 1003.2 would clarify that the “the greater of” IZ requirements based on bonus density is calculated based on the bonus density achieved and not the full twenty percent (20%) potential bonus. In addition, it would clarify the application of the eight percent (8%)/fifty percent (50%) of bonus density requirement to buildings located in zones that permit heights greater than fifty feet (50 ft.) but using stick frame construction.

The proposed amendment to Subtitle C § 1003.4 represents new language that would convert the “the greater” of calculations of Subtitle C §§ 1003.1 and 1003.2 from gross square feet to net square feet that.

The proposed amendment to Subtitle C § 1005.1 would clarify the proportionality between unit types of IZ units and market rate units and reduce the impact of the proportionality rule on small projects and those without two-bedroom units. The proposed amendment to Subtitle C § 1005.7 would clarify that IZ units shall be located in cellar space.

The proposed amendment to Subtitle C § 1006. would correct the inadvertent deletion of text added by Z.C. Case No. 14-13A, but removed by Z.C. Case No. 04-33G and replace the reference to "low income" with language consistent with the rest of the chapter.

The proposed amendments to Subtitle K, Chapter 7, Capital Gateway Zones, corrects the reference to IZ requirements and bonuses in CG-1 and CG-2.

The proposed amendments to Subtitle K, Chapter 7, Reed-Cooke Zones, would bring the chapter into conformity with the amendments made as part of Z.C. Case No. 04-33G. which changed the terminology from “low and moderate income” to “Median Family Income (MFI)” targets based on the tenure of the building.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined** text and deleted text is shown in ~~strikethrough~~ text):

1. Changes to Subtitle B, Chapter 1

Amend the text in Subtitle B § 100.2, Definitions, as follows:

~~Development, Inclusionary: A residential development subject to the provisions of Subtitle C, Chapter 10, Inclusionary Zoning~~

Inclusionary Development: A residential development subject to the provisions of Subtitle C, Chapter 10, Inclusionary Zoning, or by an Order of the Zoning Commission.

Inclusionary Unit: A dwelling unit set aside for sale or rental to a targeted household required by Subtitle C, Chapter 10 or **by an Order of the Zoning Commission.**

2. *Changes to Subtitle C, Chapter 10 Inclusionary Zoning*

Amend the text in Subtitle C § 1001, Applicability, as follows:

- 1001.1 Achievable bonus density is the amount of the permitted bonus density that ~~potentially may be~~ **is** utilized within a particular inclusionary development provided in Subtitle C § 1002.
- 1001.2 Except as provided in Subtitle C § 1001.5, the requirements and modifications of this chapter shall apply to developments ~~meeting~~ **in zones in which the requirements of this chapter are identified as applicable; provided the development meets one or more of** the following criteria:
- (a) ~~Are mapped in the R-2, R-3, R-10, R-13, R-17, R-20, RA-1 through RA-4, RA-6, RA-7, RA-8, or RA-9 zone; any RF, ARTS, CG, RC, USN, STE, SEFC, or HE zone; the NC-1 through NC-5 or NC-7 through NC-13 zone; the MU-1 through MU-10 or MU-12 through MU-26, MU-28, MU-29 or MU-30 zone; or the D-2 or D-4 zone.~~
 - (b) Is proposing new gross floor area that would result in ten (10) or more dwelling units;
 - (c) Will have ten (10) or more new dwelling units constructed concurrently or in phases, on **one (1) or more** contiguous lots or lots divided by an alley if such lots were under common ownership, control, or affiliation within one (1) year prior to the application for the first building permit;
 - (d) **(c)** Consists of a residential building, other than a single dwelling unit or flat, that has penthouse habitable space pursuant to Subtitle C § 1500.11.; or
 - (e) **(d)** Any semi-detached, attached, flat or multiple dwellings development not described in Subtitle C § ~~1001.2(b) through 1001.2(d)~~ **§§ 1001.2(a) through 1001.2(c)** if the owner voluntary agrees to the requirements of Subtitle C § 1003 and meets all other requirements of this chapter, provided:

- (1) The square footage set aside achieves a minimum of one (1) Inclusionary unit;
- (2) Residential developments located in the areas identified by Subtitle C ~~§ 1001.5(a) may not use the modifications to height and lot occupancy, or minimum lot area or width;~~ and **Modifications to height, lot occupancy, minimum lot area or minimum lot width shall not be applicable in the following areas:**
 - (A) **The R-1-A and R-1-B zones;**
 - (B) **The MU-13 zone in the Georgetown Historic District;**
 - (C) **The R-3 zone in the Anacostia Historic District;**
 - (D) **The MU-27 zone;**
 - (E) **The D-1-R, D-3, D-4-R, and D-5 zones;**
 - (F) **The SEFC zones of Subtitle K, Chapter 2 that are subject to a land disposition or other agreement with the District of Columbia that mandates the provision of affordable housing;**
 - (G) **The WR zones of Subtitle K, Chapter 9; and**
 - (H) **The NC-6 zone.**
- (3) Any use of the bonus density **and modifications** provided in Subtitle C § 1002 in the R-2, R-3, R-10, R-13, R-17, R-20, RF-1, RF-2, RF-3, RF-4, RF-5, or the RA-1 zones shall require special exception approval pursuant to Subtitle X, Chapter 9.

1001.3 If more than one (1) building permit is issued for a development **described in Subtitle C § 1001.2(b)**, the number of dwelling units and new gross floor area used to establish the applicability of the IZ requirements, and associated IZ modifications, shall be based on all the applications occurring within a three (3) year period, starting from the first building permit application.

1001.4 ~~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 requirements and modifications shall apply to both the existing and the increased gross floor area.~~
For existing buildings that become subject to the requirements of this chapter pursuant to Subtitle C § 1001.2, the requirements of Subtitle C §§ 1003.1 and 1003.2 and the available modifications to applicable development standards shall apply;

(a) To both the existing and the new gross floor area if the new gross floor area:

(1) Utilizes bonus density provided by Subtitle C § 1002; or

(2) Results in an increase of fifty percent (50%) or more in the building's gross floor area; and

(b) To only the new gross floor if the new gross floor area:

(1) Does not utilize the bonus density provided by Subtitle C § 1002; and

(2) Does not result in an increase of fifty percent (50%) or more in the building's gross floor area.

1001.5 Except for new penthouse habitable space as described in Subtitle C § 1001.2(d), **the** ~~IZ~~ requirements of this chapter shall not apply to **hotels, motels, or inns.**

~~(a) Properties located in any of the following areas~~

~~(1) The R-1-A and R-1-B zones;~~

~~(2) The MU-13 zone in the Georgetown Historic District;~~

~~(3) The R-3 zone in the Anacostia Historic District;~~

~~(4) The MU-27 zone;~~

~~(5) The D-1-R, D-3, D-4-R, and D-5 zones;~~

~~(6) The SEFC zones of Subtitle K Chapter 2 that are subject to a land disposition or other agreement with the District of Columbia that mandates the provision of affordable housing~~

~~(7) The WR zones of Subtitle K, Chapter 9; and~~

~~(8) The NC-6 zone.~~

~~(b) Housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff;~~

~~(c) Housing that is owned or leased by foreign missions exclusively for diplomatic staff; and~~

~~(d) Hotels, motels, or inns.~~

1001.6 **The** ~~IZ~~ requirements of this chapter shall not apply to:

(a) Any development subject to a mandatory affordable housing requirement that exceeds the requirements of this chapter as a result of District law or financial subsidies funded in whole or in part by the Federal or District

Government and administered and/or monitored by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency (DCHFA), or the District of Columbia Housing Authority (DCHA); provided:

- (1) ...
 - (3) The requirements set forth in subparagraphs (1) and (2), of this paragraph, shall be stated as declarations within a covenant approved by the District of Columbia; ~~and~~
 - (4) The approved covenant shall be recorded in the land records of the District of Columbia prior to the date that the first application for a certificate of occupancy is filed for the project; except that for developments that include buildings with only one (1) dwelling unit, the covenant shall be recorded before the first purchase agreement or lease is executed; and
 - (5) The Exempt Affordable Units shall be sold or rented in accordance with the Inclusionary Zoning Program upon the expiration of the affordable housing requirements of the District Law or financial subsidies as shall be described in the covenant.
- (b) Boarding houses, assisted living facilities, community residence facilities, youth residential care homes, substance abuser's homes, community based institutional facilities; or single room occupancy projects within a single building;
 - (c) Housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff; and
 - (d) Housing that is owned or leased by foreign missions exclusively for diplomatic or official staff.

1001.7 ...

1001.8 Unless otherwise exempted, any conversion of a development identified in Subtitle C §§ 1001.5 and 1001.6(b)-(d) to a residential use not listed in Subtitle C §§ 1001.5 and 1001.6 within 5 years from the first building permit for the development shall be subject to the requirements of this chapter.

Amend the text in Subtitle C § 1002, Bonuses and Adjustments to Incentivize Inclusionary Units, as follows:

1002 BONUS AND ADJUSTMENTS MODIFICATIONS TO INCENTIVIZE INCLUSIONARY UNITS

1002.1

1002.2 Inclusionary developments in the zones identified in the following table may use the minimum lot dimensions identified in the table in lieu of the otherwise required lot dimension required by Subtitles D and E: **Modification to certain development standards are available to an Inclusionary Development as indicated in the applicable subtitle, as follows:**

TABLE C § 1002.2: IZ DIMENSIONAL MODIFICATIONS FOR LOWER DENSITY ZONES

Base Zone	IZ Dimensional Modifications for Lower Density Zones		
	Minimum Lot Area	Minimum Lot Width	Minimum Lot Width with Special Exception
R-2, R-10 Detached	3,200 sq. ft.	40	32
R-2, R-10 Semi-Detached	2,600 sq. ft.	30	25
R-3, R-13, R-17, R-20	1,600 sq. ft.	20	16
RF-1, RF-2, RF-3, RF-4, RF-5	1,500 sq. ft.	18	16

TABLE C § 1002.2: MODIFICATIONS AVAILABLE TO INCLUSIONARY DEVELOPMENTS

<u>Zone(s)</u>	<u>Modification</u>	<u>Subtitle(s)</u>
R and RF	Minimum lot dimensions	D and E
RA	Floor Area Ratio	F
MU, NC, ARTS, RC, & CG	Height and Lot Occupancy	F, G, H, I and K

1002.4 Inclusionary developments in the zones below may use the following modifications to height and lot occupancy in order to achieve the bonus density: **(RESERVED)**

TABLE C § 1002.4: MODIFICATIONS TO HEIGHT AND LOT OCCUPANCY FOR BONUS DENSITY

Base Zone	Matter of Right Zoning Constraints			IZ Zoning Modifications	
	Lot Occupancy	Zoning Height	Zoning FAR	Lot Occupancy	Height (feet)
RA-5, RA-11, D-1	75%	90 ft.	6.00	90%	90
MU-10, MU-22, MU-29, ARTS-4	75%	90 ft.	6.00	80%	100
MU-4, MU-17, MU-24, MU-25, MU-26 through MU-29, MU-33, NC-2, NC-3, NC-4, NC-7, NC-9, NC-14, NC-16 ARTS-1, RC-2	60%	50 ft.	2.50	75%	50
MU-5, MU-18, ARTS-2, RC-3, NC-5, NC-10, NC-17	80%	65 ft.	3.50	80%	70
MU-6, MU-19, NC-11	80%	90 ft.	6.00	80%	100
MU-7, MU-28, ARTS-3, NC-8, NC-12, NC-15	75%	65 ft.	4.00	80%	65
MU-12	80%	40 ft.	2.50	80%	50

Base Zone	Matter of Right Zoning Constraints			IZ Zoning Modifications	
	Lot Occupancy	Zoning Height	Zoning FAR	Lot Occupancy	Height (feet)
MU 13—	75%	60 ft.	4.00	75%	80
MU 13—	75%	90 ft.	6.00	80%	100
MU 1, MU 15	80%	65 ft.	4.00	80%	70
MU 2, MU 16, MU 23, D-2	80%	90 ft.	6.00	90%	90
MU 9, MU 21	100%	90 ft.	6.50	100%	100
CG 1	75%	90 ft.	6.00	90%	90

Amend the text in Subtitle C § 1003, Set-Aside Requirements, as follows:

1003.1 An inclusionary development which does not employ Type I construction as defined by Chapter 6 of the International Building Code as incorporated into District of Columbia Construction Codes (Title 12 DCMR) to construct a majority of dwelling units and which is located in a zone with a by-right height limit **exclusive of any bonus height** of fifty feet (50 ft.) or less shall set aside the greater of ten percent (10%) of the gross floor area dedicated to residential use including penthouse habitable space as described in Subtitle C § 1001.2(d), or seventy-five percent (75%) of its achievable ~~the~~ bonus density **utilized** to inclusionary units plus an area equal to ten percent (10%) of the penthouse habitable space as described in Subtitle C § 1001.2(d).

1003.2 An inclusionary development which employs Type I construction as defined by Chapter 6 of the International Building Code as incorporated into the District of Columbia Construction Codes (Title 12 DCMR) to construct the majority of dwelling units, **or which is located in a zone with a by-right height limit exclusive of any bonus height that is greater than fifty feet (50 ft.)** shall set aside the greater of eight percent (8%) of the gross floor area dedicated to residential use including penthouse habitable space as described in Subtitle C § 1001.2(d), or fifty percent (50%) of its achievable ~~the~~ bonus density **utilized** to inclusionary units plus an area equal to eight percent (8%) of the penthouse habitable space as described in Subtitle C § 1001.2(d).

...

1003.4 ~~[DELETED]~~ **The gross floor area required to be set-aside for Inclusionary Units pursuant to Subtitle C §§ 1003.1 and 1003.2 shall be converted to net square feet based on the ratio of net square footage of residential use to the gross floor area of residential use. For the purpose of this subsection, Net Square Footage means:**

(a) For flats and multiple dwellings, the area of a unit that is bounded by the inside finished surface of the perimeter wall of each unit. Unit area includes all interior walls and column; and

- (b) For single principal dwelling units, the area of a unit that includes the full thickness of exterior enclosing walls and the full thickness of walls between a unit and adjacent common areas.

...

Amend the text in Subtitle C § 1005, Development Standards Regarding Inclusionary Units, as follows:

1005.1 ~~The proportion of studio and one-bedroom inclusionary units shall not exceed the proportion of the comparable market rate units for each unit type.~~ Inclusionary Units shall be allocated as follows:

- (a) Where an inclusionary development provides two (2) or more units of at least two (2)-bedrooms, the proportion of studio and one (1)-bedroom inclusionary units shall not exceed the proportion of the comparable market rate units for each unit type.
- (b) For all other inclusionary developments, the proportion of studio inclusionary units shall not exceed the proportion of the market-rate studio units.

1005.7 Inclusionary Units shall not be located in cellar space.

Amend the text in Subtitle C § 1006, Off-Site Compliance with Inclusionary Zoning, as follows:

1006.10 Inclusionary units resulting from the set-aside required for penthouse habitable space as described in Subtitle C § 1001.2(d) shall be provided within the building, except that the affordable housing requirement may be achieved by providing a contribution to a housing trust fund, consistent with the provisions of Subtitle C §§ 1505.13 through 1505.16, except that the calculation of § 1505.15 shall be based on the maximum permitted residential FAR, when:

- (a) ...
- (c) The building is not otherwise required to provide inclusionary units for ~~low-income~~ eligible households earning equal to or less than fifty percent (50%) of the MFI and the amount of penthouse habitable space would result in a gross floor area set-aside less than the gross floor area of the smallest dwelling unit within the building.

3. *Changes to Subtitle D, Residential House (R) Zones*

Amend the text in Subtitle D § 105, Inclusionary Zoning, as follows:

105.1 ~~Inclusionary zoning requirements for the R zones, except R-1 A and R-1 B, are as specified in Subtitle C, Chapter 10.~~ Inclusionary zoning requirements for the

R zones are as specified in Subtitle C, Chapter 10 and the zone-specific development standards of this Subtitle.

Amend the text in Subtitle D § 302, Density – Lot Dimensions, as follows:

302.1 Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-1-A, R-1-B, R-2, and R-3 zones shall be as set forth in the following table:

TABLE D § 302.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.) for building type; applicable to all zones in left column	Minimum Lot Area (sq. ft.)
R-1-A	75	7,500
R-1-B	50	5,000
R-2	40 (detached) 32 (IZ detached) 30 (semi-detached) 25 (IZ semi-detached) 40 (all other structures)	4,000 (detached) 3,200 (IZ detached) 3,000 (semi-detached) 2,500 (IZ semi-detached) 4,000 (all other structures)
R-3	40 (detached) 30 (semi-detached) 20 (attached) 16 (IZ attached) 40 (all other structures)	4,000 (detached) 3,000 (semi-detached) 2,000 (attached) 1,600 (IZ attached) 4,000 (all other structures)

Zone	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)
<u>R-1-A</u>	<u>7,500</u>	<u>75</u>
<u>R-1-B</u>	<u>5,000</u>	<u>50</u>
<u>R-2</u>	<u>3,000 (semi-detached)</u>	<u>30 (semi-detached)</u>
	<u>4,000 (all other structures)</u>	<u>40 (all other structures)</u>
<u>R-3</u>	<u>2,000 (attached)</u>	<u>20 (attached)</u>
	<u>3,000 (semi-detached)</u>	<u>30 (semi-detached)</u>
	<u>4,000 (all other structures)</u>	<u>40 (all other structures)</u>

Add a new § 302.2 in Subtitle D § 302, Density – Lot Dimensions, as follows:

302.2 The Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10 shall not apply to the R-1-A and R-1-B zones.

302.3 The Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10 shall not apply to that portion of the Anacostia Historic District within the R-3 zone.

Add a new § 302.4 and Table D § 302.4 in Subtitle D § 302, Density – Lot Dimensions, as follows:

302.4 **The minimum dimensions of lots for Inclusionary Developments in the R-2 and R-3 zones shall be as set forth in the following table:**

TABLE D § 302.4: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR INCLUSIONARY DEVELOPMENTS

<u>Zone</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Width (ft.) by Special Exception for Inclusionary Developments</u>
<u>R-2</u>	<u>3,200 (detached)</u>	<u>40 (detached)</u>	<u>32 (detached)</u>
	<u>2,500 (semi-detached)</u>	<u>30 (semi-detached)</u>	<u>25 (semi-detached)</u>
<u>R-3</u>	<u>1,600</u>	<u>20</u>	<u>16</u>

Add a new § 402.2 in Subtitle D § 402, Density – Lot Dimensions, as follows:

402.2 **The Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10 shall not apply to the R-6 and R-7 zones.**

Amend the text in Subtitle D § 502, Density – Lot Dimensions, as follows:

502.1 Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-8, R-9, and R-10 zones shall be as set forth in the following table:

TABLE D § 502.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

<u>Zone</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Area (sq. ft.)</u>
<u>R-8</u>	75	9,500 for lots in Squares 2042, 2043, 2046, 2049, 2231, 2232, 2238, 2239, 2244 through 2248, 2250, 2258, 2272, and 2282 7,500 for all other lots
<u>R-9</u>	50	5,000
<u>R-10</u>	40 (detached) 32 (IZ detached) 30 (semi detached) 25 (IZ semi detached) 40 (all other structures)	4,000 (detached) 3,200 (IZ detached) 3,000 (semi detached) 2,500 (IZ semi detached) 4,000 (all other structures)

<u>Zone</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Width (ft.)</u>
<u>R-8</u>	<u>9,500 for lots in Squares 2042, 2043, 2046, 2049, 2231, 2232, 2238, 2239, 2244 through 2248, 2250, 2258, 2272, and 2282</u>	<u>75</u>

Zone	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)
	<u>7,500 for all other lots</u>	
<u>R-9</u>	<u>5,000</u>	<u>50</u>
<u>R-10</u>	<u>3,000 (residential)</u>	<u>30 (semi-detached)</u>
	<u>4,000 (all other structures)</u>	<u>40 (all other structures)</u>

Add a new § 502.2 in Subtitle D § 502, Density – Lot Dimensions, as follows:

502.2 **The Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10 shall not apply to the R-8 and R-9 zones.**

Add a new § 502.3 and Table D § 502.3 in Subtitle D § 502, Density – Lot Dimensions, as follows:

502.3 **The minimum dimensions of lots for Inclusionary Developments in the R-10 zone shall be as set forth in the following table:**

TABLE D § 502.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR INCLUSIONARY DEVELOPMENTS

<u>Zone</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Width (ft.) by Special Exception for Inclusionary Developments</u>
<u>R-10</u>	<u>3,200 (detached)</u>	<u>40 (detached)</u>	<u>32 (IZ detached)</u>
	<u>2,500 (semi-detached)</u>	<u>30 (semi-detached)</u>	<u>25 (semi-detached)</u>

Add a new § 602.2 in Subtitle D § 602, Density – Lot Dimensions, as follows:

602.2 **The Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10 shall not apply to the R-11 zone.**

Amend the text in Subtitle D § 702, Density – Lot Dimensions, as follows:

702.2 Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-12 and R-13 zones shall be as set forth in the following table:

TABLE D § 702.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

<u>Zone</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Area (sq. ft.)</u>
<u>R-12</u>	<u>50</u>	<u>5,000</u>

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-13	40 (detached) 30 (semi-detached) 20 (attached) 16 (IZ-attached) 40 (all other structures)	4,000 (detached) 3,000 (semi-detached) 2,000 (attached) 1,600 (IZ-attached) 4,000 (all other structures)

Zone	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)
<u>R-12</u>	<u>5,000</u>	<u>50</u>
<u>R-13</u>	<u>2,000 (attached)</u>	<u>20 (attached)</u>
	<u>3,000 (semi-detached)</u>	<u>30 (semi-detached)</u>
	<u>4,000 (all other structures)</u>	<u>40 (all other structures)</u>

Add a new §702.2 in Subtitle D § 702, Density – Lot Dimensions, as follows:

702.2 **The Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10 shall not apply to the R-12 zone.**

Add a new §702.3 and Table D § 702.3 in Subtitle D § 702, Density – Lot Dimensions, as follows:

702.3 **The minimum dimensions of lots for Inclusionary Developments in the R-13 zone shall be as set forth in the following table:**

TABLE D § 702.2: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR INCLUSIONARY DEVELOPMENTS

<u>Zone</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Width (ft.) by Special Exception for Inclusionary Developments</u>
<u>R-13</u>	<u>1,600</u>	<u>20</u>	<u>16</u>

Add a new § 802.3 in Subtitle D § 802, Density – Lot Dimensions, as follows:

802.3 **The Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10 shall not apply to the R-14 and R-15 zones.**

Add a new § 902.2 in Subtitle D § 902, Density – Lot Dimensions, as follows:

902.2 **The Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10 shall not apply to the R-16 zone.**

Amend the text in Subtitle D § 1002, Density – Lot Dimensions, as follows:

1002.1 Except as prescribed in other provisions of this title, the minimum dimensions of a lot in the R-17 zone shall be as set forth in the following table:

TABLE D § 1002.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.) for building type;	Minimum Lot Area (sq. ft.)
R-17	40 (detached)	4,000 (detached)
	30 (semi-detached)	3,000 (semi-detached)
	20 (attached)	2,000 (attached)
	16 (IZ attached)	1,600 (IZ attached)
	40 (all other structures)	4,000 (all other structures)

Zone	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)
R-17	<u>2,000 (attached)</u>	<u>20 (attached)</u>
	<u>3,000 (semi-detached)</u>	<u>30 (semi-detached)</u>
	<u>4,000 (all other structures)</u>	<u>40 (all other structures)</u>

1002.2 **The minimum dimensions of lots for Inclusionary Developments in the R-17 zone shall be as set forth in the following table:**

TABLE D § 1002.2: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR INCLUSIONARY DEVELOPMENTS

<u>Zone</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Width (ft.) by Special Exception for Inclusionary Developments</u>
<u>R-17</u>	<u>1,600</u>	<u>20</u>	<u>16</u>

Amend the text in Subtitle D § 1202, Density – Lot Dimensions, as follows:

1202.1 Except as prescribed in other provisions of this title, the minimum dimensions of a lot in the R-19 and R-20 zones shall be as set forth in the following table:

TABLE D § 1202.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.) for building type;	Minimum Lot Area (sq. ft.)
R-19	50	5,000
R-20	40 (detached)	4,000 (detached)
	30 (semi-detached)	3,000 (semi-detached)
	20 (attached)	2,000 (attached)
	16 (IZ attached)	1,600 (IZ attached)
	40 (all other structures)	4,000 (all other structures)

<u>Zone</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Width (ft.)</u>
<u>R-19</u>	<u>5,000</u>	<u>50</u>
<u>R-20</u>	<u>2,000 (attached)</u>	<u>20 (attached)</u>
	<u>3,000 (semi-detached)</u>	<u>30 (semi-detached)</u>
	<u>4,000 (all other structures)</u>	<u>40 (all other structures)</u>

Add a new § 1202.2 in Subtitle D § 1202, Density – Lot Dimensions, as follows:

1202.2 **The Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10 shall not apply to the R-19 zone.**

Add a new § 1202.3 and Table D § 1202.3 in Subtitle D § 1202, Density – Lot Dimensions, as follows:

1202.3 **The minimum dimensions of lots for Inclusionary Developments in the R-20 zones shall be as set forth in the following table:**

TABLE D § 1202.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR INCLUSIONARY DEVELOPMENTS

<u>Zone</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Width (ft.) by Special Exception for Inclusionary Developments</u>
<u>R-20</u>	<u>1,600</u>	<u>20</u>	<u>16</u>

Add a new § 1302.2 in Subtitle D § 1302, Density – Lot Dimensions, as follows:

1302.2 **The Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10 shall not apply to the R-21 zone.**

4. Changes to Subtitle E, Residential Flat (RF) Zones

Amend the text in Subtitle E § 105, Inclusionary Zoning, as follows:

~~105.1~~ ~~Inclusionary Zoning (IZ) requirements for the RF zones are as specified in Subtitle C, Chapter 10.~~ **Unless otherwise indicated, the requirements of Subtitle C, Chapter 10 Inclusionary Zoning, shall apply to all zones in this subtitle.**

105.2 **Inclusionary zoning requirements for the RF zones are as specified in Subtitle C, Chapter 10 and the zone-specific development standards of this Subtitle.**

~~105.2~~ **105.3** Development standards for projects subject to the requirements of Inclusionary Zoning are indicated by “(IZ).”

Amend the text in Subtitle E § 201, Density – Lot Dimensions, as follows:

201.1 The minimum lot width and minimum lot area requirements for the creation of a record lot in an RF zone shall be as set forth in the following table:

~~TABLE E § 201.1: MINIMUM LOT AREA REQUIREMENTS~~

	Lot Width Minimum	Lot Area Minimum
Row Dwelling or Flat	18 ft.	1,800 sq. ft.
Row Dwelling or Flat Inclusionary Zoning	16 ft. as a special exception (IZ)	1,500 sq. ft. (IZ)
Semi-Detached Dwelling	30 ft.	3,000 sq. ft.
All Other Structures	40 ft.	4,000 sq. ft.

TABLE E § 201.1: MINIMUM LOT WIDTH AND AREA REQUIREMENTS

Zone	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)
<u>RF</u>	<u>1,800 (Row Dwelling or flat)</u>	<u>18 (Row Dwelling or flat)</u>
	<u>3,000 (Semi-detached)</u>	<u>30 (semi-detached)</u>
	<u>4,000 (all other structures)</u>	<u>40 (all other structures)</u>

Add a new § 201.2 and Table E § 201.2 in Subtitle E § 201, Density – Lot Dimensions, as follows:

201.2 **The minimum dimensions of lots for Inclusionary Developments in the RF zones shall be as set forth in the following table:**

TABLE E § 201.2: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR INCLUSIONARY DEVELOPMENTS

<u>Zone</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Width (ft.)</u>	<u>Minimum Lot Width (ft.) by Special Exception for Inclusionary Developments</u>
<u>RF</u>	<u>1,500</u>	<u>18</u>	<u>16</u>

5. *Changes to Subtitle F, Residential Apartment (RA) Zones*

Amend the text in Subtitle F § 105, Inclusionary Zoning, as follows:

105.1 Inclusionary zoning requirements for the RA zones are as specified in Subtitle C, Chapter 10. **The requirements of Subtitle C, Chapter 10, Inclusionary Zoning, shall apply to all zones in this subtitle except the RA-5 or RA-10 zones.**

105.2 Inclusionary zoning requirements for the RA zones are as specified in Subtitle C, Chapter 10 and the zone-specific development standards of this Subtitle.

105.3 Development standards for projects subject to the requirements of Inclusionary Zoning are indicated by “(IZ).”

Amend the table in Subtitle F § 302, Density – Floor Area Ratio, as follows:

TABLE F § 302.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	<u>Maximum FAR with IZ</u>
RA-1	0.9	<u>1.08</u>
RA-2	1.8	<u>2.16</u>
RA-3	3.0	<u>3.6</u>
RA-4	3.5	<u>4.2</u>
RA-5	5.0	<u>n/a</u>
	6.0 for an apartment house or hotel	

Amend the text in Subtitle F § 402, Density – Floor Area Ratio, as follows:

402.1 The maximum permitted FAR in the RA-6 zone shall be 0.9 **(1.08 with IZ)**.

Amend the text in Subtitle F § 502, Density – Floor Area Ratio, as follows:

502.1 The maximum permitted FAR in the RA-7 zone shall be 1.8 FAR **(2.16 with IZ)**.

Amend the text in Subtitle F § 504, Lot Occupancy, as follows:

504.1 The maximum permitted lot occupancy in the RA-7 zone shall be sixty percent (60%), **or seventy-five percent (75%) with IZ.**

Amend the table in Subtitle F § 602, Density – Floor Area Ratio, as follows:

TABLE F § 602.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	<u>Maximum FAR with IZ</u>
RA-8	1.8	<u>2.16</u>
RA-9	3.5	<u>4.2</u>
RA-10	5.0	N/A
	6.0 for an apartment house or hotel	

6. Changes to Subtitle G, Mixed Use (MU) Zones

Amend the text in Subtitle G, § 104, Inclusionary Zoning, as follows:

104.1 ~~Inclusionary zoning requirements for the MU zones are as specified in Subtitle C, Chapter 10.~~ **The requirements of Subtitle C, Chapter 10**

Inclusionary Zoning, shall apply to all zones in this subtitle except the MU-13 or MU-27 zones.

104.2 Inclusionary zoning requirements for the MU zones are as specified in Subtitle C, Chapter 10 and the zone-specific development standards of this Subtitle.

104.3 Development standards for projects subject to the requirements of Inclusionary Zoning are indicated by “(IZ).”

Amend the table in Subtitle G, § 304, Lot Occupancy, as follows:

TABLE G § 304.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR RESIDENTIAL USE

Zone	Maximum Lot Occupancy
MU-1	80%
	80 % (IZ)
MU-2	80%
	90% (IZ)

Amend the table in Subtitle G, § 403, Height, as follows:

TABLE G § 403.1: MAXIMUM PERMITTED HEIGHT AND #STORIES

Zone	Maximum Height (Feet)	Maximum Stories
MU-3	40	3
MU-4	50	N/A
MU-5-A	65	N/A
	70 (IZ)	
MU-5-B	75	N/A
MU-6	90	N/A
	100 (IZ)	
MU-7	65	N/A
MU-8	70	N/A
MU-9	90	N/A
MU-10	90	N/A
	100 (IZ)	
MU-30	110	N/A

Amend the table in Subtitle G, § 404, Lot Occupancy, as follows:

TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU 3	60%
	60% (IZ)

Zone	Maximum Lot Occupancy for Residential Use
MU-3	60 %
MU-4	60%
	75% (IZ)
MU-5-A	80%
MU-5-B	80% (IZ)
MU-5-A MU-5-B	80 %
MU-6	80%
	90% (IZ)
MU-7	75%
	80% (IZ)
MU-8	N/A
MU-9	N/A
MU-10	75%
	N/A 80% (IZ)
MU-30	N/A

Amend the table in Subtitle G, § 504, Lot Occupancy, as follows:

TABLE G § 504.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use (Percentage)
MU-11	25 %
MU-12	80 %
	80 % (IZ)
MU-12	80 %
MU-13	75 %
	75 % (IZ)
MU-13	75 %
MU-14	75 %
	80 % (IZ)

Amend the table in Subtitle G, § 603, Height, as follows:

TABLE G § 603.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height (Feet)
MU-15	65
	70 (IZ)
MU-16	90
MU-17	50
MU-18	65
	70 (IZ)
MU-19	90
	100 (IZ)
MU-19	90

Zone	Maximum Height (Feet)
MU-20	70
MU-21	90
	100 (IZ)
MU-21	90
MU-22	90
	100 (IZ)

Amend the table in Subtitle G, § 604, Lot Occupancy, as follows:

TABLE G § 604.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU-15	80%
MU-16	80%
	90% (IZ)
MU-17	60%
	75% (IZ)
MU-18	80%
MU-19	80%
	90% (IZ)
MU-20	100% N/A
MU-21	100% N/A
MU-22	75%
	80% (IZ)

Amend the table in Subtitle G, § 702, Density – Floor Area Ratio, as follows:

TABLE G § 702.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-23	1.8	N/A
	2.16 (IZ)	
MU-24	1.8	1.5
	2.16 (IZ)	
MU-25	2.5	3.0
	3.0 (IZ)	
MU-26	2.5	2.5
	2.16 3.0 (IZ)	

Amend the text in Subtitle G, § 704, Lot Occupancy, as follows:

704.1 The maximum permitted lot occupancy for residential use in the MU-23 through MU-26 zones shall be as set forth in the following table: ~~shall be eighty percent (80%) in the MU-23 zone and seventy-five percent (75%) in the MU-24, MU-25, and MU-26 zones.~~

7. Changes to Subtitle H, Neighborhood Mixed Use (NC) Zones

Amend the text in Subtitle H, § 103, Inclusionary Zoning, as follows:

103.1 ~~Inclusionary zoning requirements for the NC zones are as specified in Subtitle C, Chapter 10.~~ **Unless otherwise indicated, the requirements of Subtitle C, Chapter 10 Inclusionary Zoning, shall apply to all zones in this subtitle except the NC-6 zone.**

103.2 Inclusionary zoning requirements for the NC zones are as specified in Subtitle C, Chapter 10 and the zone-specific development standards of this Subtitle.

103.3 Development standards for projects subject to the requirements of Inclusionary Zoning are indicated by “(IZ).”

Add a new § 702.2 in Subtitle H § 702, Density – Lot Dimensions, as follows:

702.2 The Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10 shall not apply to the NC-6 zone.

8. Changes to Subtitle K, Special Purpose Zones

Amend the text in Subtitle K Chapter 5, CG, Capitol Gateway Zones, § 500 General Provisions, as follows:

500.6 The Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10 shall not apply to the CG-1 zone.

Amend the text in Subtitle K Chapter 5, CG, Capitol Gateway Zones, § 501, Development Standards, as follows:

501.3 The maximum permitted floor area ratio (FAR) in the CG-1 zone shall be 6.0, ~~or 7.2 with IZ, with a maximum residential FAR of 6.0 or 7.2 FAR with IZ.~~

Amend the text in Subtitle K Chapter 5, CG, Capitol Gateway Zones, § 502 Lot Occupancy, as follows:

502.6 The maximum permitted lot occupancy for residential use in the CG-2 zone shall be eighty percent (80%), ~~or ninety percent (90%) with Inclusionary Zoning.~~

Amend the text in Subtitle K, Chapter 7, Reed-Cooke Zones, § 702, Height and Penthouse Regulations, as follows:

702.2 In the RC-3 Zone, a building shall be permitted a maximum height of fifty feet (50ft.), not including the penthouse, provided fifty percent (50%) of the additional gross floor area made possible by the height bonus is devoted to ~~low and moderate income household~~ **inclusionary** units, as defined in Subtitle ~~B~~**C**, Chapter ~~2~~**10**.

9. Changes to Subtitle X, General Procedures

Amend the text in Subtitle X, § 305.5 (g), Planned Unit Development Public Benefits, as follows:

305.5 Public benefits of the proposed PUD may be exhibited and documented in any of the following or additional categories:

...

(g) Affordable housing; except that:

(1) Affordable housing provided in compliance with the Inclusionary Zoning requirements of Subtitle C, Chapter ~~22~~**10**, shall not be considered a public benefit except to the extent it exceeds what would have been required through matter-of-right development under existing zoning. In determining whether this standard has been met, the Zoning Commission shall balance any net gain in gross floor area against any loss of gross floor area that would have been set-aside for “~~low income households~~” **households earning equal to or less than fifty percent (50%) of the MFI** as defined in the Inclusionary Zoning requirements of Subtitle C, Chapter 10; and

(2) An Application proposing Inclusionary Units with deeper affordability than what would be required by IZ for the existing zone or for the proposed zone if a map amendment is sought, shall propose only a household income level published in the Rent and Price Schedule per the IZ Act and that is in effect as of the date the Application was filed.

...

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

This public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 5.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

The Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION

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Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለሙሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነዚህ አገልግሎቶች የሚሰጡት በነጻ ነው።