GOVERNMENT OF THE DISTRICT OF COLUMBIA
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ZONING COMMISSION
District of Columbia
CASE NO.14-13C
EXHIBIT NO.8

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 14-13C
Z.C. Case No. 14-13C
(Text Amendment – 11 DCMR)
Technical Correction to Z.C. Order No. 14-13 (Penthouse Regulations)
June 13, 2016

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 the adoption of amendments to the current version and to the adopted, but not yet effective version of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR)) to make a technical correction to amendments made by Z.C. Order No. 14-13 (Order). The Order, which took the form of a Notice of Final Rulemaking, adopted amendments to the currently effective version of the Zoning Regulations (Current Regulations) governing rooftop penthouses as well as conforming amendments to other provisions, including the provisions of Chapter 26 (Inclusionary Zoning). The substance of the amendments was later included by the Commission in the version of Title 11 DCMR, Subtitle C (General Rules) that will become effective on September 6, 2016 (2016 Regulations), which was adopted by the Commission through a Notice of Final Rulemaking published in Part II of the March 4, 2016 edition of the *District of Columbia Register*.

The corrections concern the set-aside requirements under the Inclusionary Zoning (IZ) regulations as set forth in § 2602 of the Current Regulations and Subtitle C, Chapter 10 of the 2016 Regulations, which provide that properties that are subject to the IZ regulations must set-aside a certain amount of gross floor area for IZ units. The regulations also allow certain of these properties to increase matter-of-right density by up to twenty percent (20%). The amount of the IZ set-aside is (depending on the construction type or zone) the greater of eight percent (8%) or ten percent (10%) of the gross floor area of the building devoted to residential use including habitable penthouse space, or fifty percent (50%) or seventy-five percent (75%) of the bonus density utilized. The amendments add new language to §§ 2602.1 and 2602.2 of the Current Regulations and Subtitle C §§ 1003.1 and 1003.2 of the 2016 Regulations to clarify that when the set-aside is based upon the percentage of the bonus density utilized, an additional set-aside