

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

**TIME AND PLACE:** Monday, November 16, 2020, @ 4:00 p.m.  
WebEx or Telephone – Instructions will be provided on  
the OZ website by Noon of the Hearing Date<sup>1</sup>

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Z.C. Case No. 20-02 (Office of Planning - Text Amendments to Subtitles B, C, F, G, I, K, U, X, and Z for Inclusionary Zoning Plus)**

**THIS CASE IS OF INTEREST TO ALL ANCs**

On September 4, 2020, the Office of Planning (“OP”) filed a petition to the Zoning Commission (the “Commission”) proposing the following amendments to the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references herein refer unless otherwise specified).

The text amendment expands the Inclusionary Zoning (“IZ”) program to include map amendments that increase the permitted gross floor area (“GFA”) and floor area ratio (“FAR”), as follows:

- Subtitle B, Definitions, Rules of Measurement, and Use Categories - § 100.2
- Subtitle C, General Rules - §§ 1001 & 1003
- Subtitle F, Residential Apartment (RA) Zones – § 302
- Subtitle G, Mixed-Use (MU) Zones – §§ 104, 504, & 804
- Subtitle I, Downtown (D) Zones – §§ 502, 516, 531, 539, 547, 555, 562, & 569
- Subtitle K, Special Purpose Zones – §§ 500 & 1002
- Subtitle U, Use Permissions - § 320
- Subtitle X, General Procedures - §§ 500, 501, & 502
- Subtitle Z, Zoning Commission Rules of Practice and Procedure - §§ 400 & 500

At its September 14, 2020, public meeting, the Commission voted to grant OP’s request to set down the proposed text amendment for a public hearing and authorized flexibility for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

The complete record in the case, including the OP Setdown Report and transcript of the public hearing, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

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<sup>1</sup> Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record (see p. 13, *How to participate as a witness – written statements*).

## **PROPOSED TEXT AMENDMENT**

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in **~~bold and strikethrough~~** text; new text is shown in **bold and underline** text).

### **I. Proposed Amendment to Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES**

The definition of “Inclusionary Development” in § 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended by revising the to read as follows:

...<sup>2</sup>

Inclusionary Development: A residential development that is subject to the provisions of Subtitle C, Chapter 10, Inclusionary Zoning, as a Mandatory **Inclusionary Development (including an IZ Plus Inclusionary Development)** or Voluntary Inclusionary Development, or that is required to comply with the provisions therein by an order of the Zoning Commission or of the Board of Zoning Adjustment, as established by Subtitle C § 1001.2.

...

### **II. Proposed Amendment to Subtitle C, GENERAL RULES**

Subsections 1001.2 through 1001.6 of § 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

1001.2 Except as provided in Subtitle C § 1001.5, the requirements of this chapter shall apply to, and the modifications to certain development standards and bonus density of this chapter shall be available to, developments in zones in which this chapter is identified as applicable as specified in the individual subtitles of this title; provided the development falls into one of the following categories:

- (a) A “Mandatory Inclusionary Development” – a development that meets one or more of the following ...
  - (1) Is proposing new gross floor area ...
  - (2) Will have ten (10) or more new dwelling units constructed concurrently ... for the first building permit; ~~or~~

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<sup>2</sup> The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

- (3) Consists of a residential building that has penthouse habitable space pursuant to Subtitle C § 1500.11; or
  - (4) An “IZ Plus Inclusionary Development” – a development located on property that was the subject of a map amendment that increased the allowable FAR pursuant to Subtitle X § 502 and as indicated with an “IZ+” on the Zoning Map and that meets one of the categories of Subtitle C § 1001.2(a)(1) through (3); or**
- (b) A “Voluntary Inclusionary Development” – any single household ...
- (1) The square footage ...
  - ...
  - (3) Any use of the modifications of development standards ... and to Subtitle D § 5206, Subtitle E § 5206, or Subtitle F § 5206, as applicable.

**Section 1003, SET-ASIDE REQUIREMENTS, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

1003.1 An Inclusionary Development **other than an IZ Plus Inclusionary Development**, which does not employ Type I construction as classified in Chapter 6 of the District of Columbia Building Code (Title 12-A 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 for Inclusionary Units the sum of the following:

- (a) The greater of ten percent (10%) of the **residential** gross floor area ~~dedicated to residential use as described in Subtitle C § 1003.5~~, excluding penthouse habitable space, or seventy-five (75%) of the bonus density utilized; and
- (b) An area equal to ten percent (10%) of the penthouse habitable space as described in Subtitle C § 1500.11.<sup>3</sup>

This set-aside requirement shall be converted to net square footage pursuant to Subtitle C § ~~1003.4~~ **1003.6**.

1003.2 An Inclusionary Development **other than an IZ Plus Inclusionary Development**, which employs Type I construction as classified in Chapter 6 of the District of Columbia Building Code (Title 12-A DCMR) to construct a majority of dwelling

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<sup>3</sup> Subtitle C § 1500.11 is proposed to be amended by the proposed text amendment in ZC Case No. 14-13E.

units and 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 for Inclusionary Units the sum of the following:

- (a) The greater of eight percent (8%) of the **residential** gross floor area ~~dedicated to residential use as described in Subtitle C § 1003.5,~~ excluding penthouse habitable space, or seventy-five (75%) of the bonus density utilized; and
- (b) An area equal to eight percent (8%) of the penthouse habitable space as described in Subtitle C § 1500.11.<sup>4</sup>

This set-aside requirement shall be converted to net square footage pursuant to Subtitle C § ~~1003.4~~ **1003.6**.

**1003.3 An IZ Plus Inclusionary Development that does not employ Type I construction as classified in Chapter 6 of the District of Columbia Building Code (Title 12-A 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 eighty-five feet (85 ft.) or less, shall set aside for Inclusionary Units the sum of (a) and (b):**

- (a) **The percent of the residential gross floor area as described in Subtitle C § 1003.5, excluding penthouse habitable space, set forth in the following table, based on the increase in FAR established in the Zoning Commission order approving the map amendment pursuant to Subtitle X §§ 502.3 and 502.4:**

**TABLE C § 1003.3 SET-ASIDE FOR INCLUSIONARY UNITS**

<b><u>Increase in FAR</u></b>	<b><u>0.25-0.50</u></b>	<b><u>0.51-1.00</u></b>	<b><u>1.01-1.50</u></b>	<b><u>1.51 or Above</u></b>
<b><u>Set-Aside Requirement</u></b>	<b><u>14%</u></b>	<b><u>16%</u></b>	<b><u>18%</u></b>	<b><u>20%</u></b>

- (b) **An area equal to ten percent (10%) of the penthouse habitable space as described in Subtitle C § 1500.11.**<sup>5</sup>

**This set-aside requirement shall be converted to net square footage pursuant to Subtitle C § 1003.6.**

**1003.4 An IZ Plus Inclusionary Development that employs Type I construction as classified in Chapter 6 of the District of Columbia Building Code (Title 12-A DCMR) to construct a 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**

<sup>4</sup> Subtitle C § 1500.11 is proposed to be amended by the proposed text amendment in ZC Case No. 14-13E.

<sup>5</sup> Subtitle C § 1500.11 is proposed to be amended by the proposed text amendment in ZC Case No. 14-13E.

eighty-five feet (85 ft.), shall set aside for Inclusionary Units the sum of (a) and (b):

- (a) The percent of the residential gross floor area as described in Subtitle C § 1003.5, excluding penthouse habitable space, set forth in the following table, based on the increase in FAR established in the Zoning Commission order approving the map amendment pursuant to Subtitle X §§ 502.3 and 502.4:

TABLE C § 1003.4 SET-ASIDE FOR INCLUSIONARY UNITS

<u>Increase in FAR</u>	<u>0.25-0.50</u>	<u>0.51-1.00</u>	<u>1.01-1.50</u>	<u>1.51-2.00</u>	<u>2.01-2.50</u>	<u>2.51 or Above</u>
<u>Set-Aside Requirement</u>	<u>10%</u>	<u>12%</u>	<u>14%</u>	<u>16%</u>	<u>18%</u>	<u>20%</u>

- (b) An area equal to eight percent (8%) of the penthouse habitable space as described in Subtitle C § 1500.11.<sup>6</sup>

This set-aside requirement shall be converted to net square footage pursuant to Subtitle C § 1003.6.

~~1003.8~~ 1003.5 ~~An Inclusionary Development's~~ For the purposes of this section, "gross floor area dedicated to residential use" shall be the entire residential floor area including, but not limited to:

- (a) Dwelling ~~dwelling~~ units located in cellar space; ~~or~~
- (b) Enclosed ~~enclosed~~ building projections that extend into public space, ~~shall be included for purposes of calculating the minimum set-aside requirements of Subtitle C §§ 1003.1 and 1003.2.; and~~

~~1003.10~~ (c) Increases in FAR as a result of authorized by variances granted by the Board of Zoning Adjustment ~~shall be included within gross floor area for the purposes of calculating the maximum IZ requirement.~~

~~1003.4~~ 1003.6 The square footage required to be set-aside for Inclusionary Units pursuant to Subtitle C §§ 1003.1 ~~and 1003.2~~ through 1003.4 shall be converted to net square footage based on the ratio of net residential floor area ...

~~1003.3~~ 1003.7 Except as provided in Subtitle C §§ ~~1003.5 and 1003.6~~ 1003.8 through 1003.10, Inclusionary Zoning resulting from the set-asides required by Subtitle C §§ 1003.1 ~~and 1003.2~~ through 1003.4 shall be reserved for households earning equal to or less than:

<sup>6</sup> Subtitle C § 1500.11 is proposed to be amended by the proposed text amendment in ZC Case No. 14-13E.

- (a) Sixty percent (60%) of the MFI for rental units; and
- (b) Eighty percent (80%) of the MFI for ownership units.

~~1003.7~~ **1003.8** ~~Notwithstanding Subtitle C § 1003.3, one~~ **One** hundred percent (100%) of inclusionary units resulting from the set-aside required for penthouse habitable space shall be set aside for eligible households earning equal to or less than fifty percent (50%) of the MFI.

1003.9 The square footage set aside established by Subtitle C §§ 1003.1 through 1003.4 applicable to an ~~inclusionary development that is exclusively comprised of ownership units~~ **Inclusionary Development** may be reduced by twenty percent (20%) **provided if it complies with one (1) or more of the following:**

- (a) ~~all the~~ **All** units are **ownership units and are** set aside to households earning equal to or less than sixty percent (60%) of the MFI;
- (b) **One hundred percent (100%) of Inclusionary Units in an IZ Plus Inclusionary Development are reserved for households earning equal to or less than fifty percent (50%) of the MFI; or**
- (c) **Fifty percent (50%) of Inclusionary Units in an IZ Plus Inclusionary Development are three (3) bedroom or larger units.**

~~1003.5~~ **1003.10** An Inclusionary Development that results from a conversion of a single dwelling unit or flat to a multiple dwelling unit development in an RF zone for four (4) or more dwelling units approved by the Board of Zoning Adjustment shall set aside every even numbered dwelling unit beginning at the fourth (4<sup>th</sup>) unit as an inclusionary unit.~~1003.6~~ ~~An Inclusionary Development that results from a conversion of single dwelling unit or flat to a multiple dwelling unit in an RF zone for four (4) or more dwelling units approved by the Board of Zoning Adjustment shall set aside one hundred percent (100%) of inclusionary units reserved~~ for eligible households earning equal to or less than eighty percent (80%) of the MFI.

### **III. Proposed Amendment to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES**

**Subsection 302.<sup>7</sup> of § 302 DEVELOPMENT STANDARDS, of Chapter 2, DEVELOPMENT STANDARDS RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:**

<sup>7</sup> Subtitle F § 302.2 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27. Upon final action in that case, this proposed revision will be updated to reflect the new text.

302.2 **The Except for IZ Plus Inclusionary Developments, the** Inclusionary Zoning (**IZ**) requirements, modifications, and bonus density of Subtitle C, Chapter 10, shall not apply to the RA-5 zone.

#### **IV. Proposed Amendment to Subtitle G, MIXED-USE (MU) ZONES**

**Subsection 104.1<sup>8</sup> of § 104, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO MIXED-USE (MU) ZONES, of Subtitle G, MIXED-USE (MU) ZONES, is proposed to be amended to read as follows:**

104.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications and bonus density, shall apply to all MU zones, except for the portion of the MU-13 zone in the Georgetown Historic District and the MU-27 zone, as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle; provided that new penthouse habitable space, as described in Subtitle C § 1500.11, **and IZ Plus Inclusionary Developments**, that **is are** located in the portion of the MU-13 zone in the Georgetown Historic District or in the MU-27 zone shall be subject to the IZ requirements **of Subtitle C, Chapter 10**.

**Subsection 504.3<sup>9</sup> of § 504, LOT OCCUPANCY, of Chapter 5, MIXED-USE ZONES – MU-11, MU-12, MU-13, AND MU-14, of Subtitle G, MIXED-USE (MU) ZONES, is proposed to be amended to read as follows:**

504.3 Except for new penthouse habitable space, as described in Subtitle C § 1500.11, **and IZ Plus Inclusionary Developments**, the Inclusionary Zoning (**IZ**) requirements, and modifications of Subtitle C, Chapter 10, shall not apply to the portion of the MU-13 zone in the Georgetown Historic District.

**Subsection 804.3<sup>10</sup> of § 804, LOT OCCUPANCY, of Chapter 8, NAVAL OBSERVATORY MIXED-USE ZONE – MU-27, of Subtitle G, MIXED-USE (MU) ZONES, is proposed to be amended to read as follows:**

804.3 Except for new penthouse habitable space, as described in Subtitle C § 1500.11, **and IZ Plus Inclusionary Developments**, the Inclusionary Zoning (**IZ**) requirements, and modifications of Subtitle C, Chapter 10, shall not apply to the MU-27 zone.

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<sup>8</sup> Subtitle G § 104.1 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27A. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>9</sup> Subtitle G § 504.3.1 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27A. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>10</sup> Subtitle G § 804.3.1 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27A. Upon final action in that case, this proposed revision will be updated to reflect the new text.

**V. Proposed Amendments to Subtitle I, DOWNTOWN (D) ZONES**

**Subsection 502.3 of § 502, DENSITY – FLOOR AREA RATIO (FAR) (D-1-R), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

502.3        ~~Residential~~ **Except for IZ Plus Inclusionary Developments, residential** density in the D-1-R zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter ~~9~~ **10**.

**Subsection 516.2 of § 516, DENSITY – FLOOR AREA RATIO (FAR) (D-3), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

516.2        ~~Residential~~ **Except for IZ Plus Inclusionary Developments, residential** density **in the D-3 zone** is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

**Subsection 531.4 of § 531, DENSITY – FLOOR AREA RATIO (FAR) (D-4-R), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

531.4        ~~Residential~~ **Except for IZ Plus Inclusionary Developments, residential** density in the D-4-R zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

**Subsection 539.2 of § 539, DENSITY – FLOOR AREA RATIO (FAR) (D-5), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

539.2        ~~Residential~~ **Except for IZ Plus Inclusionary Developments, residential** density in the D-5 zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

**Subsection 547.3 of § 547, DENSITY – FLOOR AREA RATIO (FAR) (D-5-R), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

547.3        Except for Square 487 **and IZ Plus Inclusionary Developments**, residential density in the D-5-R zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

**Subsection 555.2 of § 555, DENSITY – FLOOR AREA RATIO (FAR) (D-6), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**



555.2 ~~Residential~~ **Except for IZ Plus Inclusionary Developments, residential** density in the D-6 zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

**Subsection 562.3 of § 562, DENSITY – FLOOR AREA RATIO (FAR) (D-6-R), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

562.3 ~~Residential~~ **Except for IZ Plus Inclusionary Developments, residential** density in the D-6-R zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

**Subsection 569.2 of § 569, DENSITY – FLOOR AREA RATIO (FAR) (D-7), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

569.2 ~~Residential~~ **Except for IZ Plus Inclusionary Developments, residential** density in the D-5 zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

## **VI. Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES**

**Subsections 500.4 and 500.6 of § 500, GENERAL PROVISIONS, of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended to read as follows:**

500.4 ~~The~~ Inclusionary Zoning (**IZ**) development standards for the CG zones are as established in this chapter and indicated by the abbreviation IZ, and all other Inclusionary Zoning requirements for the CG zones are as specified in Subtitle C, Chapter 10, **including IZ Plus Inclusionary Developments.**

...

500.6 ~~The~~ **Except for IZ Plus Inclusionary Developments, the** Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10, shall not apply to the CG-1 zone, provided that the IZ bonus density of Subtitle C § 1002.3 is available for Voluntary Inclusionary Developments in the CG-1 zone.

**Subsection 1002.1 of § 1002, INCLUSIONARY ZONING (NHR), of Chapter 10, NORTHERN HOWARD ZONE (NHR) ZONE, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended to read as follows:**

1002.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards, shall apply to the NHR zone as specified in Subtitle C, Chapter 10, and as modified by this chapter, which shall govern in any conflict with the provisions of Subtitle C, Chapter 10; **provided that IZ Plus Inclusionary Developments, shall not be subject to the requirements of this section.**

**VII. Proposed Amendment to Subtitle U, USE PERMISSIONS**

**Paragraph (b) of § 320.2 of § 320, SPECIAL EXCEPTION USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is amended to read as follows:**

- 320.2           The conversion of an existing residential building ... and subject to the following conditions:
- (a)     The building to be converted or expanded ...
  - (b)     The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § ~~1003.6~~ **1003.10**; and
  - (c)     There shall be a minimum ...

**VIII. Proposed Amendments to Subtitle X, GENERAL PROCEDURES**

**The title of § 500, MAP AMENDMENTS, of Chapter 5, MAP AMENDMENTS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

**500           MAP AMENDMENTS AMENDMENT REVIEW STANDARDS**

**Subsection 500.1 of § 500, MAP AMENDMENT REVIEW STANDARDS, of Chapter 5, MAP AMENDMENTS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

- 500.1           The Zoning Commission will evaluate and approve, disapprove, or modify a map amendment application or petition according to the standards of this ~~section~~ **chapter**.

**Section 501, APPLICATION OR PETITION REQUIREMENTS, of Chapter 5, MAP AMENDMENTS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

- 501.1           An application~~/or~~ petition for a map amendment shall meet the requirements of Subtitle Z § 304.

**A new § 502, is proposed to be added to Chapter 5, MAP AMENDMENTS, of Subtitle X, GENERAL PROCEDURES, to read as follows:**

**502**            **APPLICABILITY OF INCLUSIONARY ZONING PLUS**

**502.1**            **Except as provided in Subtitle X § 502.2, the requirements of this section shall apply to:**

**(a)**            **A map amendment that rezones a property:**

**(1)**            **From a PDR zone to an R, RF, RA, MU, D, CG, NHR, or ARTS zone;**

**(2)**            **From any zone with a prescribed residential FAR to a D zone without a prescribed residential FAR; or**

**(3)**            **From unzoned to an R, RF, RA, MU, D, CG, NHR, or ARTS zone; or**

**(b)**            **A map amendment not described in Subtitle X § 502.1(a), which rezones a property from any zone to a zone that allows a higher maximum residential FAR, both inclusive of the twenty percent (20%) IZ bonus density, if applicable.**

**502.2**            **The requirements of this section shall not apply to a map amendment that:**

**(a)**            **Is related to a PUD application;**

**(b)**            **Is to an HE, SEFC, StE, USN, or WR zone; or**

**(c)**            **The Zoning Commission determines is not appropriate for IZ Plus due to the mitigating circumstances identified by the Office of Planning in its report recommending that the map amendment not be subject to IZ Plus.**

**502.3**            **In its order approving a map amendment subject to Subtitle § 502.1(a), the Zoning Commission shall establish the increase in permitted residential FAR as 2.51 FAR.**

**502.4**            **In its order approving a map amendment subject to Subtitle § 502.1(b), the Zoning Commission shall establish the increase in permitted residential FAR as follows:**

**(a)**            **The difference between the maximum permitted residential FAR of the new zone (inclusive of the twenty percent (20%) IZ bonus density, if applicable) and that of the existing zone (exclusive of the twenty percent (20%) IZ bonus density, if applicable); and**

- (b) For computation purposes of this subsection, the R-1 and R-2 zones shall have a FAR equivalent to 0.4, the R-3 zones shall have a FAR equivalent to 0.6, and the RF-1 zones shall have a FAR equivalent to 0.9.**

**502.5 Property subject to a map amendment subject to the requirements of this section shall be indicated with a “IZ+” symbol on the Zoning Map.**

**IX. Proposed Amendments to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE**

**Subsection 400.5 of § 400, SETDOWN PROCEDURES: SCHEDULING CONTESTED CASE APPLICATIONS FOR HEARING, of Chapter 4, PRE-HEARING AND HEARING PROCEDURES: CONTESTED CASES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended to read as follows:**

400.5 For all other types of applications, the Commission, at a public meeting, shall determine if the application should be scheduled (setdown) for a hearing. The Office of Planning shall review each such application and submit a report **and recommend that recommends** whether the application should be set down for a hearing, **with the report on a map amendment application to include whether the application is:**

- (a) Not inconsistent with the Comprehensive Plan;**
- (b) Consistent with the purpose of the map amendment process;**
- (c) Appropriate for IZ Plus per Subtitle X § 502 including mitigating circumstances, if any; and**
- (d) Generally ready for a public hearing to be scheduled.**

**Subsection 500.5 of § 500, SETDOWN PROCEDURES: SCHEDULING RULEMAKING PETITIONS FOR HEARING, of Chapter 5, PRE-HEARING AND HEARING PROCEDURES: RULEMAKING CASES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended to read as follows:**

500.5 For all petitions, the Commission, at a public meeting, shall determine if the petition should be scheduled (setdown) for a hearing. The Office of Planning shall review **and recommend the petition and submit a report that recommends** whether the petition should be set down for a hearing, **with the report on a map amendment petition to include whether the petition is:**

- (a) Not inconsistent with the Comprehensive Plan;**
- (b) Consistent with the purpose of the map amendment process;**

**(c) Appropriate for IZ Plus per Subtitle X § 502 including mitigating circumstances, if any; and**

**(d) Generally ready for a public hearing to be scheduled.**

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. (2018 Repl.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5, as well as the text adopted by the Commission on July 30, 2020, in Z.C. Case No. 20-11 as published in the Notice of (Second) Emergency and Proposed Rulemaking.

**How to participate as a witness – oral presentation**

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/> or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

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 Commission must base its decision on the record before them. Therefore, it is **highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing**. 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 |

**How to participate as a witness – written statements**

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov). Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

**“Great weight” to written report of ANC**

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

**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.**

**Do you need assistance to participate?** If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) five days in advance of the meeting. These services will be provided free of charge.

**¿Necesita ayuda para participar?** Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

**Avez-vous besoin d'assistance pour pouvoir participer ?** Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

**참여하시는데 도움이 필요하세요?** 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

**您需要有人帮助参加活动吗?**如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 这些是免费提供的服务。

**Quí 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](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

**ለመሳተፍ 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](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነዚህ አገልግሎቶች የሚሰጡት በነጻ ነው።