

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

TIME AND PLACE: **Thursday, May 7, 2020, @ 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. 20-02 (Expanded IZ – Proposed Concept to Expand Inclusionary Zoning Requirements to Certain Zoning Map Amendments)

THIS CASE IS OF INTEREST TO ALL ANCs

On January 3, 2020, the Office of Planning (“OP”) filed a setdown report with the Office of Zoning (OZ) that served as a petition for a proposed concept to expand the existing Inclusionary Zoning (IZ) requirements of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [the Zoning Regulations] to which all references are made unless otherwise specified). The petition requested the Zoning Commission (Commission) to explore a concept to create higher affordable housing set-aside requirements for certain map amendments. The concept is hereinafter referenced as “Expanded IZ” but it has also been referred to as “IZ Plus” in the press. The petition did not recommend specific text to amend the Zoning Regulations. Instead, OP proposed to engage the Commission and the public through a discussion, conducted at a public hearing, that is intended to refine the proposed Expanded IZ concept. After the public hearing on the concept, and based on feedback from the Commission and the public, OP will draft proposed text and advertise the text in anticipation of a future hearing.

At its January 13, 2020 public meeting, the Commission voted to set down the proposed concept for an initial public hearing.

Expanded IZ Proposal:

As proposed, Expanded IZ would apply only to two types of requests to amend the official Zoning Map:

- 1) Where a request for a new zone would permit higher density residential development; or
- 2) Where a request for a new zone would permit residential use where the current zone does not permit it.

In either scenario, future residential development developed pursuant to the map amendment would be subject to Expanded IZ. In contrast, Expanded IZ would not apply to:

- 1) Non-residential development developed pursuant to the Map Amendment; or
- 2) Requests for a planned unit development (PUD), including PUDs with an associated map amendment.

While nearly all features of existing IZ (Regular IZ) requirements would continue to apply, an Expanded IZ set-aside requirement would supersede the Regular IZ set-aside requirement and would be identified by an Expanded IZ designation on the zoning map. The Expanded IZ set-aside requirement would be an absolute percentage that would apply to the total residential gross floor area, meaning that the calculation of the “greater of” a percent of bonus density found in Regular IZ would not apply. Instead, a sliding scale for determining the Expanded IZ set-aside requirement would be used so that the set-aside requirement is commensurate with the degree of permitted residential density gained through the map amendment.

The Expanded IZ set-aside percentage would be based on the increase of residential floor area ratio (FAR) resulting from being rezoned to a new zone. The increase in FAR would be the difference between the matter-of-right FAR in the existing zone (not incorporating the 20% Regular IZ density bonus) and the maximum IZ FAR (incorporating the 20% Regular IZ density bonus) in the new zone. The Expanded IZ set-aside requirement is anticipated to be applied to the total residential FAR of the rezoned property(ies). The table below represents the general concept and the relationship between the increased FAR and the Expanded IZ.

Increase in FAR	0.5	0.51 -1.00	1.01-1.50	1.51- 2.00	2.01 - 2.50	Above 2.50	PDR Change
Set-Aside Requirement for Buildings Generally Less than 50' in Height	12%	14%	16%	18%	20%	20%	20%
Set-Aside Requirement for Buildings Generally Greater than 50' in Height	10%	12%	14%	16%	18%	20%	20%

A property rezoned from a PDR zone, which allows only very limited residential use, to a zone that generally permits residential use would be subject to a 20% Expanded IZ set-aside requirement because the increase in permitted residential FAR over what is allowed would be significant.

An Expanded IZ set-aside requirement would be recorded on the official Zoning Map to indicate that the zone is subject to Expanded IZ requirements.

Other Expanded IZ Concepts for Discussion

The Office of Planning also encourages comments on other concepts for expanding IZ. Such concepts may complement or be an alternative to the increased Expanded IZ set-aside described above. Examples include the following concepts:

1. Requiring/incentivizing family-sized units (three or more bedrooms) and units for persons with special needs;
2. Requiring/incentivizing deeper affordability units for households earning less than 50% of the median family income; and

3. Requiring/incentivizing the preservation of PDR uses in areas also identified for residential uses.

At the public meeting, the Commission also provided OP with general feedback concerning the Expanded IZ concept and asked OP to explore the following additional concepts:

1. Requiring Expanded IZ to apply to zones currently exempt from Regular IZ; and
2. Incentivizing opportunities for multi-generational housing.

The Commission also provided OP with the flexibility to propose a higher affordable set-aside than the proposed 20% maximum based on financial modeling and forecast predictions.

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.*

The complete record in Z.C. Case No. 20-02, including the OP Setdown Report and the transcript of the Commission's January 13, 2020 public meeting, 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>.

Public Hearing Guidance

The Commission requests that participants at the public hearing focus on the Expanded IZ concept, as well as additional concepts, as described in this public hearing notice.

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

How to participate as a witness - oral presentation

Interested persons or representatives of organizations may be heard at the public hearing. 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, by e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

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 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 |

Pursuant to Subtitle Z § 506.1, 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.

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 <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 zsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission.

“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 have a representative provide oral testimony at 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 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 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 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 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 这些是免费提供的服务。

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 ከስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ከስፈለገዎት እባክዎን ከስተባባሪው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እንኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።