

MEMORANDUM

TO: District of Columbia Zoning Commission

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DATE: April 19, 2021

SUBJECT: ZC Case 20-02A – **CORRECTION** Supplemental Report # 4 for a Proposed Text Amendment to Subtitles B, C, F, G, I, K, U, X, and Z – Expanded Inclusionary Zoning¹.

CORRECTION: The April 19, 2021 OP report mistakenly transposed the proposed percent of bonus density used in §§ C-1003.3 and C-1003.4. The correct percentage should be 95% in § C-1003.3 and 70% in § C-1003.4 as proposed in this report.

At its regular meeting of March 11, 2021, the Commission took final action on the revised text for case 20-02 as noticed in the Second Notice of Proposed Rulemaking (Exhibit 36). At that meeting the Commission asked OP to review the public comments submitted in Exhibit 37. OP reviewed the scenarios outlined in the comments and provides the following responses and proposed amendments.

Appropriate Zones

As part of an OP analysis of a proposed rezoning, OP could recommend an alternate zone be advertised and considered by the ZC in cases where the mixed use nature of the zone could result in less required IZ square footage than would be produced without a map amendment. OP recommends the following language be added to new section X-502:

A new §§ 502.6 and 502.7, 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 ...

[502.6 The Office of Planning may recommend and the Zoning Commission may consider, an alternate zone in cases where the alternate zone may be more appropriate in](#)

¹ Also known as “IZ Plus.”

achieving the goals of IZ Plus or the Comprehensive Plan and may advertise the alternate zone in the alternative as part of the same public hearing.

502.7 Notwithstanding the filing of a IZ Plus petition, the Commission may, on its own motion, review and determine that an alternate zone may be more appropriate in achieving the goals of IZ Plus or the Comprehensive Plan and may advertise the alternate zone in the alternative as part of the same public hearing.

Correction to Table C § 1003.4 SET-ASIDE FOR INCLUSIONARY UNITS

The set-aside requirement for “Up to and including 20%” for “All Other Map Amendments” category is a rounded down figure of 8.3 which leaves a small gap in unaccounted for density. To close that gap OP recommends the figure be adjusted to 8.5%

Table C § 1003.4 SET-ASIDE FOR INCLUSIONARY UNITS

<u>Type of Map Amendment</u>		<u>Set-Aside Requirement</u>
<u>All Other Map Amendments - Percent Increase in Total FAR Utilized as defined in Subtitle C § 1003.5(b)</u>	<u>Up to and including 20%</u>	8.3% <u>8.5%</u>

Percent of Bonus Density Used

To address the issue of “percent of bonus density used” OP recommends establishing a “greater of” standard that requires that the mandatory set-aside requirement be the greater of ninety-five percent (95%) of the bonus density utilized in the new zone or percent of the gross floor area dedicated to residential use excluding penthouse habitable space.

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 shall set aside for Inclusionary Units the greater of either ninety-five percent (95%) of the bonus density utilized based on the new zone or the sum of (a) and (b):

- (a) **The percent of the residential gross floor area, as defined in Subtitle C § 1003.5(a), excluding penthouse habitable space, set forth in the following table:**

TABLE C § 1003.3 SET-ASIDE FOR INCLUSIONARY UNITS

<u>Type of Map Amendment</u>		<u>Set-Aside Requirement</u>
<u>Map Amendment from a PDR zone or unzoned land to an ARTS, CG, D, MU, R, RA or RF zone</u>		<u>20%</u>
<u>Map Amendment from any zone other than a PDR zone to a D zone without a prescribed residential FAR</u>		<u>20%</u>
<u>All Other Map Amendments - Percent Increase in Total FAR Utilized as defined in Subtitle C § 1003.5(b)</u>	<u>Up to and including 20%</u>	<u>12.5%</u>
	<u>More than 20% up to and including 40%</u>	<u>14%</u>
	<u>More than 40% up to and including 60%</u>	<u>16%</u>
	<u>More than 60% up to and including 80%</u>	<u>18%</u>
	<u>More than 80%</u>	<u>20%</u>

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

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 shall set aside for Inclusionary Units the greater of either seventy percent (70%) of the bonus density utilized based on the new zone or the sum of (a) and (b):

- (a) The percent of the residential gross floor area, as defined in Subtitle C § 1003.5(a), excluding penthouse habitable space, set forth in the following table:

TABLE C § 1003.4 SET-ASIDE FOR INCLUSIONARY UNITS

<u>Type of Map Amendment</u>		<u>Set-Aside Requirement</u>
<u>Map Amendment from a PDR zone or unzoned land to an ARTS, CG, D, MU, R, RA or zone</u>		<u>20%</u>
<u>Map Amendment from any zone other than a PDR zone to a D zone without a prescribed residential FAR</u>		<u>20%</u>
<u>All Other Map Amendments - Percent Increase in Total FAR Utilized as defined in Subtitle C § 1003.5(b)</u>	<u>Up to and including 20%</u>	8.3% <u>8.5%</u>
	<u>More than 20% up to and including 50%</u>	<u>10%</u>
	<u>More than 50% up to and including 75%</u>	<u>12%</u>
	<u>More than 75% up to and including 100%</u>	<u>14%</u>
	<u>More than 100% up to and including 125%</u>	<u>16%</u>
	<u>More than 125%</u>	<u>18%</u>

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

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

New Zones

A review of the zone districts, especially the MU (Mixed-Use) zones reveals that the medium and higher density zones all have a non-residential component that could result in less residential use thereby making it harder to assess the affordable housing. OP will be bringing forward a few new zones that will allow medium and high density residential as a matter-of-right with a limit of only 1.0 FAR for non-residential uses. These new zones will further the potential achievement of IZ Plus. OP will file these new zones as a separate case.