

MEMORANDUM

TO: District of Columbia Zoning Commission

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DATE: April 19, 2021

SUBJECT: ZC Case 21-02 – Public Hearing Report for a Proposed Text Amendment: IZ-XL Phase #1 – Exempt Zones¹ and Set-Aside Requirements by Construction Type.

I. RECOMMENDATION

The Office of Planning (“OP”) recommends that the Zoning Commission **approve** the proposed text amendments, as provided in Appendix I of this report:

1. Revisions to General Rules (Subtitle C §1003).
2. Revisions to Residential House (R) Zones (Subtitle D §§ 105, 302, and 5206).
3. Revisions to Residential Apartment (RA) Zones (Subtitle F §§ 105, 302, 304, 602, and 604).
4. Revisions to Mixed-Use (MU) Zones (Subtitle G §§ 104, 502, 503, 504, 802, and 804).
5. Revisions to Neighborhood Mixed-Use (NC) Zones (Subtitle H §§ 103, 702, and 703).
6. Revisions to Special Purpose Zones (Subtitle K §§ 500, and 501).

The proposal would **not be inconsistent** with the Comprehensive Plan.

OP requests flexibility to work with the Office of the Attorney General (“OAG”) to further refine the proposed text. OP also requests permission to draft proposed text to apply a vesting provision to certain development projects, as described in more detail on page two of this report.

II. BACKGROUND

At its January 28, 2021 public meeting, the Zoning Commission set down for a public hearing text amendment case 21-02. The proposed text amendments will:

- Apply the Regular IZ² program to the following exempt zones:
 - R-3 in the Anacostia Historic District;
 - RA-5 and RA-10 (Dupont Circle);

¹ Other than R-1-A/R-1-B and Downtown (“D”) zones that are exempt from the IZ program.

² Regular IZ refers to Inclusionary Developments that are *not subject* to Expanded IZ (aka IZ Plus) set-aside requirements. Please refer to Case No. 20-02 for additional information about Expanded IZ.

- CG-1;
 - MU-13 in the Georgetown Historic District;
 - MU-27 (Naval Observatory); and
 - NC-6 (Eighth Street) in the Capitol Hill Historic District.
- Increase the zoning height limit threshold from 50 feet to 85 feet as it relates to type of construction and the corresponding Regular IZ set-side requirement.

III. CHANGES SINCE SET DOWN

Vesting

OP would like additional time to study and propose text that would apply a vesting provision to clarify when the proposed text amendments would apply to development projects. Without a vesting provision, many development projects that are underway in the planning phase but have yet to receive a building permit to commence construction would be subject to the new IZ requirements proposed in this report.

In many cases, the change in the height limit threshold from 50 feet to 85 feet as it relates to type of construction employed would result in higher Regular IZ set-aside requirements than what the current regulations require for many projects. OP has received comments from property owners that projects in the planning phase that do not yet have a building permit may not be able to continue because their financing is based on the existing Regular IZ set-aside requirements.

NC-6 (Eighth Street) Zone

On April 1, 2021, OP met with members of ANC 6B to discuss the proposal to make the NC-6 (Eighth Street) zone in the Capitol Hill Historic District subject to Regular IZ. Concern was expressed that the provision of an IZ height bonus along 8th Street, SE, to permit buildings up to a maximum of 55 feet, would negatively impact the viewshed of the historic Latrobe Gate at the intersection of 8th Street, SE and M Street, SE.

OP proposes to bring forward a separate text amendment case that will establish a 1 to 1 setback starting at 45 feet to protect the viewshed of the Latrobe Gate. As part of this text amendment, OP will also look at providing an IZ lot occupancy bonus to account for the required 1 to 1 setback, and special exception relief from the setback requirement that would be reviewed by the Board of Zoning Adjustment.

IV. SUMMARY OF PROPOSED TEXT AMENDMENTS

The proposed text amendments are summarized below and are analyzed in further detail in the OP set down report filed in the case record at Exhibit 2.

Exempt Zones – Historic Districts

The zones in the following historic districts are presently exempt from the inclusionary zoning program and are proposed to have to the Regular IZ program apply. Below are the existing matter-of-right (“MoR”) development standards and the proposed IZ density bonuses:

Zone	Minimum Lot Width			Minimum Lot Area	
	MoR	IZ	IZ with Special Exception	MoR	IZ
R-3 in the Anacostia Historic District	20 ft	20 ft	16 ft	2,000 sf	1,600 sf

Zone	Maximum Height		Maximum FAR		Maximum Lot Occupancy	
	MoR	IZ	MoR	IZ	MoR	IZ
MU-13 in the Georgetown Historic District	60 ft	80 ft	4.0	4.8	75%	75%

Zone	Maximum Height		Maximum FAR		Maximum Lot Occupancy	
	MoR	IZ	MoR	IZ	MoR	IZ
NC-6 in the Capitol Hill Historic District	45 ft	55 ft ³	3.0	3.6	75%	75%

Exempt Zones – Non-Historic Districts

The following zones not located in historic districts are presently exempt from the inclusionary zoning program and are proposed to have to the Regular IZ program apply. Below are the existing matter-of-right (“MoR”) development standards and the proposed IZ density bonuses:

Zone	Maximum Height		Maximum FAR		Maximum Lot Occupancy	
	MoR	IZ	MoR	IZ	MoR	IZ
RA-5/RA-10	90 ft	90 ft	6.0	7.2	75%	80%

Zone	Maximum Height		Maximum FAR		Maximum Lot Occupancy	
	MoR	IZ	MoR	IZ	MoR	IZ
CG-1	90 ft	90 ft	6.0	7.2	75%	90%

Zone	Maximum Height		Maximum FAR		Maximum Lot Occupancy	
	MoR	IZ	MoR	IZ	MoR	IZ
MU-27	40 ft	40 ft	2.5	3.0	60%	75%

Set-Aside Requirement and Construction Type

The Regular IZ program has two different set-aside requirements to account for the type and cost of construction. The current set-aside requirements are as follows:

Construction Type:	Non-Type 1 Construction (Stick-Built)	Type 1 Construction (Concrete and Steel)
Zoning Height Limit:	50 feet or less	Greater than 50 feet
Set-Aside Requirement:	Greater of: <ul style="list-style-type: none"> • 10% of residential GFA; or • 75% of utilized bonus density (typically up to a 12.5% set-aside) 	Greater of: <ul style="list-style-type: none"> • 8% of residential GFA; or • 50% of utilized bonus density (typically up to a 8.33% set-aside)

³ As discussed on page 2 of this report, OP will bring forward a separate text amendment case to require a 1 to 1 setback requirement for buildings built between 45 and 55 feet.

The proposed set-aside requirements for Inclusionary Developments subject to the Regular IZ program are as follows:

Construction Type:	Non-Type 1 Construction (Stick-Built)	Type 1 Construction (Concrete and Steel)
Zoning Height Limit:	85 feet or less	Greater than 85 feet
Set-Aside Requirement:	Greater of: <ul style="list-style-type: none"> • 10% of residential GFA; or • 75% of utilized bonus density (typically up to a 12.5% set-aside) 	Greater of: <ul style="list-style-type: none"> • 8% of residential GFA; or • 50% of utilized bonus density (typically up to a 8.33% set-aside)

V. PLANNING CONTEXT

COMPREHENSIVE PLAN

As fully discussed in the OP set down report (Exhibit 2), the proposed text amendments would further Comprehensive Plan policy objectives, particularly with respect to policies within the Housing Citywide Elements. The most significant of the Housing Element policies are:

Policy H-1.2.3: Mixed Income Housing

Focus investment strategies and affordable housing programs to distribute mixed income housing more equitably across the entire city, taking steps to avoid further concentration of poverty within areas of the city that already have substantial affordable housing. 504.8

Policy H-1.2.7: Density Bonuses for Affordable Housing

Provide zoning incentives to developers proposing to build low- and moderate-income housing. Affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed. Density bonuses should be granted in historic districts only when the effect of such increased density does not significantly undermine the character of the neighborhood. 504.14

The proposed text amendments would not be inconsistent with the existing Comprehensive Plan and would further the affordable housing priorities in the District. The varying policies cited in this report work together to support new ways to distribute additional mixed income housing more equitably across the entire District, particularly in high-cost areas where affordable housing is limited. The CG-1, MU-13, MU-27, NC-6, RA-5/RA-10 zones are generally mapped in high-cost areas and making Regular IZ apply to these zones would help distribute affordable housing more equitably across the entire District. Providing bonus densities to these currently exempt zones would provide incentives to developers proposing to build low- and moderate-income housing and would be commensurate to the density bonuses already provided in zones that have an IZ requirement.

VI. COMMUNITY COMMENTS

Since the January 28, 2021 set down, Bethel Pentecostal Tabernacle filed comments to the record at Exhibit 7 to request a vesting provision as it relates to the proposed revisions to set-aside requirements and construction type.

As noted above, ANC 6B has expressed concerns about impact on the viewshed of the historic Latrobe Gate at the intersection of 8th Street, SE and M Street, SE.

APPENDIX I – 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 Amendments to Subtitle C, GENERAL RULES

Subsections 1003.1 and 1003.2 of § 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 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 ~~fifty~~ **eighty-five** feet (~~50~~ **85** ft.) or less, shall set aside for Inclusionary Units the sum of the following:

...

1003.2 An Inclusionary Development other than 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 ~~fifty~~ **eighty-five** feet (~~50~~ **85** ft.), shall set aside for Inclusionary Units the sum of the following:

...

II. Proposed Amendment to Subtitle D, RESIDENTIAL HOUSE (R) ZONES

Section 105, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO RESIDENTIAL HOUSE (R) ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended to read as follows:

105.1 The Inclusionary Zoning (IZ) requirements and the available IZ modifications to certain development standards, shall apply to the R-2, R-3 (~~except for the portion in the Anacostia Historic District~~), R-10, R-13, R-17, and R-20 zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle.

Section 302, DENSITY – LOT DIMENSIONS, of Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, AND R-3, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended by revising §§ 302.2-302.5, to read as follows:

302.1 Except as provided in other provisions of this title ...

302.2 Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10, shall not apply to the R-1-A and R-1-B zones, ~~or to that portion of the Anacostia Historic District within the R-3 zone.~~

302.3 Except as provided in Subtitle D § 302.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-2 and R-3 ~~(other than that portion in the Anacostia Historic District)~~ zones, shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

...

302.4 The minimum lot width for Mandatory Inclusionary Developments in the R-2 and R-3 ~~(other than that portion in the Anacostia Historic District)~~ zones may be reduced to no less than as set forth in the following table if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.

302.5 Voluntary Inclusionary Developments in the R-2 and R-3 ~~(other than that portion in the Anacostia Historic District)~~ zones shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize the following IZ modifications, authorized by Subtitle C § 1002.2:

...

Section 5206, SPECIAL EXCEPTIONS FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended to read as follows:

5206.1 For Mandatory Inclusionary Developments in the R-2, R-3 ~~(except that portion in the Anacostia Historic District)~~, R-10, R-13, R-17, and R-20 zones, the Board of Zoning Adjustment may grant special exception relief from minimum lot width requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle D §§ 302.4, 502.4, 702.4, 1002.3, and 1202.4.

5206.2 For Voluntary Inclusionary Developments in the R-2, R-3 ~~(except that portion in the Anacostia Historic District)~~, R-10, R-13, R-17, and R-20 zones, the Board of Zoning Adjustment may grant special exception relief from minimum lot width and lot area requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle D §§ 302.5, 502.5, 702.5, 1002.4, and 1202.5. Relief granted pursuant to this subsection shall not require additional relief pursuant to Subtitle D § 5206.1.

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

Section 105, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:

105.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards and bonus density, shall apply to all RA zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and the zone-specific development standards of this subtitle, ~~provided that in the RA-5 and RA-10 zones the IZ requirements, modifications, and bonus density shall not apply except that~~

~~**IZ Plus Inclusionary Developments shall be subject to the IZ requirements of Subtitle C, Chapter 10.**~~

Section 302, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4, AND RA-5, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended by deleting § 302.2, renumbering and revising current § 302.3, to read as follows:

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

~~**302.3**~~ **302.2** The maximum permitted FAR for Inclusionary Developments in the RA-1 through RA-~~4~~**5** zones, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, shall be as set forth in the following table; provided that in the RA-1 zone Voluntary Inclusionary Developments shall require special exception relief pursuant to Subtitle F § 5206.1 to utilize this modification:

TABLE F § 302.3: MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR INCLUSIONARY DEVELOPMENTS

Zone	Maximum FAR for Inclusionary Developments
RA-1	1.08 (Voluntary Inclusionary Developments require special exception relief under Subtitle F § 5206.1)
RA-2	2.16
RA-3	3.6
RA-4	4.2
RA-5	7.2

Section 304, LOT OCCUPANCY, of Chapter 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4, AND RA-5, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:

304.1 Except as provided in other provisions of this chapter, the maximum permitted lot occupancy shall be established for lots in the RA-1, RA-2, RA-3, RA-4, and RA-5 zones as set forth in the following table:

TABLE F § 304.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy (Percentage)
RA-1	40
RA-2	60
RA-3	75
RA-4	75
RA-5	75
	80 (IZ)

Section 602, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 6, DUPONT CIRCLE RESIDENTIAL APARTMENT ZONES – RA-8, RA-9, AND RA-10, of Subtitle F,

RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended by deleting § 602.2 and renumbering and revising current § 602.3, to read as follows:

~~602.2~~ ~~Except for IZ Plus Inclusionary Developments, the Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the RA-10 zone.~~

~~602.3~~ **602.3** The maximum permitted FAR for Inclusionary Developments in the RA-8 **and through** RA-~~9~~**10** zones, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, shall be as set forth in the following table:

TABLE F § 602.2: MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR INCLUSIONARY DEVELOPMENTS

Zone	Maximum FAR for Inclusionary Developments
RA-8	2.16
RA-9	4.2
RA-10	7.2

Section 604, LOT OCCUPANCY, of Chapter 6, DUPONT CIRCLE RESIDENTIAL APARTMENT ZONES – RA-8, RA-9, AND RA-10, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:

604.1 The maximum lot occupancy shall be established for lots in the RA-8, RA-9, and RA-10 zones as set forth in the following table:

TABLE F § 604.1: MAXIMUM PERCENTAGE OF LOT OCCUPANCY

Zone	Maximum Lot Occupancy (Percentage)
RA-8	60
RA-9	75
RA-10	75
	<u>80 (IZ)</u>

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

Section 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 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 502.1 of § 502, DENSITY – FLOOR AREA RATIO (FAR), 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:

502.1 The maximum permitted FAR of buildings, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, in the MU-11 through MU-14 zones shall be as set forth in the following table, except as provided in Subtitle G §§ 502.2 and 502.3:

TABLE G § 502.1: MAXIMUM PERMITTED LOT FLOOR AREA RATIO (FAR)

Zone	Maximum FAR	
	Maximum Total Permitted FAR	Maximum Non-Residential Use FAR
MU-11	0.5	0.5
MU-12	2.5	1.0
	3.0 (IZ)	
MU-13	4.0	2.0
	4.8 (IZ)⁴	
MU-14	6.0	5.0
	7.2 (IZ)	

Subsection 503.1 of § 503, HEIGHT, 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:

503.1 The maximum permitted building height, not including the penthouse, in the MU-11 through MU-14 zones shall be as set forth in the following table, except as provided in Subtitle G § 503.3:

TABLE G § 503.1: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Height (ft.)
MU-11	40
MU-12	45
	50 (IZ)
MU-13	60
	80 (IZ)
MU-14	90
	100 (IZ)

Subsection 504.3 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 deleted:

⁴ The current version of the unofficial Zoning Regulations erroneously prescribes a 4.8 IZ FAR.

~~504.3~~ ~~Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning 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 802.1 of § 802, DENSITY – FLOOR AREA RATIO (FAR), 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:

802.1 The maximum permitted FAR in the MU-27 zone shall be ~~2.5 FAR with a maximum density of 1.5 FAR for non-residential use.~~ shall be as set forth in the following table:

TABLE G § 802.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Maximum Total FAR	Maximum Non-Residential FAR
<u>2.5</u>	<u>1.5</u>
<u>3.0 (IZ)</u>	

Section 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:

804.1 The maximum permitted lot occupancy for residential use in the MU-27 zone shall be sixty percent (60%), or seventy-five percent (75%) for Inclusionary Developments.

~~804.2~~ ~~Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the MU-27 zone.~~

V. Proposed Amendment to Subtitle H, NEIGHBORHOOD MIXED-USE (NC) ZONES

Section 103, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO NEIGHBORHOOD MIXED-USE (NC) ZONES, of Subtitle H, NEIGHBORHOOD MIXED-USE (NC) ZONES, is proposed to be amended to read as follows:

103.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications and bonus density, shall apply to all NC zones, except for Square 907 in the NC-6 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, in Square 907 in the NC-6 zone shall be subject to the IZ requirements.

Section 702, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 7, EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONE – NC-6, of Subtitle H, NEIGHBORHOOD MIXED-USE (NC) ZONES, is proposed to be amended to read as follows:

702.1 The maximum permitted FAR ~~for permitted commercial and residential uses~~ in the NC-6 zone shall be ~~3.0~~, as set forth in the following table:

TABLE H § 702.1: MAXIMUM PERMITTED FLOOR AREA RATIO

<u>Maximum Total FAR</u>	<u>Maximum Non-Residential FAR</u>
<u>3.0</u>	<u>3.0</u>
<u>3.6 (IZ)</u>	

702.2 Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to Square 907 in the NC-6 zone.

Subsection 703.1 of § 703, HEIGHT, of Chapter 7, EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONE – NC-6, of Subtitle H, NEIGHBORHOOD MIXED-USE (NC) ZONES, is proposed to be amended to read as follows:

703.1 The maximum permitted building height, not including the penthouse, in the NC-6 zone shall be forty-five feet (45 ft.), or fifty-five feet (55 ft.) for Inclusionary Developments.

VI. Proposed Amendment to Subtitle K, SPECIAL PURPOSE ZONES

Subsection 500.6 of § 500, GENERAL PROVISIONS (CG), of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be deleted:

~~500.6 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.~~

Subsections 501.3 and 501.6⁵ of § 501, DEVELOPMENT STANDARDS (CG-1), 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:

501.3 The maximum permitted floor area ratio (FAR) in the CG-1 zone shall be 6.0, or 7.2 for Inclusionary Developments.

501.6 The maximum permitted lot occupancy for residential use in the CG-1 zone shall be seventy-five percent (75%), or ninety percent (90%) for Inclusionary Developments.

⁵ The current version of the unofficial Zoning Regulations erroneously prescribes 90% IZ lot occupancy.