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Executive Director
Marcel Acosta

IN REPLY REFER TO:
NCPC File No. ZC 21-05

November 4, 2021

Ms. Sharon Schellin
Zoning Commission of the District of Columbia
441 4th Street, NW
Suite 200-S
Washington, DC 20001

Dear Ms. Schellin:

Pursuant to delegations of authority adopted by the Commission, I approved the report to the Zoning Commission of the District of Columbia for the Text Amendment to Subtitle C - Inclusionary Zoning XL, Phase 2. A copy of the Delegated Action of the Executive Director is enclosed and available online at www.ncpc.gov/review/archive/2021/11/ as part of the November 2021 meeting materials.

Implementation of the project may require review by state and local agencies, including the issuance of permits pursuant to regulations promulgated under the authority of federal environmental statutes.

Sincerely,

Marcel Acosta
Executive Director

Enclosures

cc: Mr. Andrew Trueblood, Director, DC Office of Planning



Delegated Action of the Executive Director

PROJECT Text Amendment to Subtitle C - Inclusionary Zoning XL, Phase 2 District-wide	NCPC FILE NUMBER ZC 21-05
REFERRED BY Zoning Commission of the District of Columbia	NCPC MAP FILE NUMBER 00:00(06.00)45412
	DETERMINATION Approval of report to the Zoning Commission of the District of Columbia
	REVIEW AUTHORITY Advisory per 40 U.S.C. § 8724(a) and DC Code § 2- 1006(a)

The Zoning Commission of the District of Columbia has referred an inclusionary zoning (IZ) related text amendment from the Office of Planning (DC OP) for review and comment. The proposed text amendment will apply the IZ program to existing buildings that are converted from non-residential use to residential use. The IZ requirement would apply to conversions regardless of whether the size of the building is retained or enlarged. The conversion must be located in a zone where IZ already applies and proposes ten or more dwelling units at the time of the building permit. The ten or more dwelling unit threshold can be a combination of existing floor area converted to residential use and new floor area built for residential use.

The intent of the amendment is to distribute additional mixed-income housing more equitably across the entire District. The District of Columbia Office of Planning has indicated that there are non-residential buildings with the potential to be converted located in high-cost areas where affordable housing is limited, and the applicability of IZ to conversions will help increase the supply of affordable housing in these areas.

Federal properties are not subject to local zoning and therefore would not be impacted by the proposed amendment. Further, the amendment does not appear to be inconsistent with the 1910 Height Act (which supersedes all District zoning pursuant to DC Code Subtitle A § 402). The amendment also does not appear to be inconsistent with the policies set forth in the federal elements of the *Comprehensive Plan for the National Capital* nor would it impact any other identified federal interest.

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Pursuant to delegations of authority adopted by the Commission on April 1, 2021, and per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a), I find the proposed text amendment to Subtitles C regarding Inclusionary Zoning XL, Phase 2, would not be inconsistent with the Federal Elements of the *Comprehensive Plan for the National Capital*, nor would it impact any other identified federal interest.



Marcel Acosta
Executive Director



Date