

Government of the District of Columbia  
Zoning Commission



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING**

**Z.C. Case No. 23-17**

**Office of Planning**

**(Text Amendments to Subtitle C § 701.5 to Reduce Parking**

**Requirements for Publicly Assisted Affordable Dwelling Units & Subtitle C §§ 1001.6 &  
1001.7 to Clarify IZ Program Affordability Requirements)**

**June 27, 2024**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2018 Rep1.), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its intent to amend Subtitle C of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified), with the text at the end of this notice.

**SETDOWN**

On July 17, 2023, the Office of Planning (OP) filed a petition (OP Setdown and Prehearing Report) to the Commission proposing text amendments that would reduce parking requirements for publicly assisted affordable dwelling units in developments that are near transit and exceed the requirements of the Inclusionary Zoning (IZ) program. (Exhibit [Ex.] 2.) Specifically, the proposal would amend Table C § 701.5 to revise parking requirements for publicly assisted affordable dwelling units in multiple dwelling developments from one (1) parking space per three (3) dwelling units in excess of four (4) dwelling units to one (1) parking space per three (3) affordable dwelling units in excess of forty (40) affordable dwelling units, if the development meets the following criteria to qualify for the parking reduction:

- The affordability of the multiple dwelling development must exceed the requirements of the IZ program as specified in Subtitle C § 1001.6(a); and
- The property must be located within either a one-half mile (0.5 mi.) of a Metrorail station, a one-quarter mile (0.25 mi.) of streetcar line, or one-quarter mile (0.25 mi.) of a Priority Corridor Network Metrobus route as specified in Subtitle C § 702.1.

Table C § 701.5 would also be amended to prohibit the parking reduction from applying to market rate dwelling units.

OP's Setdown and Prehearing Report stated that the proposal's matter-of-right parking reduction for publicly assisted affordable housing near transit coupled with the existing special exception to reduce parking requirements, under Subtitle C § 703, for other housing, is the appropriate balance.

OP further stated that it recommended the proposal because it would accomplish the following key goals:

- Lowering the cost for the government to subsidize affordable housing units;
- Providing some off-street parking for building residents and staff in many cases;
- Optimizing parking requirements for affordable apartment house development on small properties that do not have the land area to accommodate the full parking requirement; and
- Enabling the provision of more green space by reducing the need for surface parking.

At its July 27, 2023 public meeting, the Commission voted to grant OP's request to set down the petition for a public hearing. At set down, the Commission asked OP to consider expanding the proposal to also include IZ units in market rate residential buildings.

### **OP Setdown and Prehearing Report**

The following is a detailed summary of the findings and conclusions in the OP Setdown and Prehearing Report:

#### Background and Data Findings

OP's Setdown and Prehearing Report stated that the 2016 Zoning Regulations significantly reduced parking requirements for most residential uses and tied parking requirements to the total number of dwelling units. The 2016 Regulations permitted, as a matter of right, parking requirements to be further reduced by fifty percent (50%)<sup>1</sup> if the residential property is located within one-half mile (0.5 mi.) of a Metrorail Station and one-quarter mile (0.25 mi.) of a Streetcar line or Priority Corridor Network Metrobus route. The 2016 Zoning Regulations also created a special exception, under Subtitle C §703, to reduce or eliminate parking requirements based on a broad range of conditions, and a wide range of properties can qualify for the special exception, including properties where the majority or all units are affordable. In the process of developing this proposal, OP conducted research and analysis on parking requirements and utilization; housing and job location in relation to public transportation access for lower income residents; and data from prior Board and Commission cases where parking relief was sought in both market-rate and all affordable residential developments. Based on this research, OP made the following key conclusions:

- Based on parking utilization for affordable and market rate projects, tenants of affordable housing have a need for parking;
- A 2012 Brookings Institution<sup>2</sup> study found that while almost all residents in the District may have access to public transportation, a majority of jobs are not accessible by the Metrorail or Metrobus within a reasonable commute. The study concluded that on average District residents can only access twenty-eight percent (28%) of jobs across the region within a forty-five (45)-minute commute by public transit. Therefore, lower income households are forced into longer commutes or rely more heavily on cars to reach their jobs. Research by the D.C. Policy Center

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<sup>1</sup> Except in the R and RF zones where apartment houses are generally not permitted.

<sup>2</sup> Martha Ross and Nicole Prchal Svajlenka, "Connecting to Opportunity: Access to Jobs via Transit in the Washington, D.C. Region," Metropolitan Policy Program at Brookings, p. 1, <https://www.brookings.edu/wpcontent/uploads/2016/06/dc-transit-job-access-ross.pdf>.

found that lower median income households and black residents tend to live in areas and neighborhoods where car free living is less feasible<sup>3</sup>; and

- Based on the data from parking relief cases before the Board of Zoning Adjustment (BZA) and Commission, permitting matter-of-right parking reductions for publicly assisted affordable housing with appropriate conditions is warranted.

### Comprehensive Plan

The OP Setdown and Prehearing Report concluded that, on balance, the proposal would be not inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens, for the reasons discussed below:

#### *Citywide Elements*

The OP Setdown and Prehearing Report concludes that the proposal would further policies of the Citywide Elements, including the Land Use, Transportation, Housing, and Economic Development Elements. The proposal responds to the land use and transportation demand characteristics of the District, particularly East of the River where about half of residents use their car to commute to work and where easy access to basic services and jobs is often not available. The Comprehensive Plan states that residents in the Far Northeast and Southeast Planning Area “must travel long distances for shopping, higher education, and employment opportunities, as well as basic goods and services” and “[the] area has very little commercial and mixed uses [making] up one percent of the total area...” (10A DCMR §§ 1700.4, 1802.6) The proposal would lower the cost for the government to subsidize affordable housing units and appropriately reduce regulatory burdens near public transportation. The proposal also ensures that by-right parking reductions do not occur in areas where residents have few public transportation options and rely on their cars to get to work as it only reduces parking requirements for publicly assisted affordable housing units near transit. Reducing parking requirements for publicly assisted affordable housing units near transit could support the District’s policy of discouraging reliance on personal vehicles and support the District’s policy of providing production incentives through zoning to create more affordable housing for low- and moderate-income residents.

#### Racial Equity

*Direct and Indirect Displacement* – Reducing the minimum parking requirements for publicly assisted housing is not likely to result in direct or indirect displacement of residents because it would ease zoning, regulating the provision of new housing. Further, the text amendment would only apply to properties within proximity to public transportation to ensure that a reduction in parking requirements only occurs when there are other reliable transportation options.

*Community Outreach and Engagement* – During the summer of 2022, OP on several occasions met with the staff from DHCD, affordable housing providers, and housing advocates to learn about the impacts minimum required parking has on affordable housing development. The key takeaway from these discussions was affordable housing developers are reluctant to pursue parking reduction special exception relief because of the time and expense; therefore, affordable housing developers

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<sup>3</sup> Randy Smith, “Where it’s easiest to live car-free in D.C.,” DC Policy Center, <https://www.dcpolicycenter.org/publications/easiest-live-car-free-d-c/>.

generally provide a full parking requirement on-site, which means public funding is utilized to pay for parking.

*Disaggregated Race and Ethnicity Data* – DDOT’s MoveDC2021 Plan mapped and compared areas where there is the greatest need for improved transit service, better access to jobs and destinations and areas with higher concentrations of historically underserved communities, such as people of color, low-income households, and persons with disabilities. The analysis found that there are 150,000 residents living in these areas and that eighty-one percent (81%) are people of color (compared with sixty-four percent [64%] Districtwide), twenty-four percent (24%) are low-income residents (compared with nineteen percent [19%] Districtwide), and fourteen percent (14%) are persons with disabilities (compared with eleven percent [11%] Districtwide)<sup>4</sup>. In particular, Wards 7 and 8 have the highest density of people of color, low-income residents, and persons with disability in greatest need of improved transit access. Accordingly, OP acknowledges that there are limits to the access offered by public transit even in the most accessible portions of the District, and for many people in Wards 7 and 8 there is a need to use a car to be able to commute to work, especially given existing inequities in public transportation. However, OP believes the proposal strikes an appropriate balance as it does not eliminate parking requirements for publicly assisted affordable housing unit developments but rather would permit, as a matter of right, reduced parking requirements for publicly assisted affordable housing developments near transit. This is particularly important because a proposal to eliminate parking requirements for affordable housing developments would likely have the biggest impact on communities East of the River, which are predominately Black or African American and contain a significant amount of publicly assisted affordable housing. Residents in these communities rely more on cars to get to work compared to other wards, experience the longest commute times on public transportation to work, and have the least access to “good match” jobs that can be reached on public transportation compared to other areas of the District.

#### **NOTICE**

Pursuant to Subtitle Z § 502, the Office of Zoning (OZ) sent notice of the February 5, 2024 public hearing, on December 14, 2023 and published notice of the public hearing in the December 22, 2023 *District of Columbia Register* (70 DCR 016112 *et seq.*) as well as on the calendar on OZ’s website (Ex. 3-5).

#### **OP Hearing Report**

On January 25, 2024, OP submitted a report (*See OP Hearing Report*) that reiterated the proposal would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens; provided an update on OP’s community outreach and engagement; and responded to the Commission’s question from set down about the possibility of expanding the proposal to include IZ units in market rate residential buildings. (Ex. 6) In addition, the OP Hearing Report recommended additional amendments to Subtitle C §§ 1001.6(a) and 1001.7 to clarify what is an “affordable dwelling unit” under Subtitle C § 1001.6(a) for the purposes of the proposed parking reduction, and what is a “temporarily exempt inclusionary unit (TEIU)” for the purposes of determining the IZ set-aside requirement when an affordable control period ends; and to reorganize the TEIU regulations to ensure proper interpretation and clarify that TEIUs must be identified on

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<sup>4</sup> DDOT, moveDC2021, <https://movedc-dcgis.hub.arcgis.com/documents/movedc-2021-update-final-plandocument/explore>.

plans submitted for a building permit and they must comply with the IZ development standards provided in Subtitle C § 1005.

*Community Outreach and Engagement Update* – The OP Hearing Report stated that on November 1, 2022, OP held a public roundtable on housing and affordable housing, with approximately seventy (70) attendees, and twelve (12) organizations, and two (2) individuals testifying.

*Expansion of Proposal to IZ units in Market Rate Residential Buildings* – The OP Hearing Report stated that it reviewed the potential of providing parking reductions in exchange for more IZ units by analyzing past BZA cases for parking relief under the 2016 Zoning Regulations and analyzing patterns of IZ developments by zone. Based on this analysis, OP concluded that market rate projects with IZ units provide parking based on market demand and not minimum zoning requirements, and that requests for relief from parking are typically the result of lot conditions, such as no access to a public alley or a small or irregular lot. Therefore, it is highly unlikely that developers would choose to increase their affordability requirements in order to reduce parking requirements. OP also noted that, based on consultation with the Zoning Administrator and the Department of Housing and Community Development, it concluded that parking reductions in exchange for more IZ units would create an added level of complexity to administer the IZ Program.

### **COMMENTS**

Prior to the February 5, 2024 public hearing, several letters in support of the proposal were submitted to the case record (Ex. 7-54, 56-61). Many of the letters in support recommended amendments to the proposal to:

- Increase the affordable housing unit threshold for reducing parking requirements from in excess of forty (40) affordable dwelling units to in excess of fifty (50) affordable dwelling units; and
- Fully eliminate parking requirements for affordable housing units altogether or at least near transit.

In addition, one letter in opposition to the proposal was submitted to the record and one letter posing questions about the impact analyses performed regarding the proposal. (Ex. 55, 62) The opposition letter stated that the proposal would hurt potential residents of affordable housing who need cars and increase demand for on-street parking.

### **PUBLIC HEARING**

At the February 5, 2024 public hearing, OP presented the proposal and reiterated the conclusions stated in its Setdown and Prehearing Report and Hearing Report. OP noted that the proposal would only apply to publicly assisted affordable housing units in developments near transit and would be particularly relevant to smaller projects. OP also explained that it does not recommend expanding this proposal to apply to IZ developments because the viability of achieving additional IZ units in exchange for reduced parking would be very minimal. The Commission heard testimony in support of the proposal, primarily citing the proposal's potential to reduce the cost of developing affordable housing. Some proponents advocated for increasing the exemption threshold from forty (40) to fifty (50) units. The Commission also heard testimony in opposition, primarily citing the proposal's potential to displace poor, elderly, and disabled residents as well as families with

children, who need cars; and increase on-street parking demand (February 5, 2024 Hearing Transcript [“Tr.”] at 33-73) .

No Advisory Neighborhood Commission (ANC) or government agency, other than OP, testified at the public hearing.

The Commission questioned OP about the proposal. The Commission also observed that the disaggregated race and ethnicity data provided by OP did not include the data metrics that are typically included in OP’s racial equity analyses; OP acknowledged the same and explained that it provided more targeted data specific to the impacts of the proposal. At the conclusion of the hearing, the Commission requested a supplemental report from OP to address the following:

- OP analysis and recommendation regarding amending the proposal to increase the affordable housing unit threshold for reducing parking requirements from forty (40) to fifty (50) units;
- Information on total number of IZ exempt projects per year that would be eligible for the proposal’s parking reduction; and
- Information on the number of all affordable housing projects that have requested special exception parking relief at the BZA.

### **Additional Written Testimony**

Following the public hearing, the Commission allowed three letters of written testimony to be submitted into the record.

First, testimony in opposition from DC Safe Streets Coalition, stating that the proposal would drastically force residents to find street parking, which is steadily being removed by the installation of bike lanes, and the proposal would make matters worse. The testimony further states: “We still need cars and parking options.” (Ex. 64).

Second, testimony is opposition from Naima Jefferson, stating that the proposal is inconsistent with Comprehensive Plan policies of the Housing, Economic Development, and Transportation Elements; and ignores available evidence and in some cases fails to disclose the underlying data and analysis from the public. The testimony concludes that the proposal is discriminatory in nature, provides a one size fits all approach to affordable housing, and fails to meaningfully consider that tenants and residents of affordable housing need parking for a host of reasons (Ex. 65).

Third, testimony in support from Jacob Mason, stating that the proposal should be expanded to increase the affordable housing unit threshold from forty (40) to fifty (50); and to eliminate parking requirements for affordable housing units altogether, at least near transit (Ex. 66).

### **OP Supplemental Report**

On March 1, 2024, OP submitted a supplemental report (OP Supplemental Report) responding to Commission’s requests from the February 5, 2024 public hearing, as discussed below (Ex. 67):

- Regarding increasing the affordable housing unit threshold for reducing parking requirements from forty (40) to fifty (50) units, OP has no objection. The OP Supplemental Report states that developments with fifty (50) units would typically share the same constraints of

developments with forty (40) units, including smaller lot sizes that constrain ramps, efficiency, and provision of underground structures;

- The OP Supplemental Report stated that since 2016 the total number of IZ exempt projects per year that would have been eligible for the proposal's parking reduction would have been six (6) IZ exempt buildings per year under the forty (40) unit threshold; and an average of seven (7) IZ exempt buildings per year under the fifty (50)-unit threshold. OP noted that the proposal, with the increased fifty (50)-unit threshold, could help increase the number of buildings and affordable units constructed on smaller infill sites close to metro, and particularly in high-cost areas of the District; and
- The OP Supplemental Report stated that since 2016, there have been three (3) all affordable housing projects that have requested special exception relief from parking requirements at the BZA. OP noted that, as discussed in its Set down and Prehearing Report, affordable housing developers are often reluctant to pursue parking relief because it's expensive and they are sensitive to neighborhood opposition.

#### **PROPOSED ACTION**

At its March 14, 2024 public meeting, the Commission voted to take **PROPOSED ACTION** to:

- Adopt the Petition, with additional amendments to Subtitle C §§ 1001.6(a) and 1001.7 and with the increase of the affordable housing unit threshold from forty (40) to fifty (50) units, as recommended by OP; and
- Authorize the publication of a Notice of Proposed Rulemaking.

**VOTE (March 14, 2024): 4-0-1**

(Robert E. Miller, Joseph S. Imamura, Anthony J. Hood, and Tammy Stidham to approve; 3<sup>rd</sup> Mayoral Appointee seat vacant.)

#### **National Capital Planning Commission (NCPC)**

The Commission referred the proposed text amendment to the NCPC on March 25, 2024 for the thirty (30)-day review period required by § 492(b)(2) of the District Charter. (Dec. 24, 1973, Pub. L. 93-198, title IV, § 492(b)(2); D.C. Official Code 6-641.05 (2018 Repl.) (Ex. 68).

NCPC filed a report on May 13, 2024, stating that the proposed text amendment is not inconsistent with the federal elements of the Comprehensive Plan for the National Capital and would not adversely impact any other identified federal interests (Ex. 69).

OZ published a Notice of Proposed Rulemaking in the May 17, 2024 *District of Columbia Register* (71 DCR 006233 *et seq.*) (Ex. 70, 71).

#### **Notice of Proposed Rulemaking Comments**

Prior to its June 27, 2024 public meeting, the Commission received two comments in response to the Notice of Proposed Rulemaking. Rais Akbar filed comments in support but suggested that the Commission also apply the proposed parking reduction to market rate dwelling units (Ex. 72). Shelly Repp, the Chair of Committee of 100 on the Federal City filed comments in opposition stating that the proposal does not advance the Comprehensive Plan racial equity goals or the Commission's racial equity tool criteria for the following reasons:

- The proposal only applies to publicly assisted projects and excludes privately funded projects;
- The proposal will negatively impact Black and brown residents who will most likely be residents of publicly funded units by restraining their employment opportunities;
- The proposal is not supported by data or evidence. In fact, the Office of Planning data argues for rejection of the proposal generally because of data showing that lower income households of color need onsite parking for access to employment; and
- There is no support in the case record from groups representing Black and brown residents (Ex. 73).

## **FINAL ACTION**

### ***Commission Response to Notice of Proposed Rulemaking Comments***

At its June 27, 2024 public meeting, the Commission considered the two comments in response to the Notice of Proposed Rulemaking and did not find either of the comments persuasive. With respect to Rais Akbar's comments, the Commission did not agree with the suggestion to apply the proposal to market rate units because the Zoning Regulations provide market rate developers with relief options, both as a matter-of-right and by special exception, to reduce parking requirements. With respect to the comments from Shelly Repp, Chair of Committee of 100 on the Federal City, the Commission did not agree with the assertions that the proposal conflicts with Comprehensive Plan racial equity goals and the Commission's racial equity tool criteria because it will negatively impact Black and brown populations, the most likely residents of publicly funded housing, by reducing onsite parking access thus restraining employment opportunities. The Commission acknowledged the OP data in the case record stressing the need for lower income households, which are largely Black and brown, to have onsite parking for access to employment opportunities. However, the Commission concluded that the proposal is limited in scope such that it does not apply to publicly assisted housing developments located far from mass transit.

### ***Authority and Evaluation Standard***

Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), the Commission may amend the Zoning Regulations consistent with the standards of Subtitle X § 1300.2.

Subtitle X § 1300.2 requires the Commission to find that the text amendment petition is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject text.

### ***“Great Weight” to the Recommendations of OP***

The Commission must give “great weight” to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 ((D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8 (*Metropole Condo. Ass'n v. D.C. Bd. Of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

At proposed action on March 14, 2024, the Commission found persuasive, and concurred with, OP's analyses in its three reports and its recommendation that the Commission take proposed action to adopt the proposed amendments, with additional amendments to Subtitle C §§ 1001.6(a) and 1001.7 and with the increase of the affordable housing unit threshold from forty (40) to fifty

(50) units. At proposed, the Commission acknowledged the comments to the record and the hearing testimony expressing concern about the proposal's potential negative impact on affordable housing residents who need cars, and its potential to increase on-street parking demand. However, the Commission was persuaded by OP's data and conclusion that the proposal is tailored in scope and strikes the appropriate balance by maintaining parking requirements for publicly assisted affordable housing developments in areas where there are existing public transportation inequities, while reducing parking requirements for publicly assisted affordable housing developments in areas near transit thereby reducing the cost of developing affordable housing in those areas. Further, the Commission concluded that it did not agree with eliminating parking requirements for affordable units altogether as suggested in several comments to the record. Rather the Commission found this proposal, along with the reduced parking requirements as a matter of right under Subtitle C § 702.1 and by special exception under Subtitle C § 703 to provide an appropriate balance. Based on the data provided in the OP reports, the Commission agreed with OP's rationale for not expanding the proposal to apply to IZ units. The Commission was persuaded by OP's arguments that applying the proposal to IZ units would not increase affordable unit production (in exchange for reduced parking) and would complicate administration of the IZ program. The Commission found that the proposal would not be inconsistent with the Comprehensive Plan as it would further policies of the Land Use, Transportation, Housing, and Economic Development Elements (See Ex. 2, Appendix II Comprehensive Plan Policies, pp. 19-20). Additionally, the Commission was persuaded that the proposal would further Comprehensive Plan racial equity goals. The Commission found that the OP reports demonstrated that OP conducted community outreach and engagement regarding the proposal with various community organizations and stakeholders, and utilized the input it received in drafting the proposal. The Commission found that the disaggregated race and ethnicity data provided in OP's Setdown and Prehearing Report stated that communities in Wards 7 and 8, East of the River, which are predominately Black, contain a significant amount of publicly assisted affordable housing, and would be most impacted by the proposal. The Commission acknowledged that the proposal could result in impacts but found these potential impacts and any other potential Comprehensive Plan inconsistencies to be outweighed by the Comprehensive Plan policies that would be advanced by the proposal. Specifically, policies that support the production of more affordable housing because the proposal has the potential to reduce the cost of developing affordable housing near transit. The Commission again notes the limited scope of the proposal, as it would only reduce parking requirements on publicly assisted affordable housing developments near mass transit. The proposal would not preclude or discourage affordable housing residents from owning and using cars, particularly in publicly assisted housing developments located far from transit options.

At final action on June 27, 2024, the Commission addressed the two comments received in response to the Notice of Proposed Rulemaking, as discussed in detail above. In addressing the comments, the Commission reiterated its conclusions from proposed action. Accordingly, the Commission concluded that it would adopt the amendments as published in the Notice of Proposed Rulemaking without additional changes.

#### ***“Great Weight” to the Written Report of the ANCs***

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976

(D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016.)). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

Since no ANC filed a response to the proposal as advertised in the public hearing notice or as published in the Notice of Proposed Rulemaking, there is nothing to which the Commission can give great weight.

#### **FINAL ACTION**

At its June 27, 2024 public meeting, the Zoning Commission voted to take Final Action to:

- Adopt the Petition as published in the Notice of Proposed Rulemaking; and
- Authorize the publication of a Notice of Final Rulemaking.

**VOTE (June 27, 2024): 3-0-2**

(Tammy Stidham, Robert E. Miller and Anthony J. Hood to approve; Joseph S. Imamura, not present, not voting, 3<sup>rd</sup> Mayoral Appointee seat vacant.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 23-17 shall become final and effective upon publication in the *District of Columbia Register*; that is, on February 14, 2025.



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ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION



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SARA A. BARDIN  
DIRECTOR  
OFFICE OF ZONING

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

## **TEXT AMENDMENT**

The proposed amendments to the text of the Zoning Regulations are as follows:

### **I. Amendments to Subtitle C, GENERAL RULES**

**Table C § 701.5 of § 701, MINIMUM VEHICLE PARKING REQUIREMENTS, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is amended to read as follows:**

**TABLE C § 701.5: PARKING REQUIREMENTS**

<b>Use Category</b>	<b>Minimum number of vehicle parking spaces</b>
...	....
Residential, multiple dwelling unit	1 per 3 dwelling units in excess of 4 <u>dwelling</u> units, except <u>as follows</u> :  1 per 2 dwelling units for any R or RF zone;  1 per 6 <u>dwelling</u> units of publicly assisted housing, reserved for the elderly and /or handicapped <u>in any zone; or</u>  <u>1 per 3 affordable dwelling units in excess of 50 affordable dwelling units in any zone for a development that meets the criteria of Subtitle C § 1001.6(a) and Subtitle C § 702.1. All other dwelling units not described in this paragraph shall comply with the appropriate minimum parking requirement listed in this table.</u>
...	...

**Subsection C § 1001.6(a) of § 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is amended is amended by revising § 1001.6(a); adding new §§ 1001.6(a)(1)(A)-1001.6(a)(1)(C); deleting § 1001.6(a)(2); renumbering §§ 1001.6(a)(3)-1001.6(5) to §§ 1001.6(a)(2)-1001.6(4); and add a new § 1001.6(a)(5) to read as follows:**

1001.6 The requirements of this chapter shall not apply to:

- (a) Any development subject to a mandatory affordable housing requirement to provide affordable dwelling units that exceed the requirements of this chapter as a result of District law or financial subsidies funded in whole or in part by the Federal or District Government and administered and/or monitored by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency (DCHFA), or the District of Columbia Housing Authority (DCHA); provided:
  - (1) Prior to the issuance of a building permit, the development shall designate certain affordable dwelling units as Temporarily Exempt Inclusionary Units equal to at least the gross square footage that would have been otherwise required pursuant to the set-aside requirements in Subtitle C § 1003 for the zone in which the development is located and the following conditions:

- (A) Temporarily Exempt Inclusionary Units shall be identified on the plans submitted for a building permit;
- (B) Temporarily Exempt Inclusionary Units shall be reserved as follows:
  - (i) The square footage set aside for rental units shall be at or below sixty percent (60%) MFI; and
  - (ii) The square footage set aside for ownership units shall be at or below eighty percent (80%) MFI; and
- (C) Temporarily Exempt Inclusionary Units shall meet the development standards of Subtitle C § 1005;

- (2) Upon the expiration of the affordable housing requirements of the District law or financial subsidies administered by DHCD, DCHFA, or DCHA, the Temporarily Exempt Inclusionary Units identified in Subtitle C § 1001.6(a)(1) shall be sold or rented in accordance with the Inclusionary Zoning Program (as defined by the IZ Act);
- (3) The requirements set forth in Subtitle C §§ 1001.6(a)(1) and (2), shall be stated as declarations within a covenant running with the land for the benefit of the District of Columbia, found technically sufficient by DHCD;
- (4) The approved covenant shall be recorded in the land records of the District of Columbia prior to the date that the first application for a certificate of occupancy is filed for the project; except that for developments that include buildings with only one (1) dwelling unit, the covenant shall be recorded before the first purchase agreement or lease is executed; and
- (5) No exemption may be granted unless the Zoning Administrator receives a written certification from the Director of DHCD that the development meets the requirements of Subtitle C §§ 1001.6(a)(1), (2), and (3).

- (b) ...

**Subsection C § 1001.7 of § 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is deleted:**

1001.7 [DELETED]

...