

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

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**DATE:** January 18, 2021

**SUBJECT:** ZC Case 21-XX – Set Down and Prehearing Report for IZ-XL Phase #1 – Exempt Zones<sup>1</sup> and Set-Aside Requirements by Construction Type.

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### **I. RECOMMENDATION**

The Office of Planning (“OP”) recommends that the Zoning Commission **set down** for a public hearing, amendments to Subtitles C, D, F, G, H, and K of the Zoning Regulations. This text amendment will expand the applicability of the existing Inclusionary Zoning (“Regular IZ”) program<sup>2</sup> to zones currently exempt, other than D zones, and will increase the height threshold for the Regular IZ set-aside requirement from 50 feet to 85 feet. This is the first phase of amendments for additional inclusionary housing opportunities, which is known as IZ-XL. OP requests flexibility to work with the Office of Attorney General (“OAG”) to further refine the proposed language. This report also serves as the prehearing report required by Subtitle Z § 501.

The proposed text amendments (Appendix I) will:

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

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

<sup>2</sup> 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.

## **II. BACKGROUND**

At its November 19, 2020 public meeting, the Zoning Commission discussed with the OP possible amendments to the Zoning Regulations to provide additional opportunities for inclusionary housing to be developed. The Commission asked OP to review the Regular IZ program and provide recommendations on how the regulations could be amended to require additional IZ units, particularly in those zones or properties that are exempt from the current regulations.

OP provided a status update to the Zoning Commission at its December 17, 2020 public meeting setting out the next steps for bringing forward text amendments to amend the Regular IZ program. OP recommended that changes to the program occur under a phased approach to allow for careful consideration and analysis of each discrete proposal. The proposed text amendments in this report were identified as the first phase of IZ-XL with additional text amendments following in late winter and spring, including evaluating the feasibility of applying the Regular IZ program to exempt D zones.

## **III. ANALYSIS FOR EXEMPT ZONES**

At the time the Regular IZ program was developed under Zoning Commission Case No. 04-33, it was determined that a 20 percent floor-area-ratio (“FAR”) density bonus was necessary to keep land values relatively stable and to help balance the affordability requirements in zones where IZ applies. To accommodate the IZ bonus density, these zones provide either additional height or lot occupancy to increase the maximum size of a building so that it can access the full 20 percent IZ FAR bonus density.

### **Historic Districts**

The zones in the following historic districts are exempt from the Regular IZ program:

- R-3 in the Anacostia Historic District;
- MU-13 in the Georgetown Historic District; and
- NC-6 in the Capitol Hill Historic District.

At the time of the adoption of the Regular IZ program, these areas were exempted from an IZ requirement and bonus density because there was a concern that the use of IZ bonus density may have an impact on historic neighborhood scale and character in these historic districts.

A more recent and detailed preliminary review of these areas indicate that buildings could be designed to be compatible with their historic district, and issues with historic scale and character could be resolved through the design review process. Development in these areas would continue to be subject to the requirements of the Historic Preservation Act and review by the Historic Preservation Review Board (“HPRB”).

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

Note: The proposed density bonuses above match the existing bonuses for the R-3 zone outside of the Anacostia Historic District.

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%

Notes:

- The MU-13 zone under ZR58 was the W-2 zone. This zone provided the same height and FAR bonuses as proposed above for the W-2 zone outside of the Georgetown Historic District.
- The MU-13 zone is presently only mapped in Georgetown because other areas that were zoned W-2 under ZR58 became different zones under ZR16.

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	3.0	3.6	75 %	75%

Note: Square 0907 is proposed to be exempted from the IZ program because it contains the Navy Yard Car Barn Historic Landmark. The landmark already covers 100% of the lot and is limited in its ability to cannot accommodate additional density.

Appendix II (page 16) of this report provides a map for each exempt zone in a historic district.

### Non-Historic Districts

In addition to the zones identified above, the RA-5, RA-10 (Dupont Circle), CG-1, and MU-27 (Naval Observatory) are also exempt from the Regular IZ program because there was a concern that these zones would also have difficulties accommodating additional bonus density at the time of adoption. The RA-5, RA-10, and CG-1 zones already permitted the maximum height permitted under the Height Act of 1910 at 90 feet and the MU-27 zone is limited to 40 feet because it is located adjacent to the Naval Observatory. The height of these zones could not be further increased, and thus a height bonus could not be provided to help a building access a 20 percent IZ FAR density bonus.

OP reevaluated the feasibility for applying the Regular IZ program with a 20 percent FAR density bonus to these zones and found that it was possible through a lot occupancy density bonus. Increasing lot occupancy would allow for buildings to access their maximum potential FAR with a 20 percent IZ density bonus while complying with all other matter-of-right development standards, like rear yards.

For the RA-5/RA-10 zones, it should be noted that there may be certain properties, particularly interior lots, where new buildings may not be able to access the maximum potential IZ FAR bonus

because of the need to provide light and air to dwelling units, which could reduce overall lot occupancy. However, many properties located in zones that are *already subject* to the Regular IZ program are developed without utilizing the maximum potential IZ FAR. It should also be noted that under ZR16, the side yard requirements for the RA-5/RA-10 zones were reduced from a maximum setback of 22.5 feet for a 90-foot building to 4 feet for a building of any height. Based on OP analysis many properties would be able to provide both a compliant rear yard and one side yard at a lot occupancy of 80 percent. Thus, under ZR16 there is more opportunity to provide light and air to dwelling units while accessing an IZ lot occupancy standard.

Below are the existing MoR development standards and the proposed IZ density bonuses for the RA-5 and RA-10 zones:

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%

While the CG-1 zone is exempt from mandatory Regular IZ, the zone does allow for IZ opt-in to use IZ FAR bonus density of up to 7.2. OP proposes to make mandatory Regular IZ apply to the CG-1 zone and to provide a 90 percent lot occupancy bonus<sup>3</sup> as follows:

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%

Buildings built as a matter-of-right in the MU-27 zone are generally not able to use the maximum permitted FAR because of the limit on height at 40 feet and lot occupancy at 60 percent relative to its 2.5 FAR. However, a benefit of increasing the lot occupancy requirement in this zone for the provision of IZ units is that it would provide the opportunity for a building to access its maximum potential IZ FAR bonus. Thus, there would be additional incentive to provide IZ units because it would allow for buildings to better utilize the maximum permitted FAR.

Below are the existing MoR development standards and proposed IZ density bonuses for the MU-27 zone:

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%

Note: The MU-27 zone is equivalent to an MU-4 zone except for its limitation on height. The proposed bonus density above is based on the bonus density already permitted in the MU-4 zone.

Appendix III (page 19) of this report provides a map showing the location of each exempt zone or area.

<sup>3</sup> 90 percent IZ lot occupancy is needed to account for a required setback of 15 feet along South Capitol Street for a building's entire height and also for greater side yard setback requirements than what exists in the RA-5/RA-10 zones.

#### IV. ANALYSIS FOR SET-ASIDE REQUIREMENT AND CONSTRUCTION TYPE

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

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

Since the adoption of the Regular IZ program, changes to the building code and in technology are allowing stick-built construction as tall as 85 feet, which is generally lower in cost than concrete and steel construction. Increasing the height threshold as it relates to construction type and the set-aside requirement would result in potentially more IZ units because it would not adversely affect the economic balance that could result in fewer overall units. Zoning Commission Case No. 20-02 Expanded IZ, already proposed to adjust the height threshold from 50 feet to 85 feet and this proposed text amendment would align the requirement for Inclusionary Developments in Regular IZ with those subject to Expanded IZ.

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

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

#### V. PLANNING CONTEXT

The need for additional affordable housing and the importance of distributing affordable housing throughout the city have been reinforced through the Mayor’s Order on Housing, the Housing Equity Report, and pending revisions to the Comprehensive Plan. The District’s existing housing stock and projected housing production are currently not enough to meet current or future housing needs, especially for creating new affordable housing.

In May 2019, Mayor Bowser issued an Order on Housing directing DC Government agencies to develop policies, tools, and initiatives that would lead to the creation of 36,000 housing units of which 12,000 would be affordable by 2025. The Order requires District agencies to undertake a review of how existing affordable housing is either concentrated in the District, threatened to be removed, or is

extremely limited in availability as a result of historic exclusionary and discriminatory land use decisions.

OP and DHCD initiated work on the housing framework by releasing the Housing Equity Report ([HousingEquityReport.pdf](#)) in October 2019 to assess where dedicated affordable housing currently exists and where additional affordable housing is needed throughout the District. The Housing Equity Report identified areas of the District that have a shortage of dedicated affordable housing and set production goals by area for additional affordable housing units.

The current Comprehensive Plan includes language in supporting map amendments and affordable housing. Two central 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

On balance, 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.

The Office of Planning recommends the case be set down for a public hearing.

## 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 Amendment to Subtitle C, GENERAL RULES

**Subsections 1003.1 and 1003.2 of § 1003<sup>4</sup>, 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 which 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 which 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<sup>5</sup>, 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.

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<sup>4</sup> Subtitle C §§1003.1 and 1003.2 are proposed to be amended by the proposed text amendment in ZC Case No. 20-02. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>5</sup> Subtitle D § 105 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27. Upon final action in that case, this proposed revision will be updated to reflect the new text.

**Subsections 302.2 through 302.5 of § 302<sup>6</sup>, 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 to read as follows:**

302.2 Except for new penthouse habitable space as described in Subtitle C § 1500.11<sup>7</sup>, 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<sup>8</sup>, 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

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<sup>6</sup> Subtitle D §§ 302.2 through 302.5 are proposed to be amended by the proposed text amendment in ZC Case No. 19-27. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>7</sup> Subtitle C § 1500.11 is proposed to be amended by the proposed text amendment in ZC Case No. 14-13E. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>8</sup> Subtitle D §§ 5206.1 and 5206.2 are proposed to be amended by the proposed text amendment in ZC Case No. 19-27. Upon final action in that case, this proposed revision will be updated to reflect the new text.



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<sup>9</sup>, 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, ~~except for the RA-5 and RA-10 zones in which the IZ requirements, modifications, and bonus density shall not apply.~~

**Subsections 302.2 and 302.3<sup>10</sup> of § 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 to read as follows:**

302.2 ~~The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the RA-5 zone. [DELETED]~~

302.3 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 FOR INCLUSIONARY DEVELOPMENTS**

<b>Zone</b>	<b>Maximum FAR for Inclusionary Developments</b>
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
<b>RA-5</b>	<b>7.2</b>

<sup>9</sup> Subtitle F § 105.1 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27 and 20-02. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>10</sup> Subtitle F §§ 302.2 and 302.3 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27 and 20-02. Upon final action in that case, this proposed revision will be updated to reflect the new text.

**Section 304<sup>11</sup>, 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**

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

**Subsections 602.2 and 602.3<sup>12</sup> of § 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 to read as follows:**

602.2 ~~The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the RA-10 zone. [DELETED]~~

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 FOR INCLUSIONARY DEVELOPMENTS**

<b>Zone</b>	<b>Maximum FAR for Inclusionary Developments</b>
RA-8	2.16
RA-9	4.2
<b>RA-10</b>	<b>7.2</b>

**Section 604<sup>13</sup>, 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:**

<sup>11</sup> Subtitle F § 304.1 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>12</sup> Subtitle F §§ 602.2 and 602.3 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27 and 20-02. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>13</sup> Subtitle F § 604.1 is proposed to be amended by the proposed text amendment in ZC Case No. 20-02. Upon final action in that case, this proposed revision will be updated to reflect the new text.

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 <b>80 (IZ)</b>

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

**Section 104<sup>14</sup>, 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, that is 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.~~

**Subsection 502.1<sup>15</sup> 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**

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-11	0.5	0.5
MU-12	2.5 3.0 (IZ)	1.0
MU-13	4.0	2.0

<sup>14</sup> Subtitle G § 104.1 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27A and 20-02. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>15</sup> Subtitle G § 502.1 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27A. Upon final action in that case, this proposed revision will be updated to reflect the new text.

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
	<u>4.8 (IZ)<sup>16</sup></u>	
MU-14	6.0 7.2 (IZ)	5.0

**Subsection 503.1<sup>17</sup> 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 <u>80 (IZ)</u>
MU-14	90 100 (IZ)

**Subsection 504.3<sup>18</sup> 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 amended to read as follows:**

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. [DELETED]~~

**Subsection 802.1<sup>19</sup> 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:**

<sup>16</sup> The current version of the unofficial Zoning Regulations erroneously prescribes a 4.8 IZ FAR.

<sup>17</sup> Subtitle G § 503.1 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27A and 14-13E. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>18</sup> Subtitle G § 504.3 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27A and 20-02. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>19</sup> Subtitle G § 804.3 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27A. Upon final action in that case, this proposed revision will be updated to reflect the new text.

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**

<u>Zone</u>	<u>Maximum FAR</u>	
	<u>Total Permitted</u>	<u>Maximum Non-Residential Use</u>
<u>MU-27</u>	<u>2.5</u>	<u>1.5</u>
	<u>3.0 (IZ)</u>	

**Section 804<sup>20</sup>, 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. [DELETED]~~

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

**Section 103<sup>21</sup>, 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<sup>22</sup> for Square 907 in the NC-6 zone shall be subject to the IZ requirements.

**Section 702<sup>23</sup>, 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:**

<sup>20</sup> Subtitle G § 804 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27A and 20-02. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>21</sup> Subtitle H § 103 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27B. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>22</sup> Subtitle C § 1500.11 is proposed to be amended by the proposed text amendment in ZC Case No. 14-13E. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>23</sup> Subtitle H § 702 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27B. Upon final action in that case, this proposed revision will be updated to reflect the new text.

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>Zone</u>	<u>Maximum FAR</u>	
	<u>Total Permitted</u>	<u>Maximum Non-Residential Use</u>
<u>NC-6</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<sup>24</sup>, 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<sup>25</sup> 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 amended to read as follows:**

500.6 ~~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. [DELETED]~~

**Subsections 501.3 and 501.6<sup>26</sup> of § 501, DEVELOPMENT STANDARDS (CG-1), of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, is 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.

<sup>24</sup> Subtitle C § 1500.11 is proposed to be amended by the proposed text amendment in ZC Case No. 14-13E. Upon final action in that case, this proposed revision will be updated to reflect the new text.

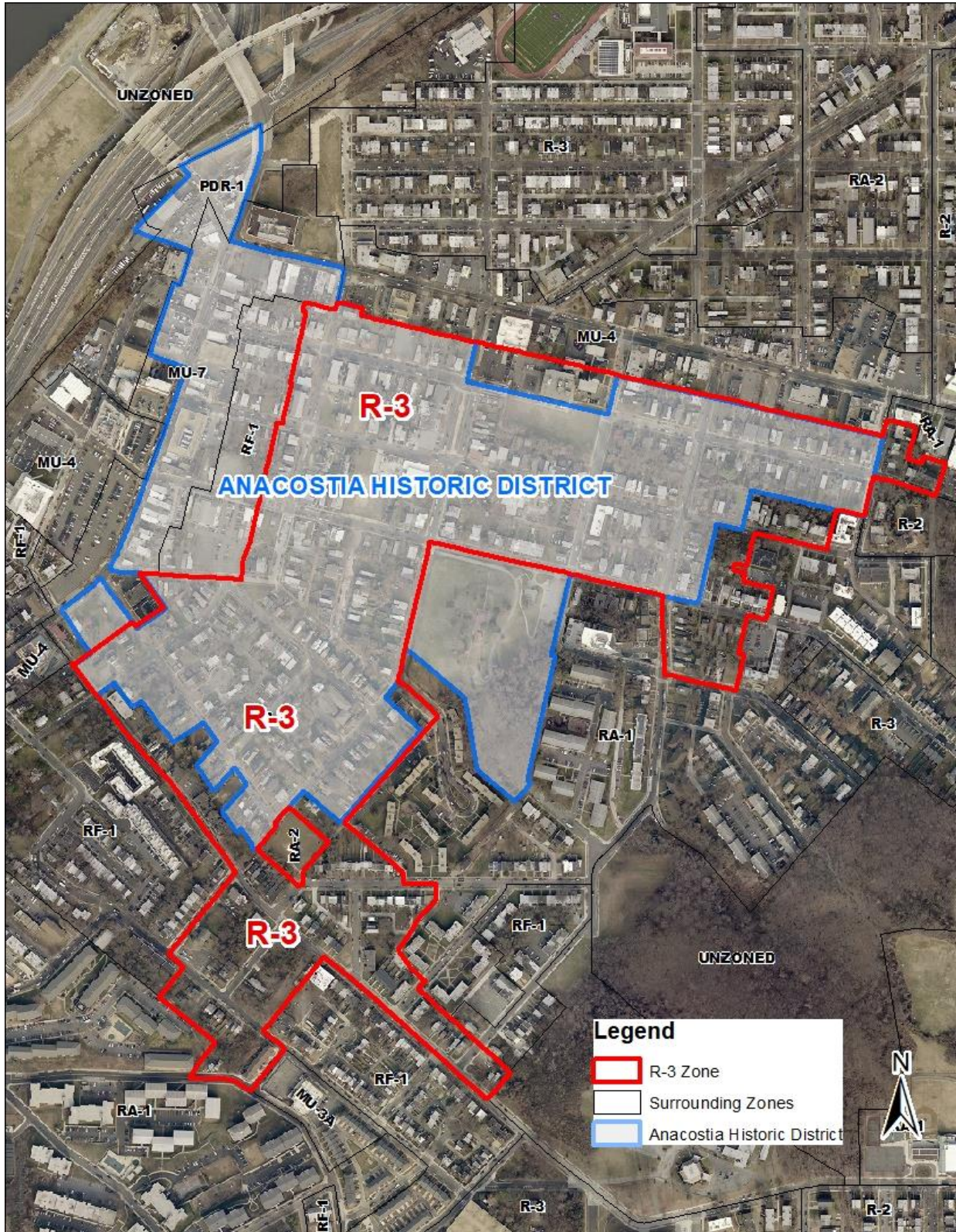
<sup>25</sup> Subtitle H § 703.1 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27A and 14-13E. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>26</sup> The current version of the unofficial Zoning Regulations erroneously prescribes 90% IZ lot occupancy.

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.**

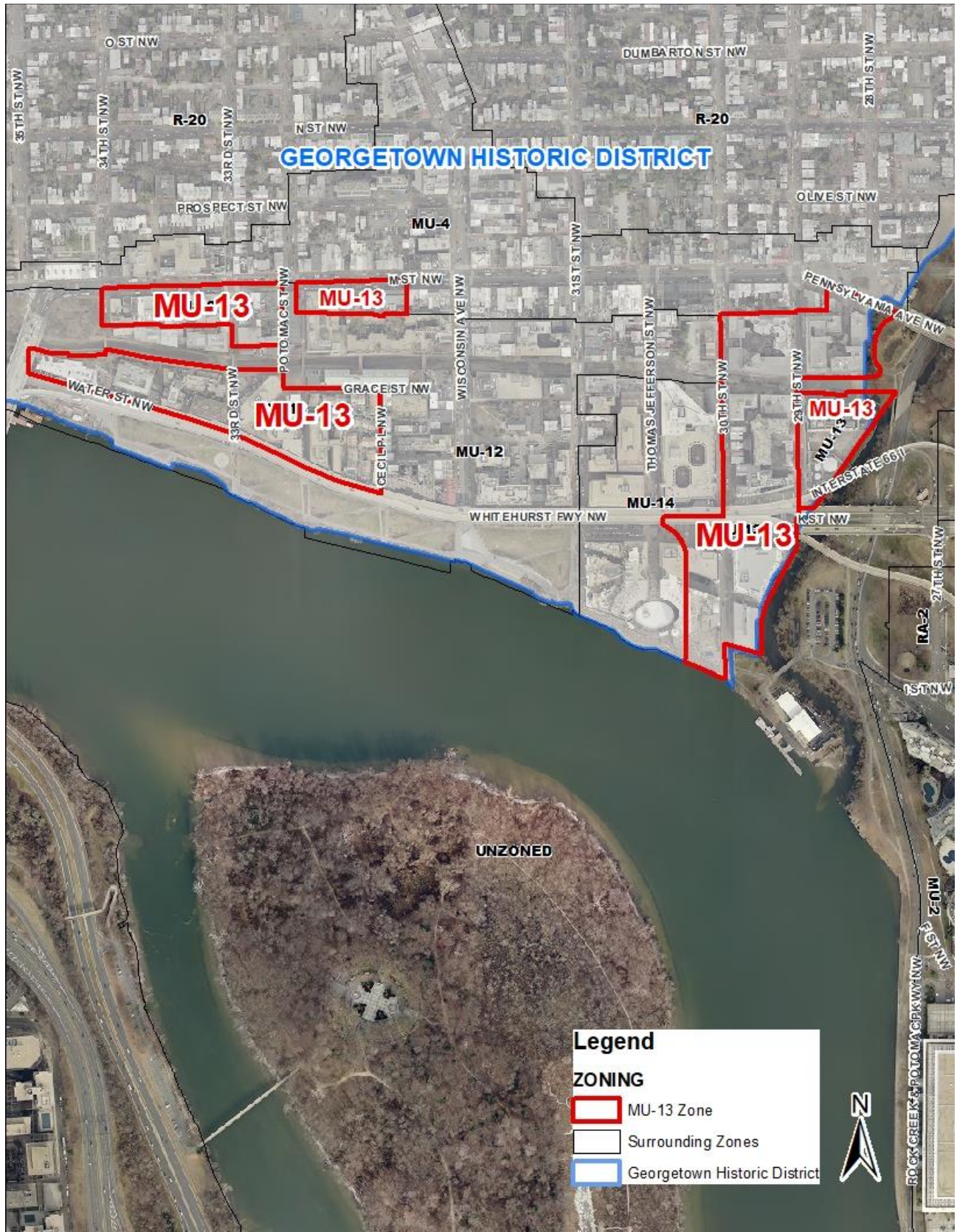
## APPENDIX II – EXEMPT ZONES IN HISTORIC DISTRICTS

### R-3 in the Anacostia Historic District

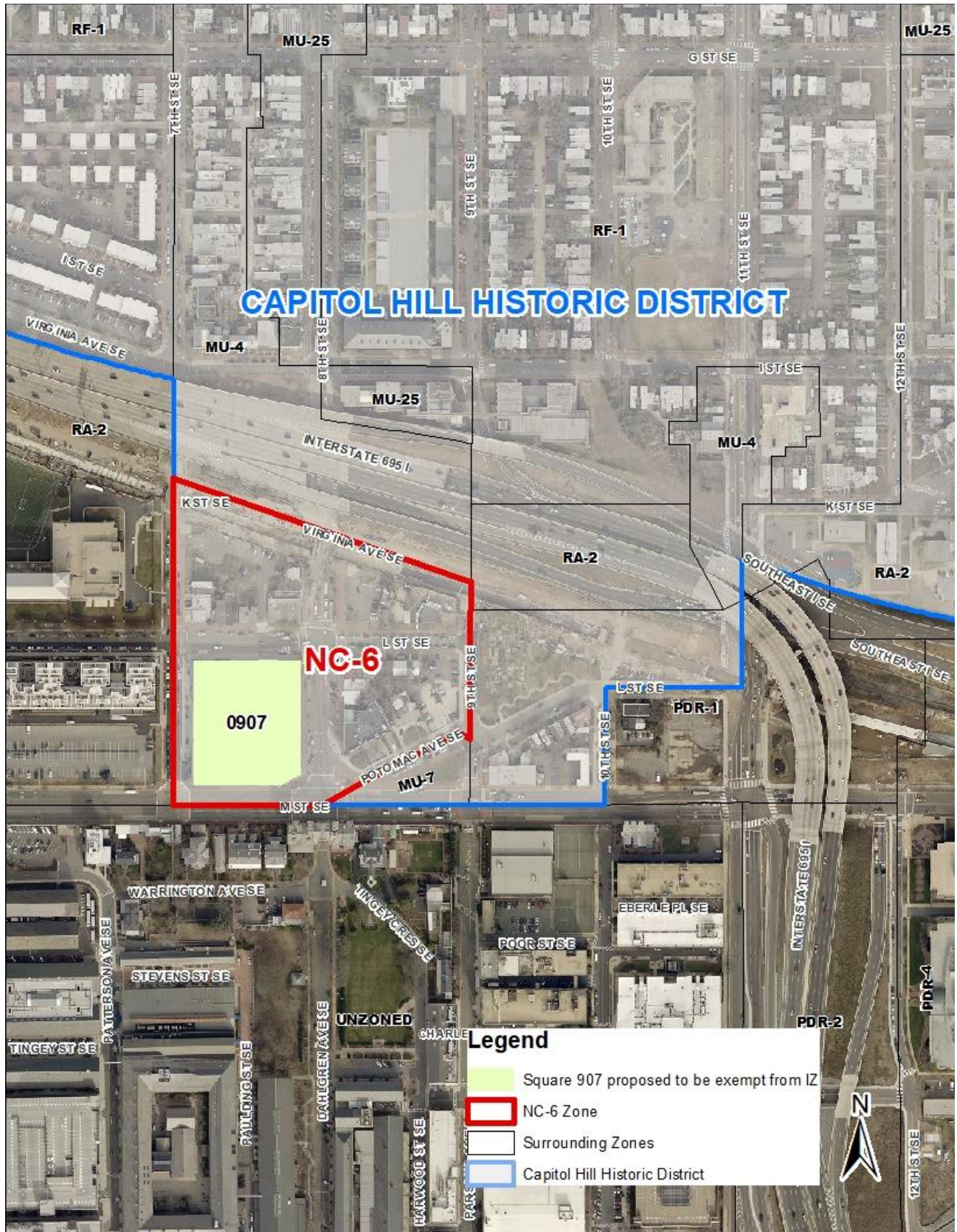




**MU-13 in the Georgetown Historic District**



**NC-6 in the Capitol Hill Historic District**

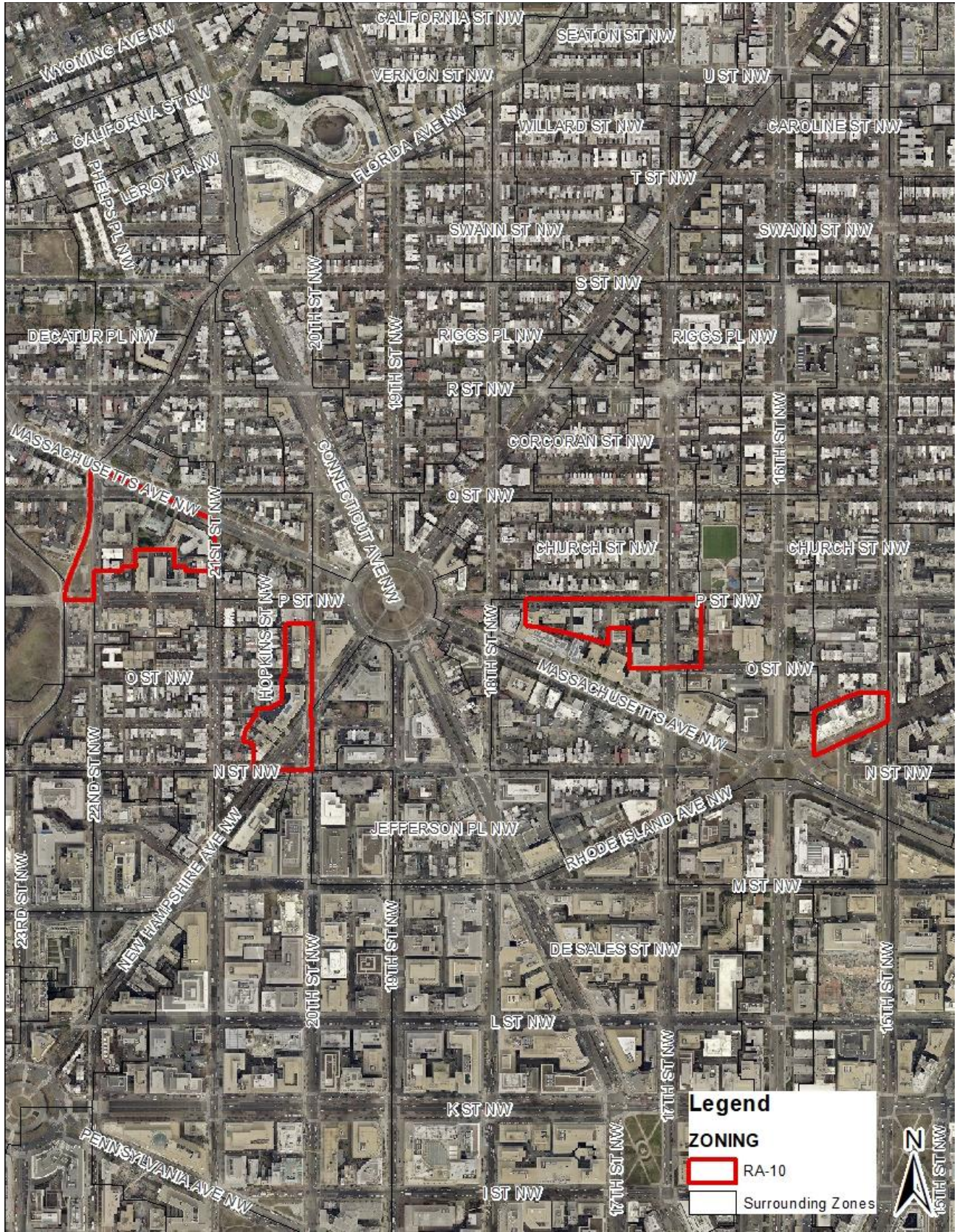


### APPENDIX III – EXEMPT ZONES NOT IN HISTORIC DISTRICTS

#### RA-5



**RA-10 – Dupont Circle**



**MU-27 – Naval Observatory**



CG-1

