

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FURTHER HEARING ON DESIGNATED ISSUES**

**TIME AND PLACE:**                                **Wednesday, July 13, 2016, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

**CASE NO. 04-33G (Amendments to Chapter 26, Inclusionary Zoning)**

**THIS HEARING IS OF INTEREST TO ALL ANCs**

The Zoning Commission, at its regularly scheduled public meeting held June 13, 2016, voted to hold an additional public hearing on this case. The scope of the public hearing will be limited to the first five decision points, and the options listed under each point, as described in the Office of Planning's ("OP") report dated June 10, 2016, and identified in the record as Exhibit No. 233<sup>1</sup>.

Those decision points and options, including the OP recommendations, are as follows:

**1.     Shift Targeted Median Family Income (MFI):**

*Options:*

- a.     OP Final Recommendation 1A (amended §2603.3): Expand the requirement to split IZ units between 50% and 80% MFI to C-2-B, C-2-B-1, C-3-A, W-2, SP-1 zone districts;
- b.     OP Set Down Option 1B §2603.3: Shift current targets to 60% MFI for rental IZ developments and 80% MFI for Ownership IZ Developments;
- c.     Petitioner: Shift current targets to 50% MFI for rental IZ developments and 70% MFI for Ownership IZ Developments (Petitioner);
- d.     Retain all current targets.

**2.     Change Percent IZ Square Footage Requirement:**

*Options:*

- a.     OP Final Recommendation (§ TBD): In expanded zones of OP's recommendation 1.a. listed above, keep the 8% of residential square footage requirement, but eliminate the IZ requirement connected to 50% of the bonus density achieved;
- b.     OP Set Down Recommendation: In expanded zones of OP's recommendation 1.a. listed above, keep both the 8% of residential square footage requirement, and the 50% of the bonus density achieved requirement;
- c.     Petitioner:

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<sup>1</sup> This notice revises decision option to 3(b) to reflect a change to the Petitioner's text noted in Exhibit No. 10.

- i. Change percent of square feet required to 12% for most zone districts (Petitioner); and
- ii. Change percent of square feet required in the St Elizabeth's (StE) from 8% to 10%;
- d. Retain current percent of square feet required.

**3. Expand IZ Requirements to Currently Exempted Zone Districts:**

*Options:*

- a. OP Final Recommendation: Retain current exempt zone districts, except for Hill East. OP notes that the HE set-aside and MFI recommendations did not make it into the final report or public hearing advertisement and OP submitted new text (04-33H) to exempt sites, such as portions of Hill East, from the IZ requirements when they are subject to greater affordability requirements as a result of District law.
- b. Petitioner: Expand IZ requirements to Downtown Development District (DD) and to Southeast Federal Center (SEFC), except for developments subject to the Development Agreement.

**4. Increase Bonus Density**

*Options:*

- a. OP Final Recommendation §2604: Retain current percent of bonus density permitted;
- b. Petitioner: Increase bonus density to 22% above matter of right Floor Area Ratio (FAR).

**5. Change Flexibility in Permitted Building Envelope**

*Options:*

- a. OP Final Recommendation (amended §2604.2): Increase the permitted height by 10 feet in the C-2-C and C-3-C zone districts and reduce permitted lot occupancy in the C-2-C to 80%; and/or
- b. OP Set Down Recommendation: Increase the permitted height by 10 feet in the C-2-C and reduce permitted lot occupancy to 80%; and/or
- c. Petitioner:
  - i. Relieve IZ developments of all lot occupancy restrictions in zones greater than R-4 and increase permitted height by 10 feet in zones listed in § 2604.2; and
  - ii. Decrease minimum permitted lot width by special exception to 30 feet in R-2 for detached dwellings, 23 feet in R-2 for attached dwellings, and 15 feet in the R-3 and R-4 (Petitioner).

- d. Retain all current height and lot occupancy requirements.

Because this hearing is limited to a discussion of specific issues, rather than the question of whether or not to adopt a rule, the usual order for presenting testimony, as specified in 11 DCMR § 3021, is modified as follows:

1. The Commission will first hear testimony from the Petitioner and then from the District of Columbia Building Industry Association, each of which will have fifteen minutes to speak.
2. The Commission will then hear from the authorized representatives of Advisory Neighborhood Commissions (“ANCs”) followed by testimony from members of the public. Person representing ANCs and other organizations will have five minutes to testify and individual will have three minutes.

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time so as to assure that all views have been fairly heard.

Further, the Commission reserves the right to pose questions to OP at any time during the hearing and following the completion of testimony.

In all other respects, this rulemaking hearing will be conducted in accordance with the provisions of § 3021.

This Commission also has scheduled this case for proposed action consideration at a special public meeting to be held on Wednesday, July 20, 2016, at 6:30 p.m., at the above-described location.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*)

#### **How to participate as a witness.**

The Commission requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record. Written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**