

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

Z.C. Case No. 04-33I

(Text Amendment – 11 DCMR)

(To correct errors and omissions, make technical changes, reorganize certain sections, and clarify language in provisions governing Inclusionary Zoning (“IZ”) requirements)

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.)), hereby gives notice of its intent to amend Subtitles B (Definitions, Rules of Measurement, and Use Categories), C (General Rules), D (Residential House (R) Zones), E (Residential Flats (RF) Zones), F (Residential apartments (RA) Zones), G (Mixed Use (MU) Zones), H (Neighborhood Mixed Use (NC) Zones), K (Special Purpose Zones), and X (General Procedures) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

Substantively, the Commission proposes to amend 11-B DCMR § 100.2 to revise the definitions of “Inclusionary Development” and “Inclusionary Unit” to make consistent with the definition in the IZ Act. Changes to 11-C §§ 1001.1-1001.6, 1001.8, 1002.2, 1002.4, 1003.1, 1003.2, 1003.4, 1005.1, 1005.7, 1006.10 are proposed to clarify the applicability of IZ. The Commission also proposes to amend 11-D DCMR §§ 105.1, 302.1-302.4, 402.2, 502.1-502.3, 602.2, 702.1-702.3, 802.2, 902.2, 1002.1, 1002.2, 1202.1-1202.3, 1302.2 to clarify the modifications available under IZ for the R zones. Changes to 11-E DCMR §§ 105.1-105.3, 201.1-201.5 are proposed to clarify the modifications available under IZ for the RF zones. The Commission proposes to amend 11-F DCMR §§ 105.1-105.3, 302.1, 402.1, 502.1, 504.1, 602.1 to clarify the modifications available under IZ for the RA zones. Changes to 11-G DCMR §§ 104.1-104.3, 303.1, 304.1, 403.1, 404.1, 504.1, 604.1, 702.1, 704.1 are proposed to clarify the modifications available under IZ for the MU zones. The Commission also proposes to amend 11-H DCMR §§ 103.1-103.3, 702.2 to clarify that IZ applies to all NC zones except NC-6. Changes to 11-K DCMR §§ 500.6, 501.3, 502.6, 702.2 are proposed to clarify that IZ does not apply to the CG-1 zone. The Commission proposes to amend 11-X DCMR § 305.5 to clarify household income limits for measuring affordable housing.

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined** text and deletions are shown in ~~striketrough~~ text):

Subsection 100.2 of § 100, DEFINITIONS of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:

...¹

~~Bedroom: A habitable room with immediate access to an exterior window and a closet that is designated as a “bedroom” or “sleeping room” on construction plans submitted in an application for a building permit.~~

...

~~Development, Inclusionary: A residential development subject to the provisions of Subtitle C, Chapter 10, Inclusionary Zoning.~~

...

Inclusionary Development: A residential development that is subject to the provisions of Subtitle C, Chapter 10, Inclusionary Zoning, or that is required to comply with the provisions therein by an order of the Zoning Commission or of the Board of Zoning Adjustment.

Inclusionary Unit: A dwelling unit set aside for sale or rental to a targeted household eligible households as required by Subtitle C, Chapter 10, Inclusionary Zoning, or as established by an order of the Zoning Commission or of the Board of Zoning Adjustment.

Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is amended as follows:

Section 1001, APPLICABILITY, is amended as follows:

1001.1 ~~Achievable bonus density is the amount of the permitted bonus density that potentially may be~~ **is** utilized within a particular ~~inclusionary development~~ **Inclusionary Development** provided in Subtitle C § 1002.

1001.2 ~~Except as provided in Subtitle C § 1001.5, the requirements and modifications of this chapter shall apply to,~~ **and the modifications to certain development standards and bonus density of this chapter shall be available to,** developments ~~meeting~~ **in zones in which this chapter is identified as applicable as specified in the individual subtitles of this title; provided the development meets one or more of** the following criteria:

- (a) ~~Are mapped in the R-2, R-3, R-10, R-13, R-17, R-20, RA-1 through RA-4, RA-6, RA-7, RA-8, or RA-9 zone; any RF, ARTS, CG, RC, USN, STE, SEFC, or HE zone; the NC-1 through NC-5 or NC-7 through NC-13 zone; the MU-1 through MU-10 or MU-12 through MU-26, MU-28, MU-29 or MU-30 zone; or the D-2 or D-4 zone.~~

¹ The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

~~(b)~~ **(a)** Is proposing new gross floor area beyond that existing at the time of the building permit application that would result in ten (10) or more dwelling units, including dwelling units located in a cellar or penthouse;

~~(c)~~ **(b)** Will have ten (10) or more new dwelling units constructed concurrently or in phases, on a lot, on contiguous lots ~~or, or on~~ lots divided by an alley, if such lots were under common ownership, control, or affiliation within one (1) year prior to the application for the first building permit;

~~(d)~~ **(c)** Consists of a residential building, ~~other than a single dwelling unit or flat,~~ that has penthouse habitable space pursuant to Subtitle C § 1500.11; or

~~(e)~~ **(d)** Any semi-detached, row, flat, or multiple dwelling development not described in Subtitle C § 1001.2~~(b)~~ through 1001.2~~(d)~~ if the owner voluntarily agrees to the requirements of Subtitle C § 1003 and meets all other requirements of this chapter, provided:

(1) The square footage set aside achieves a minimum of one (1) Inclusionary Unit;

(2) ~~Residential developments located in the areas identified by Subtitle C § 1001.5(a) may not use the modifications to height and lot occupancy, or minimum lot area or width~~ Modifications to development standards shall only be allowed as specified in the development standards of the individual zones pursuant to Subtitle C § 1002; and

(3) Any use of the modifications of development standards and bonus density ~~provided in~~ authorized by Subtitle C § 1002 and in the development standards of the individual zones in the R-2, R-3, R-10, R-13, R-17, R-20, RF-1, RF-2, RF-3, RF-4, RF-5, or the RA-1 zones shall require special exception approval pursuant to Subtitle X, Chapter 9 and to Subtitle D § 5206, Subtitle E § 5206, or Subtitle F § 5206, as applicable.

1001.3 If more than one (1) building permit is issued for a development described in Subtitle C §§ 1001.2(a)-(b), the number of dwelling units and new gross floor area used to establish the applicability of the IZ requirements, and associated IZ modifications, shall be based on all the applications occurring within a three (3) year period, starting from the first building permit application.

1001.4 ~~If the new gross floor area comprising ten (10) or more units would result in an increase of fifty percent (50%) or more in the floor area of an existing building, IZ requirements and modifications shall apply to both the existing and the increased gross floor area.~~ For existing buildings that become subject to the requirements

of this chapter pursuant to Subtitle C § 1001.2, the requirements of Subtitle C §§ 1003.1 and 1003.2 and the available modifications to applicable development standards shall apply:

(a) To both the existing and new gross floor area if the new gross floor area:

(1) Utilizes the bonus density provided by Subtitle C § 1002; or

(2) Results in an increase of fifty percent (50%) or more in the building's existing gross floor area; and

(b) To only the new gross floor area if it:

(1) Does not utilize the bonus density provided by Subtitle C § 1002; and

(2) Does not result in an increase of fifty percent (50%) or more in the building's existing gross floor area.

1001.5 Except for new penthouse habitable space as described in Subtitle C § 1001.2(d), ~~IZ~~ **1500.11, the** requirements of this chapter shall not apply to:

(a) ~~Properties located in any of the following areas:~~

~~(1) The R-1-A and R-1-B zones;~~

~~(2) The MU-13 zone in the Georgetown Historic District;~~

~~(3) The R-3 zone in the Anacostia Historic District;~~

~~(4) The MU-27 zone;~~

~~(5) The D-1-R, D-3, D-4-R, and D-5 zones;~~

~~(6) The SEFC zones of Subtitle K, Chapter 2 that are subject to a land disposition or other agreement with the District of Columbia that mandates the provision of affordable housing;~~

~~(7) The WR zones of Subtitle K, Chapter 9; and~~

~~(8) The NC-6 zone.~~

~~(b) Housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff;~~

~~(c) Housing that is owned or leased by foreign missions exclusively for diplomatic staff; and~~

~~(d) Hotels, motels, or inns.~~

1001.6 ~~IZ~~ **The** requirements of this chapter shall not apply to:

(a) Any development subject to a mandatory affordable housing requirement that exceeds 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) ...

(3) **The Exempt Affordable Units shall be sold or rented in accordance with the Inclusionary Zoning Program (as defined by the IZ Act) upon the expiration of the affordable housing requirements of the District law or financial subsidies administered by DHCD, DCHFA, or DCHA;**

(4) The requirements set forth in subparagraphs (1), ~~(2)~~, and ~~(2)~~, **(3)** of this ~~paragraph~~, **paragraph** shall be stated as declarations within a covenant approved by the District of Columbia; and

(5) 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~~

(b) Boarding houses, **assisted living facilities, community residence facilities, youth residential care homes, substance abusers' homes,** community based institutional **facilities,** ~~facilities;~~ or single room occupancy projects within a single building. **Building;**

(c) **Housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff; and**

(d) **Housing that is owned or leased by foreign missions exclusively for diplomatic or official staff.**

...

1001.8 ~~[DELETED]~~ **If a development exempted from this chapter under Subtitle C §§ 1001.5 and 1001.6(b)-(d) is converted to a residential use not listed in Subtitle C §§ 1001.5 and 1001.6, the conversion shall be subject to the requirements of this chapter if the first building permit application for the conversion is filed within five (5) years of the issuance of the first building permit for the exempted development, unless the conversion is otherwise exempted.**

...

Section 1002, BONUSES AND ADJUSTMENTS TO INCENTIVIZE INCLUSIONARY ZONING, is amended to as follows:

1002 MODIFICATIONS OF DEVELOPMENT STANDARDS AND BONSESAND ADJUSTMENTS TO INCENTIVIZE INCLUSIONARY ZONING

1002.1 The types of density bonuses and/or dimensional adjustments in this section are available to developments subject to the Inclusionary Zoning (IZ) provisions of this chapter **are eligible for the modifications of development standards and bonus density established in this section.**

1002.2 Inclusionary developments in the zones identified in the following table may use the minimum lot dimensions identified in the table in lieu of the otherwise required lot dimension required by Subtitles D and E: **An Inclusionary Development is eligible for modifications to certain development standards as indicated in the specific development standards of each zone; provided that a voluntary Inclusionary Development under Subtitle C § 1001.2(d) may only utilize these modifications pursuant to Subtitle C § 1001.2(d)(3) if applicable.**

TABLE C § 1002.2: IZ DIMENSIONAL MODIFICATIONS FOR LOWER DENSITY ZONES

| Base Zone | IZ Dimensional Modifications for Lower Density Zones | | |
|------------------------------|--|-------------------|--|
| | Minimum Lot Area | Minimum Lot Width | Minimum Lot Width with Special Exception |
| R-2, R-10 Detached | 3,200 sq. ft. | 40 | 32 |
| R-2, R-10 Semi-Detached | 2,600 sq. ft. | 30 | 25 |
| R-3, R-13, R-17, R-20 | 1,600 sq. ft. | 20 | 16 |
| RF-1, RF-2, RF-3, RF-4, RF-5 | 1,500 sq. ft. | 18 | 16 |

1002.3 Inclusionary developments, except those located in the SEFC, **HE**, StE, and **HE WR** zones, may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right (bonus density) **as reflected in the zone-specific development standards and** subject to all other zoning requirements (as may be modified by the zone) and the limitations established by the Height Act.

1002.4 **[DELETED]** Inclusionary developments in the zones below may use the following modifications to height and lot occupancy in order to achieve the bonus density:

TABLE C § 1002.4: MODIFICATIONS TO HEIGHT AND LOT OCCUPANCY FOR BONUS DENSITY

| Base Zone | Matter of Right Zoning Constraints | | | IZ Zoning Modifications | |
|---|------------------------------------|---------------|------------|-------------------------|---------------|
| | Lot Occupancy | Zoning Height | Zoning FAR | Lot Occupancy | Height (feet) |
| RA-5, RA-11, D-1 | 75% | 90 ft. | 6.00 | 90% | 90 |
| MU-10, MU-22, MU-29, ARTS-4 | 75% | 90 ft. | 6.00 | 80% | 100 |
| MU-4, MU-17, MU-24, MU-25, MU-26 through MU-29, MU-33, NC-2, NC-3, NC-4, NC-7, NC-0, NC-14, NC-16, ARTS-1, RC-2 | 60% | 50 ft. | 2.50 | 75% | 50 |

| | | | | | |
|---|------|--------|------|------|-----|
| MU 5, MU 18, ARTS 2, RC 3, NC 5, NC 10, NC 17 | 80% | 65 ft. | 3.50 | 80% | 70 |
| MU 6, MU 19, NC 11 | 80% | 90 ft. | 6.00 | 80% | 100 |
| MU 7, MU 28, ARTS 3, NC 8, NC 12, NC 15 | 75% | 65 ft. | 4.00 | 80% | 65 |
| MU 12 | 80% | 40 ft. | 2.50 | 80% | 50 |
| MU 13 | 75% | 60 ft. | 4.00 | 75% | 80 |
| MU 13 | 75% | 90 ft. | 6.00 | 80% | 100 |
| MU 1, MU 15 | 80% | 65 ft. | 4.00 | 80% | 70 |
| MU 2, MU 16, MU 23, D 2 | 80% | 90 ft. | 6.00 | 90% | 90 |
| MU 9, MU 21 | 100% | 90 ft. | 6.50 | 100% | 100 |
| CG 1 | 75% | 90 ft. | 6.0 | 90% | 90 |

...

Section 1003, SET-ASIDE REQUIREMENTS, is amended as follows:

1003.1 An inclusionary development **Inclusionary Development** which does not employ Type I construction as defined by **classified in** Chapter 6 of the ~~International Building Code as incorporated into~~ District of Columbia **Building Code Construction Codes (Title 12 (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 feet (50 ft.) or less shall set aside **for Inclusionary Units the sum of the following:**

- (a) The greater of ten percent (10%) of the gross floor area dedicated to residential use ~~including~~ **excluding** penthouse habitable space ~~as described in Subtitle C § 1001.2(d),~~ or seventy-five percent (75%) of its achievable ~~the~~ bonus density **utilized; and** ~~to inclusionary units plus~~
- (b) An area equal to ten percent (10%) of the penthouse habitable space as described in Subtitle C § 1001.2(d) **1500.11.**

This set-aside requirement shall be converted to net square footage pursuant to Subtitle C § 1003.4.

1003.2 An inclusionary development **Inclusionary Development** which employs Type I construction as defined by **classified in** Chapter 6 of the ~~International Building Code as incorporated into~~ District of Columbia **Building Code Construction Codes (Title 12 (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 feet (50 ft.),** shall set aside **for Inclusionary Units the sum of the following:**

- (a) The greater of eight percent (8%) of the gross floor area dedicated to residential use ~~including~~ **excluding** penthouse habitable space ~~as described in Subtitle C § 1001.2(d),~~ or fifty percent (50%) of its achievable ~~the~~ bonus density **utilized; and** ~~to inclusionary units plus~~

- (b) An area equal to eight percent (8%) of the penthouse habitable space as described in Subtitle C § ~~1001.2(d)~~ **1500.11**.

This set-aside requirement shall be converted to net square footage pursuant to Subtitle C § 1003.4.

...

1003.4 ~~[DELETED]~~**The square footage required to be set-aside for Inclusionary Units pursuant to Subtitle C §§ 1003.1 and 1003.2 shall be converted to net square footage based on the ratio of net residential floor area to gross residential floor area. For purposes of this chapter, “net residential floor area” means:**

- (a) **For flats and multiple dwellings, the area of a unit that is bounded by the inside finished surface of the perimeter wall of each unit including all interior walls and columns; and**
- (b) **For all other types of dwelling units and penthouse habitable space, the gross floor area.**

...

Section 1005, DEVELOPMENT STANDARDS REGARDING INCLUSIONARY UNITS, is amended as follows:

1005.1 ~~The proportion of studio and one bedroom inclusionary units shall not exceed the proportion of the comparable market rate units for each unit type.~~ **Where the set-aside requirement of Subtitle C § 1003 (excluding any set-aside requirement satisfied by providing a contribution to a housing trust fund pursuant to Subtitle C § 1006.10) is 850 square feet or more, the first Inclusionary Unit shall be a unit with at least two bedrooms, and subsequent Inclusionary Units shall be allocated such that:**

- (a) **The percentage of all Inclusionary Units that are studios shall not exceed the percentage of all market-rate units that are studios; and**
- (b) **The percentage of all Inclusionary Units that have only one bedroom shall not exceed the percentage of all market rate units that have only one bedroom.**

...

1005.7 Inclusionary Units shall not be located in cellar space.

1005.8 For Inclusionary Developments, a bedroom shall mean a habitable room with immediate access to an exterior window and a closet that is designated as a “bedroom” or “sleeping room” on construction plans submitted in an application for a building permit.

Subsection 1006.10, of § 1006, OFF-SITE COMPLIANCE WITH INCLUSIONARY ZONING, is amended as follows:

1006.10 Inclusionary ~~units~~**Units** resulting from the set-aside required for penthouse habitable space as described in Subtitle C § ~~1001.2(d)~~ **1500.11** shall be provided within the building, except that the affordable housing requirement may be achieved by providing a contribution to a housing trust fund, consistent with the provisions of Subtitle C §§ 1505.13 through 1505.16, **except that the calculation of Subtitle C § 1505.15 shall be based on the maximum permitted residential FAR,** when:

(a) ...

(c) The building is not otherwise required to provide ~~inclusionary units~~ **Inclusionary Units** for ~~low income~~ **eligible** households **earning equal to or less than fifty percent (50%) of the MFI** and the amount of penthouse habitable space would result in a gross floor area set-aside less than the gross floor area of the smallest dwelling unit within the building.

Subsection 1505.1, of § 1505, AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION ON A NON-RESIDENTIAL BUILDING OF PENTHOUSE HABITABLE SPACE, of Chapter 15, PENTHOUSES, of Subtitle C, GENERAL RULES, is amended as follows:

1505.1 The owner of a non-residential building proposing to construct penthouse habitable space shall produce or financially assist in the production of residential uses that are affordable to ~~low income households, as those households are defined~~ **earning equal to or less than the income limits established** by Subtitle C, ~~Chapter 10 § 1003.7,~~ in accordance with this section.

Chapter 1, INTRODUCTION TO RESIDENTIAL HOUSE (R) ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Subsection 105.1 of § 105, INCLUSIONARY ZONING, is amended as follows:

105.1 ~~Inclusionary zoning~~ **The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards and bonus density, shall apply to for the R-2, R-3 (except for the portion in the Anacostia Historic District), R-10, R-13 R-17, R-20 zones, except R-1 A and R-1 B, are 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, is amended as follows:

302.1 Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-1-A, R-1-B, R-2, and R-3 zones shall be as set forth in the following table:

TABLE D § 302.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| Zone | Minimum Lot Width (ft.) | Minimum Lot Area (sq. ft.) |
|-------------|---|--|
| R-1-A | 75 | 7,500 |
| R-1-B | 50 | 5,000 |
| R-2 | 40 (detached) 32 (IZ detached) 30 (semi-detached) 25 (IZ semi-detached) 40 (all other structures) | 4,000 (detached) 3,200 (IZ detached) 3,000 (semi-detached) 2,500 (IZ semi-detached) 4,000 (all other structures) |
| R-3 | 40 (detached) 30 (semi-detached) 20 (row) 16 (IZ row) 40 (all other structures) | 4,000 (detached) 3,000 (semi-detached) 2,000 (row) 1,600 (IZ row) 4,000 (all other structures) |

302.2 **The Inclusionary Zoning requirements, modifications, and bonus density 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 **The minimum dimensions of lots for Inclusionary Developments, other than voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d), 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 bonus density authorized by Subtitle C § 1002.3:**

TABLE D § 302.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR INCLUSIONARY DEVELOPMENTS

| <u>Zone</u> | <u>Minimum Lot Width (ft.)</u> | <u>Minimum Lot Width (ft.) by Special Exception (Subtitle D § 5206.1)</u> | <u>Minimum Lot Area (sq. ft.)</u> |
|--------------------|---|--|---|
| <u>R-2</u> | <u>40 (detached)</u> <u>30 (semi-detached)</u> | <u>32 (detached)</u> <u>25 (semi-detached)</u> | <u>3,200 (detached)</u> <u>2,500 (semi-detached)</u> |
| <u>R-3</u> | <u>20</u> | <u>16</u> | <u>1,600</u> |

302.4 **Voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d) 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 modifications, which incorporate the IZ bonus density authorized by Subtitle C § 1002.3:**

TABLE D § 302.4: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS

| Zone | Minimum Lot Width (ft.) | Minimum Lot Area (sq. ft.) |
|-------------|---|---|
| R-2 | <u>32 (detached)</u> <u>25 (semi-detached)</u> | <u>3,200 (detached)</u> <u>2,500 (semi-detached)</u> |
| R-3 | <u>16</u> | <u>1,600</u> |

A new § 402.2 of § 402, DENSITY – LOT DIMENSIONS, of Chapter 4, TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – R-6 AND R-7, is added as follows:

402.2 **The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the R-6 and R-7 zones.**

The title of Chapter 5, FOREST HILLS TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – R-8, R-9, AND R-10, is amended as follows:

CHAPTER 5 FOREST HILLS TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – R-8, R-9, AND R-10

Section 502, DENSITY – LOT DIMENSIONS, of Chapter 5, FOREST HILLS TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – R-8, R-9, AND R-10, is amended as follows:

502.1 Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-8, R-9, and R-10 zones shall be as set forth in the following table:

TABLE D § 502.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| Zone | Minimum Lot Width (ft.) | Minimum Lot Area (sq. ft.) |
|-------------|---|---|
| R-8 | 75 | 9,500 for lots in Squares 2042, 2043, 2046, 2049, 2231, 2232, 2238, 2239, 2244 through 2248, 2250, 2258, 2272, and 2282 7,500 for all other lots |
| R-9 | 50 | 5,000 |
| R-10 | 40 (detached) 32 (IZ detached) 30 (semi-detached) 25 (IZ semi-detached) 40 (all other structures) | 4,000 (detached) 3,200 (IZ detached) 3,000 (semi-detached) 2,500 (IZ semi-detached) 4,000 (all other structures) |

502.2 **The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the R-8 and R-9 zones.**

502.3 **The minimum dimensions of lots for Inclusionary Developments, other than voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d), in the R-10 zone, shall be as set forth in the following table, which incorporates the IZ bonus density authorized by Subtitle C § 1002.3:**

TABLE D § 502.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR INCLUSIONARY DEVELOPMENTS

| <u>Zone</u> | <u>Minimum Lot Width (ft.)</u> | <u>Minimum Lot Width (ft.) by Special Exception (Subtitle D § 5206.1)</u> | <u>Minimum Lot Area (sq. ft.)</u> |
|-------------|---|---|---|
| <u>R-10</u> | <u>40 (detached)</u> <u>30 (semi-detached)</u> | <u>32 (detached)</u> <u>25 (semi-detached)</u> | <u>3,200 (detached)</u> <u>2,500 (semi-detached)</u> |

502.4 Voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d) in the R-10 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize the following modifications, which incorporate the IZ bonus density authorized by Subtitle C § 1002.3:

TABLE D § 502.4: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS

| <u>Zone</u> | <u>Minimum Lot Width (ft.)</u> | <u>Minimum Lot Area (sq. ft.)</u> |
|-------------|---|---|
| <u>R-10</u> | <u>32 (detached)</u> <u>25 (semi-detached)</u> | <u>3,200 (detached)</u> <u>2,500 (semi-detached)</u> |

The title of Chapter 6, NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONE – R-11, is amended to read as follows:

CHAPTER 6 NAVAL OBSERVATORY/TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONE – R-11

A new § 602.2 of § 602, DENSITY – LOT DIMENSIONS, of Chapter 6, NAVAL OBSERVATORY/TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONE – R-11, is added as follows:

602.2 The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the R-11 zone.

Section 702, DENSITY – LOT DIMENSIONS, of Chapter 7, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES – R-12 AND R-13, is amended as follows:

702.1 Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-12 and R-13 zones shall be as set forth in the following table:

TABLE D § 702.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| <u>Zone</u> | <u>Minimum Lot Width (ft.)</u> | <u>Minimum Lot Area (sq. ft.)</u> |
|-------------|--------------------------------|-----------------------------------|
| R-12 | 50 | 5,000 |
| R-13 | 40 (detached) | 4,000 (detached) |
| | 30 (semi-detached) | 3,000 (semi-detached) |
| | 20 (row) | 2,000 (row) |
| | 16 (IZ row) | 1,600 (IZ row) |
| | 40 (all other structures) | 4,000 (all other structures) |

702.2 **The Inclusionary Zoning requirements, modifications, and bonuses bonus density of Subtitle C, Chapter 10 shall not apply to the R-12 zone.**

702.3 **The minimum dimensions of lots for Inclusionary Developments, other than voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d) in the R-13 zone, shall be as set forth in the following table, which incorporates the IZ bonus density authorized by Subtitle C § 1002.3:**

TABLE D § 702.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR INCLUSIONARY DEVELOPMENTS

| <u>Zone</u> | <u>Minimum Lot Width (ft.)</u> | <u>Minimum Lot Width (ft.) by Special Exception (Subtitle D § 5206.1)</u> | <u>Minimum Lot Area (sq. ft.)</u> |
|-------------|--------------------------------|---|-----------------------------------|
| <u>R-13</u> | <u>20</u> | <u>16</u> | <u>1,600</u> |

702.4 **Voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d) in the R-13 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize any of these modifications, which incorporate the IZ bonus density authorized by Subtitle C § 1002.3:**

TABLE D § 702.4: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS

| <u>Zone</u> | <u>Minimum Lot Width (ft.)</u> | <u>Minimum Lot Area (sq. ft.)</u> |
|-------------|--------------------------------|-----------------------------------|
| <u>R-13</u> | <u>16</u> | <u>1,600</u> |

A new § 802.2 is added to § 802, DENSITY – LOT DIMENSIONS, of Chapter 8, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES – R-14 AND R-15 to read as follows:

802.2 **The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the R-14 and R-15 zones.**

A new § 902.2 is added to § 902, DENSITY – LOT DIMENSIONS, of Chapter 9, SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONE – R-16 to read as follows:

902.2 **The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the R-16 zone.**

Section 1002, DENSITY – LOT DIMENSIONS, of CHAPTER 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONE – R-17 is amended as follows:

1002.1 Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-17 zone shall be as set forth in the following table:

TABLE D § 1002.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| Zone | Minimum Lot Width (ft.) | Minimum Lot Area (sq. ft.) |
|-------------|--------------------------------|-----------------------------------|
| R-17 | 40 (detached) | 4,000 (detached) |
| | 30 (semi-detached) | 3,000 (semi-detached) |
| | 20 (row) | 2,000 (row) |
| | 16 (IZ row) | 1,600 (IZ row) |
| | 40 (all other structures) | 4,000 (all other structures) |

1002.2 **The minimum dimensions of lots for Inclusionary Developments, other than voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d), in the R-17 zone shall be as set forth in the following table, which incorporates the IZ bonus density authorized by Subtitle C § 1002.3:**

TABLE D § 1002.2: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR INCLUSIONARY DEVELOPMENTS

| Zone | Minimum Lot Width (ft.) | Minimum Lot Width (ft.) by Special Exception (Subtitle D § 5206.1) | Minimum Lot Area (sq. ft.) |
|-------------|--------------------------------|---|-----------------------------------|
| R-17 | <u>20</u> | <u>16</u> | <u>1,600</u> |

1002.3 **Voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d) in the R-17 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize any of these modifications, which incorporate the IZ bonus density authorized by Subtitle C § 1002.3:**

TABLE D § 1002.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS

| Zone | Minimum Lot Width (ft.) | Minimum Lot Area (sq. ft.) |
|-------------|--------------------------------|-----------------------------------|
| R-17 | <u>16</u> | <u>1,600</u> |

Section 1202, DENSITY – LOT DIMENSIONS, of Chapter 12, GEORGETOWN RESIDENTIAL HOUSE ZONES – R-19 AND R-20, is amended as follows:

1202.1 Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-19 and R-20 zones shall be as set forth in the following table:

TABLE D § 1202.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| Zone | Minimum Lot Width (ft.) | Minimum Lot Area (sq. ft.) |
|-------------|--------------------------------|-----------------------------------|
| R-19 | 50 | 5,000 |
| R-20 | 40 (detached) | 4,000 (detached) |
| | 30 (semi-detached) | 3,000 (semi-detached) |
| | 20 (row) | 2,000 (row) |
| | 16 (IZ row) | 1,600 (IZ row) |
| | 40 (all other structures) | 4,000 (all other structures) |

1202.2 **The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the R-19 zone.**

1202.3 **The minimum dimensions of lots for Inclusionary Developments, other than voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d), in the R-20 zone shall be as set forth in the following table, which incorporates the IZ bonus density authorized by Subtitle C § 1002.3:**

TABLE D § 1202.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR INCLUSIONARY DEVELOPMENTS

| <u>Zone</u> | <u>Minimum Lot Width (ft.)</u> | <u>Minimum Lot Width (ft.) by Special Exception (Subtitle D § 5206.1)</u> | <u>Minimum Lot Area (sq. ft.)</u> |
|-------------|--------------------------------|---|-----------------------------------|
| <u>R-20</u> | <u>20</u> | <u>16</u> | <u>1,600</u> |

1202.4 **Voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d) in the R-20 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize any of these modifications, which incorporate the IZ bonus density authorized by Subtitle C § 1002.3:**

TABLE D § 1202.4: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS

| <u>Zone</u> | <u>Minimum Lot Width (ft.)</u> | <u>Minimum Lot Area (sq. ft.)</u> |
|-------------|--------------------------------|-----------------------------------|
| <u>R-20</u> | <u>16</u> | <u>1,600</u> |

A new § 1302.2 is added to Section 1302, DENSITY – LOT DIMENSIONS, of Chapter 13, CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-21 to read as follows:

1302.2 **The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the R-21 zone.**

The title of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is amended to read as follows:

CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (R)

A new § 5206, SPECIAL EXCEPTIONS FOR INCLUSIONARY DEVELOPMENTS, is added to Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (R), as follows:

5206 **SPECIAL EXCEPTIONS FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS**

5206.1 **For Inclusionary Developments other than voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d) in the R-2, R-3 (except 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 §§ 302.3, 502.3, 702.3, 1002.2, and 1202.3.

5206.2 For developments that voluntarily agree to become Inclusionary Developments subject to IZ requirements pursuant to Subtitle C § 1001.2(d) in the R-2, R-3 (except 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 §§ 302.4, 502.4, 702.4, 1002.3, and 1202.4. Relief granted pursuant to this subsection shall not require additional relief pursuant to Subtitle D § 5206.1.

Subtitle E, RESIDENTIAL FLATS (RF) ZONES, is amended as follows:

Subsection 105.1, of § 105, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO RESIDENTIAL FLATS (RF) ZONES, is amended as follows:

105.1 ~~Inclusionary zoning~~ The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards and bonus density, shall apply to all ~~for the RF zones are as specified in Subtitle C, Chapter 10,~~ Inclusionary Zoning, and in the zone-specific development standards of this subtitle.

105.2 ~~Development standards for projects subject to the requirements of Inclusionary Zoning are indicated by “(IZ)”.~~

Section 201, DENSITY – LOT DIMENSIONS, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), is amended as follows:

201.1 The Except as prescribed in other provisions of this subtitle, the minimum lot width and minimum lot area requirements for the creation of a record lot dimensions of lots in an RF zone the RF zones shall be as set forth in the following table:

TABLE E § 201.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| <u>Zone</u> | <u>Minimum Lot Width Minimum (ft.)</u> | <u>Minimum Lot Area Minimum (sq. ft.)</u> |
|---|--|---|
| Row Dwelling or Flat | 18 ft. | 1,800 sq. ft. |
| Row Dwelling or Flat Inclusionary Zoning | 16 ft. as a special exception (IZ) | 1,500 sq. ft. (IZ) |
| Semi-Detached Dwelling | 30 ft. | 3,000 sq. ft. |
| All Other Structures | 40 ft. | 4,000 sq. ft. |
| <u>RF</u> | <u>30 (semi-detached)</u> <u>18 (row dwelling or flat)</u> <u>40 (all other structures)</u> | <u>3,000 (semi-detached)</u> <u>1,800 (row dwelling or flat)</u> <u>4,000 (all other structures)</u> |

201.2 The minimum dimensions of lots for Inclusionary Developments, other than voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d), in the

RF zones shall be as set forth in the following table, which incorporates the IZ bonus density authorized by Subtitle C § 1002.3:

TABLE E § 201.2: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR INCLUSIONARY DEVELOPMENTS

| <u>Zone</u> | <u>Minimum Lot Width (ft.)</u> | <u>Minimum Lot Width (ft.) by Special Exception (Subtitle E § 5206.1)</u> | <u>Minimum Lot Area (sq. ft.)</u> |
|------------------|--------------------------------|---|-----------------------------------|
| <u>RF</u> | <u>18</u> | <u>16</u> | <u>1,500</u> |

201.3 Voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d) in the RF zones shall require special exception relief pursuant to Subtitle E § 5206.2 to utilize any of these modifications, which incorporate the IZ bonus density authorized by Subtitle C § 1002.3:

TABLE E § 201.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS

| <u>Zone</u> | <u>Minimum Lot Width (ft.)</u> | <u>Minimum Lot Area (sq. ft.)</u> |
|------------------|--------------------------------|-----------------------------------|
| <u>RF</u> | <u>16</u> | <u>1,500</u> |

~~201.2~~ **201.4** First floor or basement areas designed and used for parking space or for ...

~~201.3~~ **201.5** A building or structure subject to the provisions of this chapter ...

~~201.4~~ **201.6** An apartment house in an RF-1, RF-2, or RF-3 zone, whether existing ...

The title of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, is amended as follows:

CHAPTER 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (RF)

A new § 5206, SPECIAL EXCEPTIONS FOR INCLUSIONARY DEVELOPMENTS, is added to Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (RF), as follows:

5206 SPECIAL EXCEPTIONS FOR INCLUSIONARY DEVELOPMENTS

5206.1 **For Inclusionary Developments other than voluntary Inclusionary Developments pursuant to Subtitle C § 1001.2(d) in the RF 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 E § 201.2.**

5206.2 **For developments that voluntarily agree to become Inclusionary Developments subject to IZ requirements pursuant to Subtitle C § 1001.2(d) in the RF 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 E § 201.3. Relief granted pursuant to this subsection shall not require additional relief pursuant to Subtitle E § 5206.1.

Subtitle F, RESIDENTIAL APARTMENTS (RA) ZONES, is amended as follows:

Subsection 105.1 of § 105, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO RESIDENTIAL APARTMENTS (RA) ZONES, is amended as follows:

105.1 ~~Inclusionary zoning~~ **The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards and bonus density, shall apply to all** for the RA zones are 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.**

Section 302, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4 AND RA-5, is amended as follows:

302.1 Except as provided in other provisions of this subtitle and in Subtitle C, Chapter 15, **Penthouses**, the maximum permitted FAR in the RA-1 through RA-5 ~~zone~~ **zones** shall be as set forth in the following table:

TABLE F § 302.1: MAXIMUM PERMITTED FLOOR AREA RATIO

| Zone | Maximum FAR |
|------|--|
| RA-1 | 0.9 |
| RA-2 | 1.8 |
| RA-3 | 3.0 |
| RA-4 | 3.5 |
| RA-5 | 5.0 6.0 for an-apartment house or hotel |

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

302.3 **The maximum permitted FAR for Inclusionary Developments in the RA-1 through RA-4 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 pursuant to Subtitle C § 1001.2(d) 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

| Zone | Maximum FAR for Inclusionary Developments |
|--------------------|---|
| <u>RA-1</u> | <u>1.08 (voluntary Inclusionary Developments require special exception relief under Subtitle F § 5206.1)</u> |
| <u>RA-2</u> | <u>2.16</u> |

| <u>Zone</u> | <u>Maximum FAR for Inclusionary Developments</u> |
|-------------|--|
| <u>RA-3</u> | <u>3.6</u> |
| <u>RA-4</u> | <u>4.2</u> |

Subsection 402.1 of § 402, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 4, NAVAL OBSERVATORY RESIDENTIAL APARTMENT ZONES – RA-6, is amended as follows:

402.1 The maximum permitted FAR in the RA-6 zone shall be 0.9 **(1.08 for Inclusionary Developments, incorporating the bonus density authorized by Subtitle C § 1002.3).**

Subsection 502.1 of § 502, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 5, CAPITOL PRECINCT RESIDENTIAL APARTMENT ZONE – RA-7, is amended as follows:

502.1 The maximum permitted FAR in the RA-7 zone shall be 1.8 FAR **(2.16 for Inclusionary Developments, incorporating the IZ bonus density authorized by Subtitle C § 1002.3).**

Subsection 504.1 of § 504, LOT OCCUPANCY, of Chapter 5, CAPITOL PRECINCT RESIDENTIAL APARTMENT ZONE – RA-7, is amended as follows:

504.1 The maximum permitted lot occupancy in the RA-7 zone shall be sixty percent (60%), **or seventy-five percent (75%) for Inclusionary Developments, incorporating the IZ bonus density authorized by Subtitle C § 1002.3.**

Section 602, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 6, DUPONT CIRCLE RESIDENTIAL APARTMENT ZONES – RA-8, RA-9, AND RA-10, is amended as follows:

602.1 Except as provided in other provisions of this subtitle and in Subtitle C, Chapter 15, **Penthouses**, the maximum permitted FAR in the RA-8, RA-9, and RA-10 **zone zones** shall be as set forth in the following table:

TABLE F § 602.1: MAXIMUM PERMITTED FLOOR AREA RATIO

| <u>Zone</u> | <u>Maximum FAR</u> |
|-------------|--|
| RA-8 | 1.8 |
| RA-9 | 3.5 |
| RA-10 | 5.0 6.0 for an apartment house or hotel |

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

602.3 The maximum permitted FAR for Inclusionary Developments in the RA-8 and RA-9 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

| <u>Zone</u> | <u>Maximum FAR for Inclusionary Developments</u> |
|-------------|--|
| <u>RA-8</u> | <u>2.16</u> |
| <u>RA-9</u> | <u>4.2</u> |

A new § 5206, SPECIAL EXCEPTIONS FOR INCLUSIONARY DEVELOPMENTS, is added to Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (RA), as follows:

5206 SPECIAL EXCEPTIONS FOR INCLUSIONARY DEVELOPMENTS (RA-1)

5206.1 For developments that voluntarily agree to become Inclusionary Developments subject to IZ requirements pursuant to Subtitle C § 1001.2(d) in the RA-1 zone, the Board of Zoning Adjustment may grant special exception relief from maximum permitted floor area ratio requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle F § 302.3.

Subtitle G, MIXED USE (MU) ZONES, is amended as follows:

Subsection 104.1 of § 104, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO MIXED USE (MU) ZONES, is amended as follows:

104.1 ~~Inclusionary zoning~~ **The Inclusionary Zoning (IZ) requirements, and the available IZ modifications and bonus density, shall apply to all for the MU zones are except the MU-13 and MU-27 zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle; provided that the IZ bonus density of Subtitle C § 1002.3 is available for developments in the MU-13 and MU-27 zones that voluntarily agree to become Inclusionary Developments subject to IZ requirements pursuant to Subtitle C § 1001.2(d).**

Subsection 304.1 of § 304, LOT OCCUPANCY, of Chapter 3, MIXED-USE ZONES – MU-1 AND MU-2, is amended as follows:

304.1 The maximum permitted lot occupancy for residential use in the MU-1 and MU-2 zones shall be as set forth in the following table:

TABLE G § 304.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR RESIDENTIAL USE

| <u>Zone</u> | <u>Maximum Lot Occupancy for Residential Use (Percentage)</u> |
|-------------|---|
| MU-1 | 80 |
| MU-2 | 80 |
| | 90 (IZ) |

Section 403, HEIGHT, of Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30, is amended as follows:

403.1 The maximum permitted building height and number of stories, not including the penthouse, in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table, except as provided in Subtitle G § 403.2:

TABLE G § 403.1: MAXIMUM PERMITTED BUILDING ~~HEIGHT/~~ HEIGHT AND STORIES

| Zone | Maximum Height (Feet) | Maximum Stories |
|-------------|------------------------------|------------------------|
| MU-3 | 40 | 3 |
| MU-4 | 50 | N/A |
| MU-5-A | 65 | N/A |
| | 70 (IZ) | |
| MU-5-B | 75 | N/A |
| MU-6 | 90 | N/A |
| | 100 (IZ) | |
| MU-7 | 65 | N/A |
| MU-8 | 70 | N/A |
| MU-9 | 90 | N/A |
| | 100 (IZ) | |
| MU-10 | 90 | N/A |
| | 100 (IZ) | |
| MU-30 | 110 | N/A |

Section 404, LOT OCCUPANCY, of Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30, is amended as follows:

404.1 The maximum permitted lot occupancy for residential use in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table:

TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR RESIDENTIAL USE

| Zone | Maximum Lot Occupancy for Residential Use (Percentage) | |
|------------------|---|----------------|
| MU-3 | 60% | 60 |
| | 60% (IZ) | |
| MU-4 | 60% | 60 |
| | 75% (IZ) | |
| MU-5-A MU-5-B | 80% | 80 |
| | 80% (IZ) | |
| MU-6 | 80% | 75 |
| | 90% (IZ) | 80 (IZ) |
| MU-7 | 75% | 75 |
| | 80% (IZ) | 80 (IZ) |
| MU-8 | N/A | N/A |
| MU-9 | N/A | N/A |
| MU-10 | 75% | 75 |
| | N/A | 80 (IZ) |
| MU-30 | N/A | N/A |

Section 502, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 5, MIXED-USE ZONES – MU-11, MU-12, MU-13, AND MU-14, is amended 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 | 1.0 |
| | 3.0 (IZ) | |
| MU-13 | 4.0 | 2.0 |
| | 4.8 (IZ) | |
| MU-14 | 6.0 | 5.0 |
| | 7.2 (IZ) | |

...

Section 503, HEIGHT, of Chapter 5, MIXED-USE ZONES – MU-11, MU-12, MU-13, AND MU-14, is amended 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 (Feet) |
|-------|-----------------------|
| MU-11 | 40 |
| MU-12 | 45 |
| | 50 (IZ) |
| MU-13 | 60 |
| | 80 (IZ) |
| MU-14 | 90 |
| | 100 (IZ) |

...

Section 504, LOT OCCUPANCY, of Chapter 5, MIXED-USE ZONES – MU-11, MU-12, MU-13, AND MU-14, is amended as follows:

504.1 The maximum permitted lot occupancy for residential use of buildings in the MU-11 through MU-14 zones shall be as set forth in the following table, **except as provided in Subtitle G § 504.2**:

TABLE G § 504.1: MAXIMUM PERMITTED LOT OCCUPANCY OCCUPANCY FOR RESIDENTIAL USE

| Zone | Maximum Lot Occupancy for Residential Use (Percentage) |
|-------|--|
| MU-11 | 25 |
| MU-12 | 80 |
| | 80 (IZ) |
| MU-13 | 75 |
| | 75 (IZ) |
| MU-14 | 75 |
| | 80 (IZ) |

...

504.3 The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the MU-13 and MU-27 zones; provided that the IZ bonus density of Subtitle C § 1002.3 is available for developments in the MU-13 and MU-27 zones that voluntarily agree to become Inclusionary Developments subject to IZ requirements pursuant to Subtitle C § 1001.2(d).

Subsection 604.1, of § 604, LOT OCCUPANCY, of Chapter 6, DUPONT CIRCLE MIXED-USE ZONES – MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, AND MU-22, is amended as follows:

604.1 The maximum permitted lot occupancy for residential use in the ~~MU-15 through~~ **MU-15 through** MU-22 zones shall be as set forth in the following table:

TABLE G § 604.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR RESIDENTIAL USE

| Zone | Maximum Lot Occupancy for Residential Use (Percentage) | |
|-------|--|----------------|
| MU-15 | 80% | 80 |
| MU-16 | 80% | 80 |
| | 90% (IZ) | 90 (IZ) |
| MU-17 | 60% | 60 |
| | 75% (IZ) | 75 (IZ) |
| MU-18 | 80% | 80 |
| MU-19 | 80% | 80 |
| | 90% (IZ) | 90 (IZ) |
| MU-20 | 100% | N/A |
| MU-21 | 100% | N/A |
| MU-22 | 75% | 75 |
| | 80% (IZ) | 80 (IZ) |

Subsection 704.1 of § 704, LOT OCCUPANCY, of Chapter 7, CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED USE ZONES – MU-23, MU-24, MU-25, AND MU-26, is amended as follows:

704.1 The maximum permitted lot occupancy for residential use in the MU-23 through MU-26 zones shall be as set forth in the following table: ~~shall be eighty percent~~

(80%) in the MU-23 zone and seventy five percent (75%) in the MU-24, MU-25, and MU-26 zones.

TABLE G § 704.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR RESIDENTIAL USE

| Zone | Maximum Lot Occupancy for Residential Use (Percentage) | |
|-------------|---|----------------|
| MU-23 | 80% | 80 |
| | 90% (IZ) | 90 (IZ) |
| MU-24 | 60% | 60 |
| | 75% (IZ) | 75 (IZ) |
| MU-25 | 60% | 60 |
| | 75% (IZ) | 75 (IZ) |
| MU-26 | 60% | 60 |
| | 75% (IZ) | 75 (IZ) |

Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended as follows:

Subsection 103.1 of § 103, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO NEIGHBORHOOD MIXED USE (NC) ZONES, is amended as follows:

103.1 ~~Inclusionary zoning~~ **The Inclusionary Zoning (IZ) requirements, and the available IZ modifications and bonus density, shall apply to** ~~for the NC zones except the NC-6 zone~~ **are as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle; provided that the IZ bonus density of Subtitle C § 1002.3 is available for developments in the NC-6 zone that voluntarily agree to become Inclusionary Developments subject to IZ requirements pursuant to Subtitle C § 1001.2(d).**

A new § 702.2 is added to § 702, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 7, EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONE -- NC-6, as follows:

702.2 The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the NC-6 zone; provided that the IZ bonus density of Subtitle C § is available for developments in the NC-6 zone that voluntarily agree to become Inclusionary Developments subject to IZ requirements pursuant to Subtitle C § 1001.2(d).

Subtitle K, SPECIAL PURPOSE ZONES, is amended as follows:

A new § 500.6 is added to § 500, GENERAL PROVISIONS (CG), of Chapter 5 CAPITOL GATEWAY ZONES -- CG-1 THROUGH CG-7 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 § is available for developments in the CG-1 zone that voluntarily agree to become Inclusionary Developments subject to IZ requirements pursuant to Subtitle C § 1001.2(d).

Section 501, DEVELOPMENT STANDARDS (CG-1), is amended as follows:

501.3 The maximum permitted floor area ratio (FAR) in the CG-1 zone shall be ~~6.0, or 7.2 with IZ, with a maximum residential FAR of 6.0 or 7.2 FAR with IZ.~~ **6.0.**

...

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%) with Inclusionary Zoning.~~

...

Subsection 702.2 of § 702, HEIGHT AND PENTHOUSE REGULATIONS (RC), of Chapter 7, REED-COOKE ZONES -- RC-1 THROUGH RC-3, is amended as follows:

702.2 In the RC-3 ~~Zone~~**zone**, a building shall be permitted a maximum height of fifty feet (50 ft.), not including the penthouse, provided fifty percent (50%) of the additional gross floor area made possible by the height bonus is devoted to ~~low and moderate income household units, as defined in Subtitle B, Chapter 2~~ **Inclusionary Units.**

Subsection 305.5 of § 305, PLANNED UNIT DEVELOPMENT PUBLIC BENEFITS, of Chapter 3, PLANNED UNIT DEVELOPMENTS, of Subtitle 11-X, GENERAL PROCEDURES, is amended as follows:

305.5 Public benefits of the proposed PUD may be exhibited and documented in any of the following or additional categories:

(a) ...

(g) Affordable housing; except that:

(1) Affordable housing provided in compliance with the Inclusionary Zoning requirements of Subtitle C, ~~Chapter 22~~ **Chapter 10**, shall not be considered a public benefit except to the extent it exceeds what would have been required through matter-of-right development under existing zoning. In determining whether this standard has been met, the Zoning Commission shall balance any net gain in gross floor area against any loss of gross floor area that would have been set-aside for "~~low income households~~" as defined in **Inclusionary Units in compliance with** the Inclusionary Zoning requirements of Subtitle C, Chapter 10; and

(2) **A PUD application proposing Inclusionary Units with deeper affordability than what would be required by IZ for the existing zone, or for the proposed zone if a map amendment is sought, shall propose only a household income level published in the Rent**

and Price Schedule established by the IZ Act that is in effect as of the date the PUD application was filed;

(h) ...

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.