

GOVERNMENT OF THE DISTRICT OF COLUMBIA



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING<sup>1</sup>

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 Requirements)

September 9, 2019

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; D.C. Official Code § 6-641.01 (2018 Repl.)), and the authority set forth in § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of the adoption of amendments to Subtitles B (Definitions, Rules of Measurement, and Use Categories), C (General Rules), D (Residential House (R) Zones), E (Residential Flat (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).

**Description of Amendment**

The text amendment amends:

- Subtitle B by amending § 100.2 to delete the definition of “Bedroom” and revise the definitions of “Inclusionary Development” and “Inclusionary Unit” to make them consistent with the definition in the Inclusionary Zoning (IZ) Act;
- Subtitle C by amending §§ 1001, 1002, 1003, 1005, 1006, and 1505 to clarify the applicability of IZ;
- Subtitle D by amending §§ 105, 302, 402, 502, 602, 702, 802, 902, 1002, 1202, and 1302, and by adding a new § 5206 to clarify the modifications available under IZ for the R zones;
- Subtitle E by amending §§ 105 and 201 and by adding a new § 5206 to clarify the modifications available under IZ for the RF zones;
- Subtitle F by amending §§ 105, 302, 402, 502, 504, and 602 and by adding a new § 5206 to clarify the modifications available under IZ for the RA zones;
- Subtitle G by amending §§ 104, 304, 403, 404, 502, 503, 504, 604, 704, and 804 to clarify the applicability of IZ to the MU zones;

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<sup>1</sup> For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 04-33I.

- Subtitle H by amending §§ 103 and 702 to clarify the applicability of IZ to the NC zones;
- Subtitle K by amending §§ 200, 500, 501, and 702 to clarify the applicability of IZ to the SEFC, CG-1, and RC-3 zones; and
- Subtitle X § 305 to clarify household income limits for measuring affordable housing.

### **Procedures Leading to Adoption of Amendment**

The District of Columbia Office of Planning (OP) submitted a memorandum dated November 3, 2017 that served as a petition requesting the text amendment, which also served as OP’s setdown report. The Commission accepted the memorandum and voted to set down the text at its November 13, 2017 public meeting.

OP submitted a memorandum dated September 10, 2018 that proposed revisions to the proposed text amendment based on the discussions with the Zoning Administrator at the Department of Consumer and Regulatory Affairs (DCRA), the Department of Housing and Community Development (DHCD), and the Office of the Attorney General (OAG).

At a public hearing scheduled for and held on September 20, 2018, Art Rodgers, Jennifer Steingasser, and Joel Lawson represented OP in recommending approval of the text amendment. Three witnesses provided testimony: Caroline Petti, on behalf of the Committee of 100 on the Federal City (C100); Marilyn Simon; and Samantha Mazo of Cozen O’Connor, whose testimony was submitted to the record, along with written comments from Lisa Mallory on behalf of the District of Columbia Building Industry Association (DCBIA) and Christine Roddy on behalf of Goulston & Storrs (Goulston).

Ms. Petti and Ms. Simon proposed the removal of the reference to the zone height limits in calculating IZ set-aside requirements under Subtitle C §§ 1003.1 and 1003.2. Ms. Petti also suggested clarifying the definitions of “Inclusionary Development” and “Inclusionary Unit” to ensure affordable housing proffers in applications for planned unit developments (PUD). Ms. Simon had two additional comments: (i) she noted an error in the application of IZ to the MU-13 zone, which should be subject to IZ except for properties in the Georgetown Historic District apart from new penthouse habitable space that are covered by IZ, and (ii) she opposed the change to the definition of “bonus density” and IZ set-aside requirements in Subtitle C §§ 1001.1, 1003.1, and 1003.2 to apply only to “utilized,” not “achievable,” bonus density.

The DCBIA and Goulston filings opposed the proposed ban on locating IZ units in cellars. The Goulston filing had two additional comments: (i) that the Commission correct the revision to Subtitle C §1001.5 that dropped the exemptions from IZ for properties in the SEFC zones with land disposition or other agreements with the District that mandated affordable housing as well as in the WR zones, and (ii) that the Commission add flexibility for IZ units for additions that were subject to IZ.

Ms. Mazo had three suggestions: (i) that the Commission add references to the DHCD regulations that govern the administration of the IZ program; (ii) that the Commission add a vesting provision to grandfather building permit applications filed but not issued prior to the effective date of the text amendment; and (iii) that the Commission consider expanding the IZ program to include a delegated approval to OP similar to the Large Tract Review process that would allow increased

density for developments with more than 25% IZ units. Ms. Mazo noted that her last suggestion more appropriately belonged in a subsequent text amendment focused on a “deeper dive into IZ.” (September 20, 2018 Transcript [Tr.] at 27.)

At the September 20, 2018 hearing, OP agreed with Ms. Simon’s identification of the error involving the MU-13 zone and with Goulston’s identification of the error involving the SEFC zones and stated it would address these errors in the final text.

However, OP disagreed with the other comments as follows:

- Ms. Simon’s opposition to the changed definition of “bonus density” and her proposal to remove the zone-height reference in the set-aside calculations (shared by Ms. Petti) - OP stated that these changes reflected the Commission’s intent in adopting the IZ regulations and the current practice of DCRA;
- Ms. Petti’s recommendation to further clarify the IZ definitions – OP asserted that this was unnecessary because OP believed the proposed text provided sufficient guidance to the Commission;
- Goulston and DCBIA’s opposition to the ban on IZ units in cellars - OP asserted that this ban filled a gap in the current IZ regulations, balanced out the exemptions from cellar units counting toward FAR and from providing IZ units in penthouses, and prevented IZ units in small projects frequently being located in cellars;
- Goulston’s suggestion that additional flexibility for locating IZ units in additions – OP asserted that the current regulations provide sufficient flexibility;
- Goulston’s request for a new IZ exemption for the WR zone – OP asserted that this was already provided in Subtitle K § 918.1;
- Ms. Mazo’s suggestion to incorporate references to DHCD IZ regulations – OP stated it would consult with DHCD to confirm whether this suggestion would be helpful; and
- Ms. Mazo’s suggestion to add a vesting provision – OP asserted that adequate notice of the changes had been provided given the ten-month-plus duration of this case.

The Commission, having considered these comments and OP’s testimony, asked OP to respond to issues and concerns raised by the Commission, closed the public hearing, and scheduled the case for proposed action at a public meeting on November 19, 2018.

On November 8, 2018, Advisory Neighborhood Commission (ANC) 3D submitted a report that supported OP’s revised definition of bonus density and countered Ms. Simon’s opposition. ANC 3D’s report also suggested three alternative set-aside calculations that would increase the amount of IZ required.

OP submitted a supplemental report dated November 9, 2018, addressing the issues and concerns raised by the Commission, as follows:

- OP reiterated its opposition to Ms. Simon’s and Ms. Petti’s proposal to remove the reference to zone heights in Subtitle C §§ 1003.1 and 1003.2 because this change would have complicated impacts due to changes in building technology and codes since the

adoption of IZ in 2006. OP therefore would require additional economic modeling to understand the impacts of this change and so proposed to address this issue after the completion of the Comprehensive Plan update;

- OP rejected Ms. Simon’s opposition to OP’s proposed revision to the definition of “bonus density” and the IZ set-aside requirements because this revision reflected the Commission’s prior IZ rulemakings and current implementation by DCRA;
- OP repeated its support for its proposed ban on locating IZ units in cellars as equitable and fulfilling the intent of the IZ program;
- OP explained its proposed revisions to the definitions of “Inclusionary Development” and “Inclusionary Unit” to allow the incorporation within the IZ framework of affordable units proffered by a PUD; and
- OP reiterated its opposition to a delay in the effective date of the revised regulations as unnecessary because the rulemaking process provided sufficient notice and time to prepare for the changes.

At the Commission’s November 19, 2018 public meeting, OP, represented by Art Rodgers and Jennifer Steingasser, welcomed ANC 3D’s report that supported OP’s proposed revision to the definition of “bonus density” and the IZ set-aside requirements of Subtitle C §§ 1001.1, 1003.1, and 1003.2 and countered Ms. Simon’s opposition.

At its November 19, 2018 public meeting, upon the motion of Commissioner May, as seconded by Vice Chairman Miller, the Zoning Commission took **PROPOSED ACTION** to authorize a notice of proposed rulemaking by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

### **Notice of Proposed Rulemaking (NOPR)**

A NOPR for this case was published in the *D.C. Register* on April 12, 2019, at 66 DCR 4814, *et seq.* Two comments were received – one from the Committee of 100 on the Federal City (Second C100 Comment) and the other from Marilyn J. Simon (Second Simon Comment). (Exhibit [Ex.] 20, 21, respectively.)

The Second C100 and Second Simon Comments reiterated their previous proposal to remove the reference to zone height limits in calculating IZ set-aside requirements under Subtitle C §§ 1003.1 and 1003.2 and their prior opposition to OP’s proposed revision to the definition of “bonus density” and the IZ set-aside requirements in Subtitle C §§ 1001.1, 1003.1, and 1003.2. The Second C100 Comment also opposed OP’s proposed transfer of the IZ bonuses and standards from Subtitle C to the individual zone standards in the respective subtitles because C100 preferred all IZ zone standards in one chapter or alternatively in both the individual zone standards and in Subtitle C.

The Second C100 Comment supported OP’s proposed ban on IZ units in cellars and proposed an addition to the definition of “Inclusionary Unit” to further define an affordable housing unit included in a PUD proffer. The Second C100 and Second Simon Comments also cited several errors or omissions in the NOPR, including the applicability of IZ to the MU-13 zone in Subtitle G § 504.3, the use of “voluntary” instead of “voluntarily” in Subtitle C § 1001.2, the deletion of “hotel” from Subtitle C § 1001.5(d), and the lack of a definition of “studio.”

The National Capital Planning Commission (NCPC), through a delegated action dated December 26, 2018, found that the proposed text amendment was exempt from NCPC review because it would not be inconsistent with the Comprehensive Plan for the National Capital, would not adversely affect any other federal interest, and is located outside of the boundary of the L'Enfant City. (Ex. 17.)

At its May 13, 2019 public meeting, the Commission considered these comments and accepted and corrected the errors identified by the Second C100 and Second Simon Comments in Subtitle C §§ 1001.2 and 1001.5(d) and in Subtitle G § 504.3. In response to the Commission's question, OP confirmed that the lack of a definition of "studio" in the Zoning Regulations had never been a problem for the administration of the IZ program and that, in the absence of such a definition, the Zoning Regulations relied on the definition in Webster's Dictionary. The Commission supported OP's proposal to move the IZ bonuses and standards to the individual zone standards in each subtitle as simpler and more effective and agreed with OP's proposal to postpone consideration of the relevance of the zone height in the IZ set-aside requirements of Subtitle C §§ 1003.1 and 1003.2 until after the Comprehensive Plan update was completed.

#### **"Great Weight" to the Recommendations of OP**

The Commission must give "great weight" to the recommendations contained in the OP reports under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.); *see* Subtitle Z § 405.8.)

The Commission finds OP's proposals, as amended, persuasive and concurs with OP's recommendation to adopt the text amendment proposed in the NOPR.

#### **"Great Weight" to the Written Report of affected ANCs**

The Commission must give "great weight" to the issues and concerns raised in the written report of the ANC(s) affected by the Commission's action. (§ 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 101.8).) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

As the changes proposed in text amendment would affect the entire District, all ANCs are "affected." The Office of Zoning sent all ANCs the Public Hearing Notice, which indicated that it was of interest to all ANCs. (Ex. 4, 5.) The only ANC to submit a comment to the record was ANC 3D, which provided a detailed analysis in support of OP's proposed clarification that "bonus density" was the density "utilized," not "achievable" and rebutted the opposition to this proposed change expressed in the C100 and Simon Comments. The Commission found ANC 3D's advice on the proposed change to the definition of "bonus density" persuasive and concurred in that judgement in adopting the amendment that included this change.



At its public meeting on May 13, 2019, upon the motion of Commissioner Shapiro, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to adopt the amendments as proposed, with corrections of errors in Subtitle C §§ 1001.2 and 1001.5(d) and Subtitle G § 504.3 raised by the Second C100 and Second Simon Comments by a vote of **4-0-1** (Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve; Anthony J. Hood, not present, not voting).

### **Notice of Second Proposed Rulemaking (NOSPR)**

In the interest of clarity, the text amendment was not immediately published as a final rulemaking based on the Commission's final action, but instead, the proposed corrections of the errors raised in Exhibits 20 and 21 were included in the NOSPR published in the *D.C. Register* on August 2, 2019, at 66 DCR 10004, *et seq.*

One comment was received from Marilyn J. Simon (Third Simon Comment). (Ex. 24.) The Third Simon Comment noted that although the NOSPR responded to her prior comment that the NOPR text had incompletely transferred the IZ requirements from Subtitle C to Subtitle G, specifically as applied to the MU-13 and MU-27 zones, the NOSPR's corrections to G §§ 104.1, 504.3, and 804.2 were insufficient because the existing IZ exemption in Subtitle C §§ 1001.5(a)(2) and 1001.5(a)(4) applies to the entire MU-27 zone, but only to the portion of the MU-13 zone in the Georgetown Historic District and suggested alternative language to address this.

The Third Simon Comment also repeated her previous comments that: (i) proposed the removal of the current reference to zone height limits in the IZ set-aside requirements of Subtitle C §§ 1003.1 and 1003.2; and (ii) opposed OP's proposed changes to the definition of "bonus density" and the IZ set-aside requirements in Subtitle C §§ 1001.1, 1003.1, and 1003.2 to apply only to "utilized," not "achievable" bonus density.

The Commission agrees that the NOSPR's correction to Subtitle G for the MU-13 and MU-27 zones incompletely transferred the current IZ applicability for these zones and therefore incorporates the suggested changes to G §§ 104.1, 504.3, and 804.2 in the final text. However, the Commission remains unconvinced by the Third Simon Comment's repeated proposal to remove the existing zone height limit reference in Subtitle C §§ 1003.1 and 1003.2 and believes this reference remains relevant. The Commission similarly finds the opposition to the revised definition of "bonus density" and the IZ set-aside requirements in Subtitle C §§ 1001.1, 1003.1, and 1003.2 unpersuasive and notes the support of this revised definition by both OP and ANC 3D, to whom the Commission must give great weight.

At its public meeting on September 9, 2019, upon the motion of Commissioner Shapiro, as seconded by Chairman Hood, the Zoning Commission took **FINAL ACTION** to adopt the text amendment as proposed in the NOPR, as amended by the NOSPR, and reflecting the corrections to Subtitle G §§ 104.1, 504.3, and 804.2 proposed by the Third Simon Comment, by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

The following amendments to the text of Title 11 DCMR (Zoning Regulations of 2016) are adopted.

I. AMENDMENTS TO SUBTITLE B

Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, is amended to delete the definitions of “Bedroom” and “Development, Inclusionary,” to add a definition of “Inclusionary Development,” and to amend the definitions of “Inclusionary Unit” and “Inclusionary Zoning Act (IZ Act)” to read as follows:

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

...<sup>2</sup>

Basement: That portion of a story partly below grade where the finished floor of the ground floor is five feet (5 ft.) or more above the adjacent natural or finished grade, whichever is the lower in elevation.

Bicycle Parking: See Parking Space, Bicycle.

...

Court, Width of: The minimum horizontal dimension substantially parallel with the open end of an open court of the lesser horizontal dimension of a closed court; or, in the case of a non-rectangular court, the diameter of the largest circle that may be inscribed in a horizontal plane within the court.

Dinner Theater: A restaurant with a stage or performing area where the main activity is the serving of dinner and, following dinner, the performance of a play or musical theater.

...

Housing Trust Fund: Either the fund ...

...

Inclusionary Development: A residential development that is subject to the provisions of Subtitle C, Chapter 10, Inclusionary Zoning, as a Mandatory or Voluntary Inclusionary Development, or that is required to comply with the

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<sup>2</sup> 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.

provisions therein by an order of the Zoning Commission or of the Board of Zoning Adjustment, as established by Subtitle C § 1001.2.

Inclusionary Unit: A dwelling unit set aside for sale or rental to 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.

Inclusionary Zoning Act (IZ Act): The Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275, as amended; D.C. Official Code § 6-1041.01, *et seq.*). References to the IZ Act include any Mayor's Order, agency rule (including Chapter 22 of the Housing Regulations (Title 14 of the DCMR)), or administrative issuance promulgated pursuant to that legislation.

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## II. AMENDMENTS TO SUBTITLE C

**Subtitle C, GENERAL RULES, is amended as follows:**

**Subsection 1000.2 of § 1000, INTRODUCTION, of Chapter 10, INCLUSIONARY ZONING, is amended to read as follows:**

1000.2 It is the intent of the Zoning Commission to promulgate only such regulations as are necessary to establish the minimum obligations of property owners applying for building permits or certificates of occupancy under the IZ Program. All other aspects of the IZ Program, including the setting of maximum purchase prices and rents, the minimum size of the units, the selection and obligations of eligible households, administrative flexibility to ensure occupancy, and the establishment of enforcement mechanisms such as covenants and certifications, shall be governed by the IZ Act.

**Section 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, is amended to revise §§ 1001.1 through 1001.6, adding new §§ 1001.8 and 1001.9, to read as follows:**

1001.1 Achievable bonus density is the amount of the permitted bonus density that is utilized within a particular Inclusionary Development provided in Subtitle C § 1002.

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



- (a) A “Mandatory Inclusionary Development” – a development that meets one or more of the following criteria:
  - (1) 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 new dwelling units, including dwelling units located in a cellar or penthouse;
  - (2) Will have ten (10) or more new dwelling units constructed concurrently or in phases, on a lot, on contiguous lots, 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; or
  - (3) Consists of a residential building that has penthouse habitable space pursuant to Subtitle C § 1500.11; or
- (b) A “Voluntary Inclusionary Development” – any single household dwelling, row dwelling, flat, or multiple dwelling development not described in Subtitle C § 1001.2(a) if the owner voluntarily agrees to comply with the requirements of Subtitle C, Chapter 10, provided:
  - (1) The square footage set aside achieves a minimum of one (1) Inclusionary Unit;
  - (2) 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 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, 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 building permits issued for the development within a three (3)-year period, starting from the issuance of the first building permit for the development.

1001.4 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 § 1500.11, the requirements of this chapter shall not apply to hotels, motels, or inns.

1001.6 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 (3) of this 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;

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

1001.7 No exemption may be granted ...

1001.8 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.

1001.9 IZ units or square footage required by an order of the Zoning Commission or the Board of Zoning Adjustment that exceeds IZ requirements shall comply with the requirements of this chapter, unless otherwise specified in the order.

1001.10 The requirements of this chapter shall automatically terminate if title to the mortgage property is transferred following foreclosure by, or deed-in-lieu of foreclosure to, a mortgagee in the first position, or a mortgage in the first portion is assigned to the Secretary of the U.S. Department of Housing and Urban Development (HUD).

**The title of § 1002, BONUSES AND ADJUSTMENTS TO INCENTIVIZE INCLUSIONARY ZONING, is amended to read as follows:**

**Section 1002, MODIFICATIONS OF DEVELOPMENT STANDARDS AND BONUSES TO INCENTIVIZE INCLUSIONARY ZONING**

**Section 1002, MODIFICATIONS OF DEVELOPMENT STANDARDS AND BONUSES TO INCENTIVIZE INCLUSIONARY ZONING, of Chapter 10, INCLUSIONARY ZONING, is amended by deleting § 1002.4 and renumbering §§ 1002.5 and 1002.6 as §§ 1002.4 and 1002.5, and by revising the remaining subsections, to read as follows:**

**1002 MODIFICATIONS OF DEVELOPMENT STANDARDS AND BONUSES TO INCENTIVIZE INCLUSIONARY ZONING**

- 1002.1 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 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 may only utilize these modifications pursuant to Subtitle C § 1001.2(b) if applicable.
- 1002.3 Inclusionary Developments, except those located in the R, RF, SEFC, HE, StE, and 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 An Inclusionary Development that has met its IZ set-aside requirements and used all the bonus density permitted by IZ may be eligible for other bonus density permitted by other chapters of this title, provided the Inclusionary Development’s total density does not exceed the FAR-maximum associated with the zone permitting that additional bonus density.
- 1002.5 A development exempted by Subtitle C § 1001.6(a) may, nevertheless, utilize bonus density and zoning modifications provided for in this section.

**Section 1003, SET-ASIDE REQUIREMENTS, of Chapter 10, INCLUSIONARY ZONING, is amended to add a new § 1003.4, to delete § 1003.8 and renumber §§ 1003.9 through 1003.11 as §§ 1003.8 through 1003.10 and to revise the remaining subsections, 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 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 excluding penthouse habitable space or seventy-five percent (75%) of the bonus density utilized; and
  - (b) An area equal to ten percent (10%) of the penthouse habitable space as described in Subtitle C § 1500.11.

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

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 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 excluding penthouse habitable space or fifty percent (50%) of the bonus density utilized; and
- (b) An area equal to eight percent (8%) of the penthouse habitable space as described in Subtitle C § 1500.11.

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

1003.3 Except as provided in Subtitle C §§ 1003.5 and 1003.6, Inclusionary Units resulting from the set-asides required by Subtitle C §§ 1003.1 and 1003.2 shall be reserved for households earning equal to or less than:

- (a) Sixty percent (60%) of the MFI for rental units; and
- (b) Eighty percent (80%) of the MFI for ownership units.

1003.4 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.

1003.5 An Inclusionary Development that results from a conversion of a single dwelling unit or flat to a multiple dwelling unit development in an RF zone for four (4) or more dwelling units approved by the Board of Zoning Adjustment shall set aside every even numbered dwelling unit beginning at the fourth (4<sup>th</sup>) unit as an Inclusionary Unit.

- 1003.6 An Inclusionary Development that results from a conversion of a single dwelling unit or flat to a multiple dwelling unit development in an RF zone for four (4) or more dwelling units approved by the Board of Zoning Adjustment shall set aside one hundred percent (100%) of Inclusionary Units for eligible households earning equal to or less than eighty percent (80%) of the MFI.
- 1003.7 Notwithstanding Subtitle C § 1003.3, one hundred percent (100%) of Inclusionary Units resulting from the set-aside required for penthouse habitable space shall be set aside for eligible household earning equal to or less than fifty percent (50%) of the MFI.
- 1003.8 An Inclusionary Development's entire residential floor area including dwelling units located in cellar space or enclosed building projections that extend into public space, shall be included for purposes of calculating the minimum set-aside requirements of Subtitle C §§ 1003.1 and 1003.2.
- 1003.9 The square footage set aside applicable to an Inclusionary Development that is exclusively comprised of ownership units shall be reduced by twenty percent (20%) provided all the units are set aside to households earning equal to or less than sixty percent (60%) of the MFI.
- 1003.10 Increases in FAR as a result of variances granted by the Board of Zoning Adjustment shall be included within gross floor area for the purposes of calculating the maximum IZ set-aside requirement.

**Section 1005, DEVELOPMENT STANDARDS REGARDING INCLUSIONARY UNITS, of Chapter 10, INCLUSIONARY ZONING, is amended to revise §§ 1005.1 through 1005.6 and to add new §§ 1005.7 and 1005.8, to read as follows:**

- 1005.1 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 (1) bedroom shall not exceed the percentage of all market-rate units that have only one (1) bedroom.
- 1005.2 All Inclusionary Units shall be comparable in exterior design, materials, and finishes to market-rate units.



- 1005.3 The interior amenities of Inclusionary Units, such as finishes and appliances, shall be comparable to the market-rate units but may consist of less expensive materials and equipment, provided the interior amenities are durable, of good quality, and consistent with contemporary standards for new housing.
- 1005.4 All Inclusionary Units in an Inclusionary Development shall be constructed prior to or concurrently with the construction of market-rate units, except that in a phased development, the Inclusionary Units shall be constructed at a pace that is proportional to the construction of the market-rate units.
- 1005.5 Inclusionary Units shall not be overly concentrated by tenure, dwelling type, including single dwelling units, flats, or multiple dwellings, or on any floor of a project.
- 1005.6 In an Inclusionary Development subject to Subtitle C § 1001.4, Inclusionary Units may be located solely in the new gross floor area provided all the existing units were occupied at the date of application for the building permit for the new gross floor area and all other requirements of this chapter are met.
- 1005.7 Inclusionary Units in apartment houses 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, OFF-SITE COMPLIANCE WITH INCLUSIONARY ZONING, of Chapter 10, INCLUSIONARY ZONING, is amended to read as follows:**

- 1006.10 Inclusionary Units resulting from the set-aside required for penthouse habitable space as described in Subtitle C § 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 for 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, 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 to read 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 households earning equal to or less than the income limits established by Subtitle C § 1003.7, in accordance with this section.

**III. AMENDMENTS TO SUBTITLE D**

**Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended as follows:**

**Section 105, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO RESIDENTIAL HOUSE (R) ZONES, is 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.

**Section 302, DENSITY – LOT DIMENSIONS, of Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, AND R-3, is amended to revise § 302.1 and to add new §§ 302.2 through 302.5, to read as follows:**

302.1 Except as provided 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**

<b>Zone</b>	<b>Minimum Lot Width (ft.)</b>	<b>Minimum Lot Area (sq. ft.)</b>
R-1-A	75	7,500
R-1-B	50	5,000
R-2	30 (semi-detached) 40 (all other structures)	3,000 (semi-detached) 4,000 (all other structures)
R-3	30 (semi-detached) 20 (row) 40 (all other structures)	3,000 (semi-detached) 2,000 (row) 4,000 (all other structures)

302.2 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 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:

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

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-2	40 (detached)	3,200 (detached)
	30 (semi-detached)	2,500 (semi-detached)
R-3	20	1,600

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.

**TABLE D § 302.4: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS**

Zone	Minimum Lot Width (ft.)
R-2	32 (detached)
	25 (semi-detached)
R-3	16

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:

**TABLE D § 302.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS**

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

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

402.2 The Inclusionary Zoning requirements and modifications 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 RESIDENTIAL HOUSE ZONES – R-8, R-9, AND R-10, is amended to read 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 to revise § 502.1 and to add new §§ 502.2 through 502.5, to read as follows:

502.1 Except as provided 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	30 (semi-detached) 40 (all other structures)	3,000 (semi-detached) 4,000 (all other structures)

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

502.3 Except as provided in Subtitle D § 502.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-10 zone, shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

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

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-10	40 (detached) 30 (semi-detached)	3,200 (detached) 2,500 (semi-detached)

502.4 The minimum lot width for Mandatory Inclusionary Developments in the R-10 zone 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.

**TABLE D § 502.4: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS**

<b>Zone</b>	<b>Minimum Lot Width (ft.)</b>
R-10	32 (detached)
	25 (semi-detached)

502.5 Voluntary Inclusionary Developments in the R-10 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize the following IZ modifications authorized by Subtitle C § 1002.2:

**TABLE D § 502.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS**

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

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

602.2 The Inclusionary Zoning requirements and modifications 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 to revise § 702.1 and to add new §§ 702.2 through 702.5, to read as follows:

702.1 Except as provided 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**

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

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

702.3 Except as provided for in Subtitle D § 702.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-13 zone shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

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

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-13	20	1,600

702.4 The minimum lot width for Mandatory Inclusionary Developments in the R-13 zone may be reduced to no less than sixteen feet (16 ft.) if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.

702.5 Voluntary Inclusionary Developments in the R-13 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize any of the following IZ modifications authorized by Subtitle C § 1002.2:

**TABLE D § 702.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS**

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-13	16	1,600

**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 and modifications 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 and modifications 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 to revise § 1002.1 and to add new §§ 1002.2 through 1002.4, to read as follows:**

1002.1 Except as provided 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**

<b>Zone</b>	<b>Minimum Lot Width (ft.)</b>	<b>Minimum Lot Area (sq. ft.)</b>
R-17	30 (semi-detached)	3,000 (semi-detached)
	20 (row)	2,000 (row)
	40 (all other structures)	4,000 (all other structures)

1002.2 Except as provided in Subtitle D § 1002.3, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-17 zone shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

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

<b>Zone</b>	<b>Minimum Lot Width (ft.)</b>	<b>Minimum Lot Area (sq. ft.)</b>
R-17	20	1,600

1002.3 The minimum lot width for Mandatory Inclusionary Developments in the R-17 zone may be reduced to no less than sixteen feet (16 ft.) if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.

1002.4 Voluntary Inclusionary Developments in the R-17 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize any of the following IZ modifications, authorized by Subtitle C § 1002.2:

**TABLE D § 1002.4: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS**

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

**Section 1202, DENSITY – LOT DIMENSIONS, of Chapter 12, GEORGETOWN RESIDENTIAL HOUSE ZONES – R-19 AND R-20, is amended to revise § 1202.1 and to add new §§ 1202.2 through 1202.5, to read as follows:**

1202.1 Except as provided 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**

<b>Zone</b>	<b>Minimum Lot Width (ft.)</b>	<b>Minimum Lot Area (sq. ft.)</b>
R-19	50	5,000
R-20	30 (semi-detached)	3,000 (semi-detached)
	20 (row)	2,000 (row)
	40 (all other structures)	4,000 (all other structures)

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

1202.3 Except as provided in Subtitle D § 1202.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-20 zone shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

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

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

1202.4 The minimum lot width for Mandatory Inclusionary Developments in the R-20 zone may be reduced to no less than sixteen feet (16 ft.) if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.

1202.5 Voluntary Inclusionary Developments in the R-20 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize any of the following modifications authorized by Subtitle C § 1002.2:

**TABLE D § 1202.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS**

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

**A new § 1302.2 is added to § 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 and modifications 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 MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS, is added to Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (R), to read as follows:**

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

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 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.

**IV. AMENDMENTS TO SUBTITLE E**

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

**Section 105, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO RESIDENTIAL FLATS (RF) ZONES, is amended by revising § 105.1 and deleting § 105.2, to read as follows:**

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

**Section 201, DENSITY – LOT DIMENSIONS, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), is amended to revise § 201.1, to renumber §§ 201.2 through 201.4 as §§ 201.5 through 201.7, and to add new §§ 201.2 through 201.4, to read as follows:**

201.1 Except as provided in other provisions of this subtitle, the minimum dimensions of lots in the RF zones shall be as set forth in the following table:

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

<b>Zone</b>	<b>Minimum Lot Width (ft.)</b>	<b>Minimum Lot Area (sq. ft.)</b>
RF	18 (row dwelling or flat)	1,800 (row dwelling or flat)
	30 (semi-detached dwelling)	3,000 (semi-detached dwelling)
	40 (all other structures)	4,000 (all other structures)

201.2 Except as provided for in Subtitle E § 201.3, the minimum dimensions of lots for Mandatory Inclusionary Developments in the RF zones shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

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

<b>Zone</b>	<b>Minimum Lot Width (ft.)</b>	<b>Minimum Lot Area (sq. ft.)</b>
RF	18	1,500

201.3 The minimum lot width for Mandatory Inclusionary Developments in the RF zones may be reduced to no less than sixteen feet (16 ft.) if granted as a special exception pursuant to Subtitle E § 5206.1 by the Board of Zoning Adjustment.

201.4 Voluntary Inclusionary Developments in the RF zones shall require special exception relief pursuant to Subtitle E § 5206.2 to utilize any of the following IZ modifications authorized by Subtitle C § 1002.2:

**TABLE E § 201.4: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS**

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

201.5 First floor or basement areas designed and used for parking space or for ...

201.6 A building or structure subject to the provisions of this chapter ...

201.7 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 to read as follows:**

**CHAPTER 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (RF)**

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

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

5206.1 For Mandatory Inclusionary Developments 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 § 201.3.

5206.2 For Voluntary Inclusionary Developments 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 § 201.4. Relief granted pursuant to this subsection shall not require additional relief pursuant to Subtitle E § 5206.1.

**V. AMENDMENTS TO SUBTITLE F**

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

**Section 105, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO RESIDENTIAL APARTMENTS (RA) ZONES, is 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.

**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 to revise § 302.1 and to add new §§ 302.2 and 302.3, to read 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 zones shall be as set forth in the following table:

**TABLE F § 302.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<b>Zone</b>	<b>Maximum FAR</b>
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 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

**Section 402, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 4, NAVAL OBSERVATORY RESIDENTIAL APARTMENT ZONES – RA-6, is amended to read as follows:**

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

**Section 502, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 5, CAPITOL PRECINCT RESIDENTIAL APARTMENT ZONE – RA-7, is amended to read as follows:**

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

**Section 504, LOT OCCUPANCY, of Chapter 5, CAPITOL PRECINCT RESIDENTIAL APARTMENT ZONE – RA-7, is amended to read 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 to revise § 602.1 and to add new §§ 602.2 and 602.3, to read 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 zones shall be as set forth in the following table:

**TABLE F § 602.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<b>Zone</b>	<b>Maximum FAR</b>
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**

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

**A new § 5206, SPECIAL EXCEPTIONS FOR INCLUSIONARY DEVELOPMENTS (RA-1), is added to Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (RA), to read as follows:**

**5206 SPECIAL EXCEPTIONS FOR INCLUSIONARY DEVELOPMENTS (RA-1)**

5206.1 For Voluntary Inclusionary Developments 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.

**VI. AMENDMENTS TO SUBTITLE G**

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

**Section 104, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO MIXED-USE (MU) ZONES, is 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.

**Section 304, LOT OCCUPANCY, of Chapter 3, MIXED-USE ZONES – MU-1 AND MU-2, is amended to read 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**

Zone	Maximum Lot Occupancy for Residential Use (%)
MU-1	80
MU-2	80 90 (IZ)

**Subsection 403.1 of § 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 to read 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 AND STORIES**

Zone	Maximum Height (ft.)	Maximum Stories
MU-3A	40	3
MU-3B	50	4
MU-4	50	N/A
MU-5-A	65 70 (IZ)	N/A
MU-5-B	75	N/A

Zone	Maximum Height (ft.)	Maximum Stories
MU-6	90 100 (IZ)	N/A
MU-7	65	N/A
MU-8	70	N/A
MU-9 MU-10	90 100 (IZ)	N/A
MU-30	110	N/A

**Subsection 404.1 of § 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 to read 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 (%)
MU-3A MU-3B	60
MU-4	60 75 (IZ)
MU-5-A MU-5-B	80
MU-6 MU-7	75 80 (IZ)
MU-8 MU-9	N/A
MU-10	75 80 (IZ)
MU-30	N/A

**Subsection 502.1 of § 502, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 5, MIXED-USE ZONES – MU-11, MU-12, MU-13, AND MU-14, is 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
MU-14	6.0 7.2 (IZ)	5.0

**Subsection 503.1 of § 503, HEIGHT, of Chapter 5, MIXED-USE ZONES – MU-11, MU-12, MU-13, AND MU-14, is 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
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 to revise subsection 504.1 and to add a new § 504.3, to read 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 FOR RESIDENTIAL USE**

Zone	Maximum Lot Occupancy for Residential Use (%)
MU-11	25
MU-12	80

Zone	Maximum Lot Occupancy for Residential Use (%)
MU-13	75
MU-14	75 80 (IZ)

504.2 ...

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.

**Section 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 to read as follows:**

604.1 The maximum permitted lot occupancy for residential use in the 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 (%)
MU-15	80
MU-16	80 90 (IZ)
MU-17	60 75 (IZ)
MU-18	80
MU-19	80 90 (IZ)
MU-20 MU-21	N/A
MU-22	75 80 (IZ)

**Section 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 to read 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:

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

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

**A new § 804.2 is added to § 804, LOT OCCUPANCY, of Chapter 8, NAVAL OBSERVATORY MIXED-USE ZONE – MU-27, to read as follows:**

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.

**VII. AMENDMENTS TO SUBTITLE H**

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

**Section 103, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO NEIGHBORHOOD MIXED USE (NC) ZONES, is 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 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 in the NC-6 zone shall be subject to the IZ requirements.

**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, to read as follows:**

702.2 Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the NC-6 zone.

**VIII. AMENDMENTS TO SUBTITLE K**

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



**Subsection 200.12 of § 200, GENERAL PROVISIONS (SEFC), of Chapter 2, SOUTHEAST FEDERAL CENTER ZONES, is amended to read as follows:**

- 200.12 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications and bonus density, shall apply to the SEFC zones except for:
- (a) Properties subject to a land disposition or other agreement with the District of Columbia that mandates the provision of affordable housing; provided that these properties shall be subject to IZ requirements for new penthouse habitable space as described in Subtitle C § 1500.11; and
  - (b) Penthouses in residential rental buildings.

**A new § 500.6 is added to § 500, GENERAL PROVISIONS (CG), of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, 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.

**Subsections 501.3 and 501.6 of § 501, DEVELOPMENT STANDARDS (CG-1), of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, are amended to read as follows:**

- 501.1 The CG-1 zone is intended ...
- ...
- 501.3 The maximum permitted floor area ratio (FAR) in the CG-1 zone shall be 6.0.
- 501.4 The maximum permitted building height...
- ...
- 501.6 The maximum permitted lot occupancy for residential use in the CG-1 zone shall be seventy-five percent (75%).
- 501.7 A minimum rear yard of fifteen feet ...

**A new § 607.3 is added to § 607, INCLUSIONARY ZONING (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, to read as follows:**

607.3 An inclusionary development in an StE zone shall devote no less than ten percent (10%) of the gross floor area being devoted to residential use for Inclusionary Units.

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

702.2 In the RC-3 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 Inclusionary Units.

**IX. AMENDMENTS TO SUBTITLE X**

**Subtitle X, GENERAL PROCEDURES, is amended as follows:**

**Subsection 305.5 of § 305, PLANNED UNIT DEVELOPMENT PUBLIC BENEFITS, of Chapter 3, PLANNED UNIT DEVELOPMENTS, of Chapter 3, PLANNED UNIT DEVELOPMENTS, is amended to read 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 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 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) ...

In accordance with Subtitle Z § 604.9, the text amendments shall become effective upon publication of this notice in the *D.C. Register*, that is on October 18, 2019.

  
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**ANTHONY J. HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**

  
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**SARA A. BARDIN**  
**DIRECTOR**  
**OFFICE OF ZONING**