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The Honorable Phil Mendelson

**Executive Director**  
Marcel Acosta

IN REPLY REFER TO:  
NCPC File No. ZC 22-01

July 7, 2022

Zoning Commission of the District of Columbia  
2nd Floor  
Suite 210  
441 4th Street, NW  
Washington, DC 20001

Members of the Zoning Commission:

Pursuant to delegations of authority adopted by the Commission, I found that the proposed Text Amendment to Subtitles G, H, and I, Permit Matter-of-Right Residential Use located in Washington, DC is not inconsistent with the *Comprehensive Plan for the National Capital* and would not adversely impact any other identified federal interests. A copy of the Delegated Action of the Executive Director is enclosed and available online at <https://www.ncpc.gov/review/archive/2022/07-07/> as part of the July 2022 meeting materials.

Sincerely,

Marcel Acosta  
Executive Director

Enclosures

cc: Ms. Anita Cozart, Interim Director, DC Office of Planning



## Delegated Action of the Executive Director

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<b>PROJECT</b> <b>Text Amendment to Subtitles G, H, and I,</b> <b>Permit Matter-of-Right Residential Use</b> Washington, DC	<b>NCPC FILE NUMBER</b> ZC 22-01  <b>NCPC MAP FILE NUMBER</b> 00:00(06.00)45531
<b>REFERRED BY</b> Zoning Commission of the District of Columbia	<b>DETERMINATION</b> Approved of report to the Zoning Commission of the District of Columbia  <b>REVIEW AUTHORITY</b> Advisory per 40 U.S.C. § 8724(a) and DC Code § 2- 1006(a)

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The Zoning Commission of the District of Columbia has referred a proposed text amendment to allow existing non-residential buildings, built prior to January 1, 2022 that do not comply with some or all of the residential development standards, to convert to residential use as a matter-of-right in the Mixed Use (MU), Neighborhood Mixed Use (NC), and Downtown (D) zones. The intent of the amendment is to support increased residential uses.

The text amendment will allow conversions as a matter-of-right and would eliminate the need for a property owner to request zoning relief for non-residential buildings legally built before January 1, 2022, that exceed the residential development standards. Any enlargement to an existing building that is converted to residential use would continue to be subject to all residential development standards. According to the District of Columbia Office of Planning, conversions to residential use would still need to comply with the Inclusionary Zoning (IZ) program if the building is in a zone with an IZ requirement and the conversion would result in 10 or more dwelling units.

Federal properties are not subject to local zoning and therefore would not be impacted by the proposed text amendment. Further, any properties considering residential conversion would still be subject to other zoning provisions, including height limits as described in the Height Act. As such, staff finds the text amendment would not adversely impact any identified federal interests.

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Pursuant to delegations of authority adopted by the Commission on April 1, 2021 and per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a), I find the proposed text amendment in Subtitles G, H and I to permit matter-of-right residential uses in Mixed Use (MU), Neighborhood Mixed Use (NC), and Downtown (D) zones would not be inconsistent with the federal elements of the *Comprehensive Plan for the National Capital* nor would it adversely impact other identified federal interests.



Marcel Acosta  
Executive Director



Date