

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF FINAL RULEMAKING**  
**AND**

**Z.C. ORDER NO. 08-06Q**

**Z.C. Case No. 08-06Q**

**(Office of Planning – Minor Modification to Z.C. Order No. 08-06A re: Subtitle B § 304.3  
(Rules of Measurement) and Subtitle I § 200 (Density – Floor Area Ratio))**

**September 17, 2018**

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 (2012 Rep1.)), hereby gives notice of the permanent adoption of minor modifications previously adopted on an emergency basis to amendments made by Z.C. Order No. 08-06A (Order). The Order, which took the form of a Notice of Final Rulemaking, adopted comprehensive amendments to the Zoning Regulations that became effective on September 6, 2016.

The minor modifications exclude all lodging use gross floor area (GFA) from the calculation of residential floor area ratio (FAR) in the Downtown (D) zones, as was the rule in the former Downtown Development Overlay Zone under the Zoning Regulations of 1958. Under both the 1958 and 2016 regulations, the creation of new housing downtown was and is among the key objectives. Lodging uses, such as hotels, are transient uses; therefore, allowing lodging to use housing incentives (such as unlimited FAR) generates less housing. The exclusion of hotel GFA from residential FAR was inadvertently not carried over in the Zoning Regulations of 2016 for the new D zones. With the adoption of these minor modifications, lodging uses will again need to purchase development rights, now known as “Credits,” from residential developments to reduce applicable minimum residential requirements and exceed maximum non-residential FAR limits in the D zones. Because these amendments represent the continuation of a decades-long policy, rather than the initiation of a new one, they can be adopted without a hearing or referral to the National Capital Planning Commission.

Although the amendments are minor, their immediate adoption was needed to require the owner of an impending hotel project to purchase credits to compensate for the hotel’s lack of housing in light of its excess commercial FAR. The Commission adopted these emergency rules at its public meeting held on June 25, 2018, at which time the amendments became effective. A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on July 13, 2018, at 65 DCR 007414. In response, the Commission received no comments. The Commission took final rulemaking action to adopt these amendments at a public meeting on September 17, 2018 making no change to the text as proposed.

The amendments shall become final upon publication of this notice in the *D.C. Register* and the emergency rules will expire upon the publication of this notice.

Title 11 DCMR (the Zoning Regulations of 2016) is amended as follows:

**Chapter 3, GENERAL RULES OF MEASUREMENT, of 11-B DCMR, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:**

**Subsection 304.2 of § 304, RULES OF MEASUREMENT FOR GROSS FLOOR AREA (GFA), is amended as follows:**

304.2 Except as provided in Subtitle I § 200.1, non-residential floor area shall be the total GFA of a building not dedicated to one (1) of the following uses:

- (a) Residential;
- (b) Community-based institutional facility;
- (c) Emergency shelter;
- (d) Lodging use with less than thirty (30) rooms;
- (e) Guest rooms and service areas of a lodging use with thirty (30) or more rooms; or
- (f) Education uses that are operated or chartered by the District government.

**Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, is amended as follows:**

**Subsection 200.1 of § 200, DENSITY - FLOOR AREA RATIO (FAR), is amended as follows:**

200.1 Gross floor area shall be measured as specified in Subtitle B § 304, except that all GFA in a Lodging Use including guest rooms and service areas shall be counted as non-residential GFA.

On June 25, 2018, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Miller, the Zoning Commission took **EMERGENCY ACTION** and **AUTHORIZED IMMEDIATE PUBLICATION OF THE PROPOSED RULEMAKING** for the petition at by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Peter A. Shapiro, not present, not voting).


On September 17, 2018, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the petition at its public


meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Michael G. Turnbull, and Peter G. May to approve; Peter A. Shapiro, not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on October 26, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

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

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

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The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.