ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, October 6, 2016, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-S
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 04-33H (Text Amendments - Inclusionary Zoning - Addition of Affordable Housing Required by District Law to Exemptions from Inclusionary Zoning)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning (OP), in a report dated June 3, 2016, petitioned the Zoning Commission for the District of Columbia (Commission) for text amendments to Subtitle C § 1001.6(a) of the version of the Zoning Regulations (Title 11 DCMR) that will become effective on September 6, 2016 (2016 Regulations). The 2016 Regulations were adopted by the Commission through a Notice of Final Rulemaking published in Part II of the March 4, 2016 edition of the District of Columbia Register.

Chapter 10 of Subtitle C sets forth the Inclusionary Zoning (IZ) regulations that are codified in Chapter 26 of the current version of Title 11. Consistent with current Chapter 26, Subtitle C § 1001.6(a) exempts from IZ any development financed, subsidized, or funded in whole or in part by the federal or District government and administered by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency, or the District of Columbia Housing Authority and that meets the requirements set forth in § 2602.7. The amendment adds developments that are subject to a mandatory affordable housing requirement that exceeds the requirements of Chapter 10 as a result of District law. The amendment also adds language to encompass projects that are monitored, but not administered by the above-referenced District agencies.

At its regular public meeting held June 13, 2016, the Commission set down this case for a public hearing, authorized the immediate publication of this notice, and the publication of a notice of proposed rulemaking. The Commission also adopted identical amendments to current Chapter 26 on an emergency basis.

The proposed amendments to the 2016 Zoning Regulations, Title 11 DCMR, are as follows:

The following amendments to the 2016 Regulations are proposed (new language is shown in bold and underlined text; deleted language is shown with strikethrough):

Chapter 10, INCLUSIONARY ZONING, of Subtitle C of Title 11 DCMR, ZONING, § 1001, APPLICABILITY, § 1001.6(a) is amended to read as follows:

1001.6 IZ 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** financi**al**~~ed,~~ subsidi**es**~~zed, or~~ 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, or the District of Columbia Housing Authority (DCHA); provided

(1) The development shall set aside, for low or moderate-income households, affordable dwelling units ("Exempt Affordable Units") equal to at least the gross square footage that would have been otherwise required pursuant to the set-aside requirements in Subtitle C § 1003 for the zone in which the development is located. The terms "low-income household" and "moderate-income household" shall have the same meaning as given them by the federal or District funding source, or financing or subsidizing entity, and shall hereinafter be referred to collectively as "Targeted Households";

(2) The Exempt Affordable Units shall be reserved for the Targeted Households and sold or rented in accordance with the pricing structure established by **the District law** or federal or District funding source, or financing or subsidizing entity, for so long as the project exists;

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

(4) 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 …

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

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of Subtitle Z, Chapter 5.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

Time limits.

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

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

1.	Organizations	5 minutes each
2.	Individuals	3 minutes each

The Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at http://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, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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