

Department of Consumer and Regulatory Affairs
**Instructions and General Information For
Certificate of Inclusionary Zoning Compliance (CIZC)
Application**

1. GENERAL INFORMATION

Purpose: The Certificate of Inclusionary Zoning Compliance (CIZC) application aims to ensure that the Inclusionary Development (hereinafter, “Development”) meets the Inclusionary Zoning (IZ) program requirements. IZ rules are principally located in the Zoning Regulations, DCMR Title 11, Chapter 26 and IZ Implementation Regulations, DCMR Title 14, Chapter 22 [both may be accessed at <http://www.dcregs.dc.gov>]. The Zoning and Implementation Regulations are the conclusive sources of the requirements should there be any discrepancy with this guide. The CIZC application must be submitted to the Department of Consumer and Regulatory Affairs (DCRA) for review no later than the accompanying building permit application, and DCRA must approve a CIZC application prior to issuing a building permit for a Development. A fully completed CIZC application will allow for a timely DCRA review.

Location: A blank CIZC application can be found on the DCRA website (<http://dcra.dc.gov>). It may be located by entering “CIZC” in the website’s search box. Check the DCRA website to ensure that the latest version of the application is obtained.

Fee: The application fee of \$250 must be paid at the time of the submission of the building permit application. Provide a copy of the receipt of payment with the building permit application.

Other sources of information:

- For additional information concerning IZ unit management and program, visit the Department of Housing and Community Development (DHCD) website (<http://dhcd.dc.gov>), contact DHCD by phone at (202) 442-7721 or via email at iz.adu@dc.gov.
- For information concerning other permit and zoning requirements, contact the License Center, 1100 4th Street, S.W., Second Floor, by phone at (202) 442-4311 or via email at dcra@dc.gov.

2. APPLICATION INSTRUCTIONS

Overview: Sections A-F

- These sections ask for information related to the proposed Development and how the IZ requirements are satisfied. In completing the application, you may type directly into the application or print out a copy and handwrite (legibly) the information. Attach supplemental information as necessary.

Section A: Building Permit and Project Information

- **Boxes 1-14:** These boxes require information about the applicant, Development, and property. The information provided must match information contained in the building permit application. Do not use abbreviations for street names, and be sure that you indicate the correct quadrant.
- **Box 15:** Projects that are part of an excluded category pursuant to §§ 2602.3(a)-(e) are not required to submit a CIZC application. Examples include:

- Hotels, motels, inns, or dormitories (§ 2602.3(a))
- Housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff (§ 2602.3(b))
- Properties located in the Downtown Development District or Southeast Federal Center Overlay Districts (§ 2602.3(e)(1))

However, if a project is exempt from IZ pursuant to 11 DCMR § 2602.3(f), then a CIZC must be submitted. If exempt, provide a detailed explanation – particularly addressing 11 DCMR § 2602.7 requirements – to support the project’s exemption. Additionally, provide the DHCD certification as required per 11 DCMR § 2602.8. Even if the project is technically exempt, enter all information requested in Sections A, C, and F, including information related to IZ that would otherwise be required (for comparison purposes).

- **Box 16:** This box asks what material represents the primary method of frame construction. This calculation should exclude below grade construction such as underground parking.
- **Box 17:** This box asks for the “Total Land Area of the Lot(s) of the Inclusionary Development.”
- **Box 18:** This box asks for the “Total Gross Floor Area” for all uses in the Development. “Gross Floor Area” is a defined term in the Zoning Regulations (see 11 DCMR Chapter 26, § 199).
- **Box 19:** This box asks for the “Total Residential Gross Floor Area” in the Development.
- **Box 20:** This box asks for “Total Residential Floor Area” located in the “Cellar” and in “Enclosed Public Space Projections,” which would not be included in the Box 19 calculation. More specifically:
 - **Cellars:** For multiple dwellings, only enter information for a Development when residential unit(s) are located in cellar space. For single household dwellings and flats, cellar space must be entered in all cases. Cellar space is measured as the sum of the gross horizontal areas of the cellar. In addition to the area of the dwelling units, include the area of elevator shafts, stairwells, and common areas, and exclude floor space used for mechanical equipment with structural headroom of six feet, five inches (6 ft., 5 in.) or less. Space dedicated for parking should also be excluded.
 - **Building Projections Located in Public Space:** Enter information only where building projections in public space, such as bay windows that enclose residential floor area, are present. In such cases, include all residential projection space regardless of whether the space is contained within a residential unit or common space.
- **Box 21:** This box asks for the sum of the “Total Residential Gross Floor Area” for the Development [Box 19] plus residential floor area contained in the “Cellar” and “Enclosed Public Space Projections” [Box 20]. In some cases, the number in Box 21 may exceed the numbers in Boxes 18 and 19. This box also serves as the basis for calculating Box 22 (“Total Net Residential Area”) and Box 23.
- **Box 22:** The “Total Net Residential Area” references occupiable residential space in a dwelling unit. The figure also should include occupiable space located in cellars and building projections located in public space as captured in Box 20. For multiple dwellings, this is defined as the actual floor area inside a unit or dwelling, including the interior wall(s)’ thickness. Excluded from this calculation are common areas, such as elevators, stairways, lobbies, mechanical rooms, party rooms, vent shafts and pipe chaser shafts, and the thickness of exterior walls and the walls between dwelling units. For flats, all residential floor area should be included except for shared stairways, entries, or other common space, and the thickness of exterior walls and the walls between dwelling units. For single household dwellings, all residential floor area should be included, except for the thickness of exterior walls.

- **Box 23:** This box represents the ratio of “Total Net Residential Area” [Box 22] to “Total Residential Gross Floor Area” [Box 21]. This ratio also should be applied when determining the bonus density IZ calculation (see Box 24 below).
- **Box 24:** This box asks for the “Total Net Residential IZ Required” for the project. The IZ requirement should be calculated as outlined in 11 DCMR §§ 2603.1 and 2603.2.
 - The IZ requirement is calculated as the greater of a percentage of the gross floor area being devoted to residential use, or a percentage of the bonus density achieved in the Development.
 - Bonus density is calculated as the difference between the Total Gross Floor Area (all uses) (Box 18) and the matter of right FAR in the Development’s zone. For purposes of bonus density calculations, note that all bonus density – even in mixed-use buildings – is considered residential density for IZ calculation purposes.
 - Below is a representation of the IZ set-aside requirements based on zone and primary method of construction:

Zone	Framing Material	IZ Set Aside
R-2, R-3, R-4, R-5-A, R-5-B, C-1, C-2-A, W-0, or W-1	Steel & Concrete	Greater of 8% of the gross floor area being devoted to residential use, or 50% of the bonus density
	Other, such as stick built	Greater of 10% of the gross floor area being devoted to residential use, or 75% of the bonus density
C-2-B, C-2-C, C-3, CR, R-5-C, R-5-D, SP-1, SP-2, USN, W-2, or W-3	All	Greater of 8% of the gross floor area being devoted to residential use, or 50% of the bonus density

Section B: IZ Unit Classification

- **Overall:** This section asks for a breakdown of market rate and IZ unit information. The information in Section B is intended to demonstrate whether §§ 2605.2 and 2603.3 have been satisfied. Leave blank any cells which are not applicable to the Development. For example, if the Development only is a multiple dwelling project, do not enter information for single household dwellings and flats.
 - *Section 2605.2* provides: “The proportion of studio, efficiency, and one-bedroom inclusionary units to all inclusionary units shall not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market-rate units.”
 - *Section 2603.3* specifies the income breakdown between 50% and 80% of AMI for IZ units. Below is a representation of the IZ set-aside requirements:

Zone	IZ Income Set Aside
R-3, R-4, R-5-A, R-5-B, R-5-C, R-5-D, R-5-E, C-1, C-2-A, StE, W-0, and W-1	Set-aside 50% of IZ units for eligible low-income households and 50% of IZ units for eligible moderate-income households. The first IZ unit and each additional odd number unit shall be set aside for low-income households.
CR, C-2-B, C-2-C, C-3-A, C-3-B, C-3-C, USN, W-2, W-3, SP-1, and SP-2	Set aside 100% of IZ units for eligible moderate-income households.

The definitions of low-income and moderate income households are also reproduced below (11 DCMR Chapter 26, § 2601.1):

- **Low-income household** – “a household of one or more individuals with a total annual income adjusted for household size equal to less than fifty percent (50%) of the Metropolitan Statistical Area median as certified by the Mayor pursuant to the Act.”
- **Moderate-income household** – “a household of one or more individuals with a total annual income adjusted for household size equal to between fifty-one percent (51%) and eighty percent (80%) of the Metropolitan Statistical Area median as certified by the Mayor pursuant to the Act.”

Section C: IZ Unit Itemization

- **Overall:** This section asks only for IZ unit information, including the “Total Net Residential IZ Proposed.” If there are more than 10 IZ units, please enter additional information in an attached supplement.
- **Tenure (Sale/ Rental) Column:** Indicate whether the identified IZ units will be for sale, such as condominiums, or rental units.

Section D: Other Requirements

- **Box 1:** Confirm that any bedroom identified in the project or in building plans, whether IZ or market rate, meet the definition of “bedroom” provided in 14 DCMR Chapter 22, § 2299.1, which is as follows:
 - **Bedroom** – “a 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 for an Inclusionary Development.”
- **Box 2:** Indicate whether the construction will be phased. If the answer is yes, attach a phasing plan.
- **Box 3:** Review Section G “Zoning Administrator Check List: Official Use Only” and confirm that sufficient information has been provided for the DCRA reviewer to conduct the review.

Section E: Project Architect’s Or Project Engineer’s Inclusionary Unit Certification

- Enter information, signature, and date. Consult 14 DCMR Chapter 22, § 2202.4(f) concerning requirements related to minimum IZ unit sizes, reproduced below:

“A certification from the Inclusionary Development’s architect or engineer that the size of each

Inclusionary Unit is at least ninety-eight percent (98%) of the average size of the same type of Market Rate Unit in the development or at least ninety-eight percent (98%) of the size indicated in the following table, whichever is lesser”:

Types of Dwelling	Type of Unit	Minimum Unit Size (square feet)
Multiple Family Dwelling	Studio/ Efficiency	400
	One Bedroom	550
	Two Bedroom	800
	Three Bedroom	1000
	Four Bedroom	1050
One or Two Household Dwellings	Two Bedroom	1000
	Three Bedroom	1200
	Four Bedroom	1400

Section F: Applicant’s Signatures

- Enter signatures and dates. Applications missing signatures will not be processed.

Section G: Zoning Administrator Check List

- **Overall:** Do not fill-in this checklist. However, please review the “Information” and “Analysis” check lists to ensure that the DCRA reviewer has all necessary information to review each item.
- **Information: Box 4:** Refer to the DHCD website to obtain a copy of the IZ Covenant template and for DHCD contact information. An applicant must receive DHCD preliminary approval of a draft IZ Covenant as part of the CIZC process. An IZ Covenant must be recorded in the land records prior to the final Certificate of Occupancy for multiple dwellings and flats and the final inspection for single family dwellings.
- As a final step, the Zoning Administrator must certify that the CIZC application meets 11 DCMR Chapter 26 requirements to complete the DCRA review.