



Penthouse Habitable Space and Affordable Housing Requirements

September 28, 2016

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Presentation Outline

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- **History**
- **Several slides on details of the rules and definitions**
- **Penthouse Form**
- **Process**
- **Concluding tips**
- **Q&A after the presentation**

History

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- The President of the United States signed a bill into law on May 16, 2014 (Public Law No. 113-103) that included an amendment to the “Height Act” of 1910.
 - ▣ The text was amended to allow “human occupancy” above the top story of the building.
- The DC Office of Planning then proposed zoning amendments to rooftop penthouses and the Zoning Commission set down the amendments for a public hearing on September 4, 2014.

History

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- After many public hearings, the Zoning Commission took final action and approved the changes to the penthouse rules on November 9, 2015.
- The Order No. 14-13 was effective on January 8, 2016.
- There have been 3 subsequent text amendments to the rules in case numbers 14-13A, 14-13B, and 14-13C.
- These provisions are now in effect and all projects that have yet to be issued building permits must conform.

Penthouse Rules Generally

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- Order No. 14-13 adopted dozens of changes to the penthouse rules, including height, stories, and setbacks, among others.
- But one aspect of the new rule -- *and the subject of today's presentation* -- is the ability to place habitable space in a penthouse and the resulting affordable housing requirement.
 - ▣ There is, of course, no requirement to have a habitable penthouse.

Penthouse Rules Generally

- Also be aware that the Penthouse affordable housing rules were applied on top of an existing Inclusionary Zoning (IZ) structure, adding greater complexity to both affordable housing processes.
- IZ rules – and the Certificate of Inclusionary Zoning (CIZC) application – were the subject of a similar presentation in this same spot on April 1, 2015. You can find a copy of that presentation on DCRA's website.
- There is overlap and interaction between the Penthouse and CIZC forms which will be highlighted in this presentation.

Penthouse Defined

- **Penthouse**: A structure on or above the roof of any part of a building. The term includes all structures previously regulated as “roof structures” prior to January 8, 2016 by § 411 of the 1958 Regulations. Skylights, gooseneck exhaust ducts serving kitchen and toilet ventilating systems, roof mounted antennas, and plumbing vent stacks shall not be considered as penthouses.
- **Penthouse Habitable Space**: An enclosed space within a penthouse devoted to any use permitted in the zone, unless otherwise restricted, other than penthouse mechanical space. The term penthouse habitable space shall include communal recreation space and associated facilities such as storage, kitchen space, change rooms, or lavatories.
- **Penthouse Mechanical Space**: An enclosed space within a penthouse devoted to mechanical equipment for the building, elevator over-rides, or stair towers.

Where is Penthouse Habitable Space Permitted?

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C-1500.3: A penthouse may house mechanical equipment or any use permitted within the zone, except as follows:

- (a) Penthouse habitable space on a detached dwelling, semi-detached dwelling, rowhouse, or flat shall be limited pursuant to Subtitle C § 1500.4;
- (b) Within residential zones in which the building is limited to forty feet (40 ft.) maximum, the penthouse use shall be limited to penthouse mechanical space and ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop unenclosed and uncovered deck, terrace, or recreation space;
- (c) A nightclub, bar, cocktail lounge, or restaurant use shall only be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9; and

...

Penthouse Habitable Space and FAR

C-1503.1: For the purposes of calculating floor area ratio for the building, the aggregate square footage of all penthouse levels or stories measuring six and one-half feet (6.5 ft.) or more in height shall be included in the total floor area ratio permitted for the building, with the following exceptions:

- (a) Penthouse mechanical space;
- (b) Communal recreation space;
- (c) Penthouse habitable space, other than as exempted in Subtitle C § 1503.1(b) with a floor area ratio of less than four-tenths (0.4);

...

What Projects Do the Penthouse Affordable Housing Rules Apply To?

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- All projects that are providing Penthouse habitable space must submit a Penthouse Affordable Housing Addendum (“Penthouse Addendum”) form:
 - Residential
 - Commercial/Non-residential use
 - Existing buildings
 - New buildings
 - IZ projects
 - Non-IZ projects

- But, as will be further discussed, not all projects are treated alike when applying the affordable housing requirements.

Penthouse Roadmap: Part I

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- **Step 1:** A project proposes penthouse habitable space.
- **Step 2:** Fill out a Penthouse Addendum form and submit it along with the related building permit.
- **Step 3:** The assigned zoning technician will review the form (and building permit).

Navigating the Form



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PENTHOUSE AFFORDABLE HOUSING ADDENDUM

Consult the Instructions
 Guide to complete this
 application.

DIRECTIONS

- All developments constructing penthouse habitable space must execute this form at the time of the building permit review for the penthouse. Do not execute this form if no penthouse habitable space is constructed.
- Where penthouse habitable space is constructed in association with: (1) a new Inclusionary Zoning (IZ) development, or (2) an addition to an existing development that itself would trigger new or expanded IZ requirements within the building, then execute both the "Penthouse Affordable Housing Addendum" ("Addendum") and a "Certificate of Inclusionary Zoning Compliance (CIZC)" Application. Ensure that data matches between the two forms.
- Where penthouse habitable space is constructed in association with a new building or addition (residential or non-residential) which is: (1) not otherwise subject to IZ requirements, *and* (2) any penthouse generated IZ or affordable housing square footage would *not* be provided within the building, then execute an Addendum only and not a CIZC application.

SECTION A - PROJECT INFORMATION (to be filled in by applicant, per applicable zoning regulations)

1. Name of the Development		2. Address(es) of the Development	
3. Square/Suffix	4. Lot(s)	5. Ward	6. Overlay District / Zoning District
9. Owner of Building or Property		10. Owner Address (include ZIP code)	
12. Agent for Owner		13. Agent Address (include ZIP code)	
7. Zoning Commission or BZA Order (if applicable)		8. Building Permit Application Date: _____ Number: _____	
11. Owner Phone # & Email		14. Agent Phone # & Email	

SECTION B - RESIDENTIAL BUILDINGS CONSTRUCTING PENTHOUSE HABITABLE SPACE

<p>1. Would penthouse habitable space be provided in the following circumstances:</p> <p>A. Both a CIZC application and an Addendum must be executed when:</p> <p><input type="checkbox"/> The new penthouse habitable space is being provided as part of a new building or as an addition to an existing building which itself is subject to a new or expanded IZ requirement within the building.</p> <p><input type="checkbox"/> New penthouse generated IZ square footage is being satisfied <i>within</i> a new or existing building or addition <u>not</u> otherwise subject to IZ.</p> <p>B. Only Addendum must be executed when:</p> <p>The new penthouse habitable space is being provided as part of a new building or addition <u>not</u> otherwise subject to IZ and either:</p> <p><input type="checkbox"/> The affordable housing requirement is satisfied through a contribution to a housing trust fund; or</p> <p><input type="checkbox"/> There is no Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11 (will complete first 2 entries of Box 2).</p>	<p>2. Provide the following Penthouse Habitable Space information (references shown to CIZC Boxes, if applicable):</p> <p>(a) Total Penthouse Habitable Space: _____ sq. ft.</p> <p>(b) Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11: _____ sq. ft.</p> <p>(c) Primary Construction Method of building as a whole: <input type="checkbox"/> Steel and/or Concrete (CIZC Box 19) <input type="checkbox"/> Other (such as stick built)</p> <p>(d) Factor used (CIZC Box 26): <input type="checkbox"/> 8% or <input type="checkbox"/> 10%</p> <p>(e) Penthouse IZ Requirement within building (CIZC Box 28): _____ sq. ft.</p> <p>3. How is the penthouse affordable housing requirement being satisfied?</p> <p><input type="checkbox"/> The penthouse generated IZ square footage is being provided within the building generating the penthouse IZ requirement at units: _____</p> <p><input type="checkbox"/> The affordable housing requirement is being satisfied through a contribution to a housing trust fund (per C-1006.10(a)-(c))</p>
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4. Total contribution to housing trust fund (if applicable):

C = PHS * ((AV/LA) / FAR) * 50% Z4 confirmation of contribution calculation: _____ (official use only)

C = Contribution

PHS = Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11 (same as Section B, Box 2(b) above): _____ sq. ft. Total contribution required: \$ _____

AV = Assessed Value of property (land): \$ _____ Amount paid at time of building permit: \$ _____

LA = Square feet of land area of property: _____ sq. ft. Amount remaining to be paid no later than CoFO: \$ _____

FAR = Max permitted residential FAR: _____

SECTION C - NON-RESIDENTIAL BUILDINGS CONSTRUCTING HABITABLE PENTHOUSE SPACE

<p>1. Amount of penthouse habitable space provided per C-1500.12: _____ sq. ft.</p>	<p>2. Is the penthouse generated affordable housing requirement being satisfied as follows?</p> <p><input type="checkbox"/> Exempt because penthouse habitable space provided does not exceed 1,000 square feet, or</p> <p><input type="checkbox"/> Construction or rehabilitation of the required affordable housing; or</p> <p><input type="checkbox"/> A housing trust fund contribution</p>	<p>3. If satisfied through construction or rehabilitation of required housing, provide the location (including unit numbers) and average square footage size of the dwellings or units (and any additional information needed):</p>
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4. Total contribution to housing trust fund (if applicable):

C = PHS * ((AV/LA) / FAR) * 50% Z4 confirmation of contribution calculation: _____ (official use only)

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PHS = Penthouse Habitable Space: _____ sq. ft. Total contribution required: \$ _____

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LA = Square feet of land area of property: _____ sq. ft. Amount remaining to be paid no later than CoFO: \$ _____

FAR = Max permitted non-residential FAR: _____

SECTION D - PROJECT ARCHITECT'S OR PROJECT ENGINEER'S CERTIFICATION

1. Name:	2. D.C. Lic. No.	3. Address: (include ZIP code)	4. Phone # and Email
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Signature of Project Architect/Engineer: _____ Date: _____

SECTION E - APPLICANT'S SIGNATURES

Owner: I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, construction will conform to the D.C. construction codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature: _____ Address: _____ Date: _____

Agent: I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, construction will conform to the D.C. construction codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature: _____ Address: _____ Date: _____

SECTION F - ZONING ADMINISTRATOR CHECKLIST (OFFICIAL USE ONLY)

Information: Is the application complete?	Yes	No	N/A	Comments
1. Penthouse floor plans and elevations	1. <input type="checkbox"/>	1. <input type="checkbox"/>	1. <input type="checkbox"/>	
2. Penthouse financial contribution to a housing trust fund (at least 50% of the amount owed must be paid at the time of permit)	2. <input type="checkbox"/>	2. <input type="checkbox"/>	2. <input type="checkbox"/>	
3. Remaining balance of financial contribution to a housing trust fund must be listed on building permit for payment prior to C of O.	3. <input type="checkbox"/>	3. <input type="checkbox"/>	3. <input type="checkbox"/>	
4. Off-site assistance documentation	4. <input type="checkbox"/>	4. <input type="checkbox"/>	4. <input type="checkbox"/>	
5. Are all signatures present?	5. <input type="checkbox"/>	5. <input type="checkbox"/>	5. <input type="checkbox"/>	

Analysis: Does the application demonstrate compliance?

1. Is the penthouse generated IZ square feet set aside, contribution, or affordable housing production sufficient? 1. 1. 1.

ZONING ADMINISTRATOR - This certifies that the Addendum is hereby: Approved Denied due to the items checked above

Signed: _____ Date: _____

Rev. 8/23/16

Navigating the Form: Directions

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DIRECTIONS

- All developments constructing penthouse habitable space must execute this form at the time of the building permit review for the penthouse. Do not execute this form if no penthouse habitable space is constructed.
- Where penthouse habitable space is constructed in association with: (1) a new Inclusionary Zoning (IZ) development, or (2) an addition to an existing development that itself would trigger new or expanded IZ requirements within the building, then execute both the “Penthouse Affordable Housing Addendum” (“Addendum”) and a “Certificate of Inclusionary Zoning Compliance (CIZC)” Application. Ensure that data matches between the two forms.
- Where penthouse habitable space is constructed in association with a new building or addition (residential or non-residential) which is: (1) not otherwise subject to IZ requirements, *and* (2) any penthouse generated IZ or affordable housing square footage would *not* be provided within the building, then execute an Addendum only and not a CIZC application.

• Key Points:

- Use the form if there is Penthouse habitable space proposed. If there is none proposed, no Penthouse Addendum form is required.
- If Penthouse habitable space is proposed and it is an IZ Development, submit both a Penthouse Addendum form and a CIZC application.
- If it is not an IZ Development, and any affordable housing requirement is satisfied off-site or through a payment to the housing production trust fund, then execute a Penthouse Addendum form only.

Navigating the Form: Section A



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PENTHOUSE AFFORDABLE HOUSING ADDENDUM last updated: 9.23.16



GOVERNMENT OF THE DISTRICT OF COLUMBIA
MURIEL BOWSER, MAYOR

Consult the Instructions Guide to complete this application

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SECTION A - PROJECT INFORMATION (All information must match building permit application, where applicable)

1. Name of the Development			2. Address(es) of the Development		
3. Square/Suffix	4. Lot(s)	5. Ward	6. Overlay District / Zoning District	7. Zoning Commission or BZA Order (if applicable)	8. Building Permit Application Date: _____ Number: _____
9. Owner of Building or Property		10. Owner Address (include ZIP code)		11. Owner Phone # & Email	
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SECTION D - PROJECT ARCHITECT'S OR PROJECT ENGINEER'S CERTIFICATION

1. Name:	2. D.C. Lic. No.:	3. Address: (include ZIP code)	4. Phone # and Email
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Signature of Project Architect/Engineer: _____ Date: _____

SECTION E - APPLICANT'S SIGNATURES

Owner: I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, construction will conform to the D.C. construction codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature: _____ Address: _____ Date: _____

Agent: I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, construction will conform to the D.C. construction codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

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Analysis: Does the application demonstrate compliance?

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Signed: _____ Date: _____

Navigating the Form: Section A

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SECTION A - PROJECT INFORMATION (All information must match building permit application, where applicable)

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9. Owner of Building or Property			10. Owner Address (<i>include ZIP code</i>)		11. Owner Phone # & Email	
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General project information

Navigating the Form: Section B



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FAR = Max permitted non-residential FAR: _____

SECTION D - PROJECT ARCHITECT'S OR PROJECT ENGINEER'S CERTIFICATION

1. Name:	2. D.C. Lic. No.:	3. Address: (include ZIP code)	4. Phone # and Email
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Signature of Project Architect/Engineer: _____ Date: _____

SECTION E - APPLICANT'S SIGNATURES

Owner: I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, construction will conform to the D.C. construction codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

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1. Penthouse floor plans and elevations	1. <input type="checkbox"/>	1. <input type="checkbox"/>	1. <input type="checkbox"/>	
2. Penthouse financial contribution to a housing trust fund (at least 50% of the amount owed must be paid at the time of permit)	2. <input type="checkbox"/>	2. <input type="checkbox"/>	2. <input type="checkbox"/>	
3. Remaining balance of financial contribution to a housing trust fund must be listed on building permit for payment prior to C of O.	3. <input type="checkbox"/>	3. <input type="checkbox"/>	3. <input type="checkbox"/>	
4. Off-site assistance documentation	4. <input type="checkbox"/>	4. <input type="checkbox"/>	4. <input type="checkbox"/>	
5. Are all signatures present?	5. <input type="checkbox"/>	5. <input type="checkbox"/>	5. <input type="checkbox"/>	

Analysis: Does the application demonstrate compliance?

1. Is the penthouse generated IZ square feet set aside, contribution, or affordable housing production sufficient? 1. 1. 1.

ZONING ADMINISTRATOR - This certifies that the Addendum is hereby: Approved Denied due to the items checked above

Signed: _____ Date: _____

Navigating the Form: Section B

SECTION B – RESIDENTIAL BUILDINGS CONSTRUCTING PENTHOUSE HABITABLE SPACE

Residential Projects Only

1. Would penthouse habitable space be provided in the following circumstances:

A. **Both a CIZC application and an Addendum must be executed when:**

The new penthouse habitable space is being provided in a new building or as an addition to a new or expanded IZ requirement within the building.

New penthouse generated IZ square footage is being satisfied *within* a new or existing building or addition not otherwise subject to IZ.

B. **Only Addendum must be executed when:**

The new penthouse habitable space is being provided as part of a new building or addition *not* otherwise subject to IZ and either:

The affordable housing requirement is satisfied through a contribution to a housing trust fund; or

There is no Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11 (still complete first 2 entries of Box 2).

2. Provide the following Penthouse Habitable Space information (references shown to CIZC Boxes, if applicable):

(a) Total Penthouse Habitable Space: _____ sq. ft.

_____ sq. ft. to IZ

(c) Primary Construction Method of building as a whole: Steel and/or Concrete
(CIZC Box 19) Other (such as stick built)

(d) Factor used (CIZC Box 26): 8% or 10%

(e) Penthouse IZ Requirement within building (CIZC Box 28): _____ sq. ft.

3. How is the penthouse affordable housing requirement being satisfied?

The penthouse generated IZ square footage is being provided within the building generating the penthouse IZ requirement at units: _____

The affordable housing requirement is being satisfied through a contribution to a housing trust fund (per C-1006.10(a)-(c))

4. Total contribution to housing trust fund (if applicable):

$C = PHS * ((AV/LA) / FAR) * 50\%$ *ZA confirmation of contribution calculation: _____ (official use only)*

C = Contribution

PHS = Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11 [same as Section B, Box 2(b) above]: _____ sq. ft. Total contribution required: \$ _____

AV = Assessed Value of property (land): \$ _____ Amount paid at time of building permit: \$ _____

LA = Square feet of land area of property: _____ sq. ft. Amount remaining to be paid no later than CofO: \$ _____

FAR = Max permitted residential FAR: _____

Navigating the Form: Section B, Box 1

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1. Would penthouse habitable space be provided in the following circumstances:

A. **Both a CIZC application and an Addendum must be executed when:**

- The new penthouse habitable space is being provided as part of a new building or as an addition to an existing building which itself is subject to a new or expanded IZ requirement within the building.
- New penthouse generated IZ square footage is being satisfied *within* a new or existing building or addition not otherwise subject to IZ.

B. **Only Addendum must be executed when:**

The new penthouse habitable space is being provided as part of a new building or addition *not* otherwise subject to IZ and either:

- The affordable housing requirement is satisfied through a contribution to a housing trust fund; or
- There is no Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11 (still complete first 2 entries of Box 2).

Navigating the Form: Section B, Box 2

2. Provide the following Penthouse Habitable Space information (references shown to CIZC Boxes, if applicable):

(a) Total Penthouse Habitable Space: _____ sq. ft.

(b) Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11: _____ sq. ft.

(c) Primary Construction Method of building as a whole: Steel and/or Concrete
(CIZC Box 19) Other (such as stick built)

(d) Factor used (CIZC Box 26): 8% or 10%

(e) Penthouse IZ Requirement within building (CIZC Box 28): _____ sq. ft.

Navigating the Form: Section B, Box 2

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2. Provide the following Penthouse Habitable Space information (references shown to CIZC Boxes, if applicable):

(a) Total Penthouse Habitable Space: _____ sq. ft.

(b) Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11: _____ sq. ft.

(c) Primary Construction Method of building as a whole: Steel and/or Concrete

(CIZC Box 19)

(d) Factor used

(e) Penthouse IZ

Penthouse Habitable Space: An enclosed space within a penthouse devoted to any use permitted in the zone, unless otherwise restricted, other than penthouse mechanical space. The term penthouse habitable space shall include communal recreation space and associated facilities such as storage, kitchen space, change rooms, or lavatories.

Navigating the Form: Section B, Box 2

This number will be used as an input in any Housing Production Trust Fund payment calculation

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2. Provide the following information to CIZC Boxes, if applicable):

(a) Total Penthouse Habitable Space: _____ sq. ft.

(b) Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11: _____ sq. ft.

(c) Primary Component (CIZC Box 19)

(d) Factor used

(e) Penthouse IZ

Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11: For residential buildings, the construction of penthouse habitable space, except penthouse habitable space devoted exclusively to communal rooftop recreation or amenity space for the primary use of residents of the residential building, is subject to the Inclusionary Zoning set-aside provisions of Subtitle C, Chapter 10 Inclusionary Zoning.

C-1003.1: An inclusionary residential development for which the primary method of construction does not employ steel or steel and concrete frame structure and which is located in a zone with a by-right height limit of fifty feet (50 ft.) or less shall set aside the greater of ten percent (10%) of the gross floor area dedicated to residential use **including penthouse habitable space** as described in Subtitle C § 1001.2(d), or seventy-five percent (75%) of its achievable bonus density to inclusionary units **plus an area equal to ten percent (10%) of the penthouse habitable space** as described in Subtitle C § 1001.2(d).

C-1003.2: An inclusionary residential development of steel or steel and concrete frame construction shall set aside the greater of eight percent (8%) of the gross floor area dedicated to residential use **including penthouse habitable space** as described in Subtitle C § 1001.2(d), or fifty percent (50%) of its achievable bonus density to inclusionary units **plus an area equal to eight percent (8%) of the penthouse habitable space** as described in Subtitle C § 1001.2(d).

(c) Primary Construction Method of building as a whole: Steel and/or Concrete
(CIZC Box 19) Other (such as stick built)

(d) Factor used (CIZC Box 26): 8% or 10%

(e) Penthouse IZ Requirement within building (CIZC Box 28): _____ sq. ft.

Navigating the Form: Section B, Box 2

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2. Provide the following Penthouse Habitable Space information (references shown to CIZC Boxes, if applicable):

(a) Total Penthouse Habitable Space: _____ sq. ft.

(b) Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11: _____ sq. ft.

(c) Primary Construction Method of building as a whole: Steel and/or Concrete
(CIZC Box 19) Other (such as stick built)

(d) Factor used (CIZC Box 26): 8% or 10%

(e) Penthouse IZ Requirement within building (CIZC Box 28): _____ sq. ft.

- If the IZ square footage will be satisfied within the building, this is the amount of IZ that must be accounted for and entered in **CIZC Section A, Box 28**, adding to the total IZ contained in the building.

Navigating the Form:

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2. Provide the following Penthouse Habitable Space information to CIZC Boxes, if applicable):

(a) Total Penthouse Habitable Space:

(b) Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11:

(c) Primary Construction Method of building as a whole: (CIZC Box 19)

(d) Factor used (CIZC Box 26):

(e) Penthouse IZ Requirement within building (CIZC Box 28):

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CERTIFICATE OF INCLUSIONARY ZONING COMPLIANCE (CIZC) APPLICATION

GOVERNMENT OF THE DISTRICT OF COLUMBIA
MURIEL BOWSER, MAYOR Consult the Instructions Guide to complete this application

SECTION A - BUILDING PERMIT AND PROJECT INFORMATION (All information must match building permit application, where applicable)

1. Name of Inclusionary Development				2. Address(es) of Inclusionary Development			
3. Square/Suffix	4. Lot(s)	5. Ward	6. Overlay District / Zoning District	7. Zoning Commission or BZA Order (if applicable)	8. Building Permit Application Date: _____ Number: _____		
9. Owner of Building or Property			10. Owner Address (include ZIP code)		11. Owner Phone # & Email		
12. Agent for Owner			13. Agent Address (include ZIP code)		14. Agent Phone # & Email		
15. Is the development exempt from IZ per C-1001.6(a)? <input type="checkbox"/> Yes <input type="checkbox"/> No	16. Is the development an RF zone conversion? <input type="checkbox"/> Yes <input type="checkbox"/> No	17. Is the development an IZ "opt in" per C-1001.8? <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Does the project involve construction of penthouse habitable space? <input type="checkbox"/> Yes. Fill out Penthouse Affordable Housing Addendum <input type="checkbox"/> No	19. Primary Construction Method <input type="checkbox"/> Steel and/or Concrete <input type="checkbox"/> Other (such as stick built)	20. Total Land Area of the Lot(s) of the Inclusionary Development: _____ sq. ft.	21. Total Gross Floor Area (all uses): _____ sq. ft.	22. Total Residential Gross Floor Area: _____ sq. ft.
23. Total Residential Gross Floor Area Including Residential Add-ons: Residential Gross Floor Area (Same as Box 22): _____ sq. ft. + Gross cellar area (when res. units are in cellar): _____ sq. ft. + Gross enclosed public space projections: _____ sq. ft. Total Residential Gross Floor Area for IZ Analysis (num): _____ sq. ft.				24. Total Net Residential Floor Area Including Residential Add-ons: Net Residential Floor Area (Based on Box 22): _____ sq. ft. + Net cellar area (when res. units are in cellar): _____ sq. ft. + Net enclosed public space projections: _____ sq. ft. Total Net Residential Area for IZ Analysis (num): _____ sq. ft.		25. Ratio of Box 24 + Box 23 (total): 0. _____ 26. Factor yielding greater IZ (per C-1003): <input type="checkbox"/> 8% or <input type="checkbox"/> 10% of GFA <input type="checkbox"/> 50% or <input type="checkbox"/> 75% of bonus density	
27. Preliminary IZ requirement within the Development (the greater IZ requirement yielded from Box 26 factor in gross and net terms): (a) Residential Gross Floor Area: _____ sq. ft. (b) Net Residential Floor Area: _____ sq. ft.			28. Penthouse IZ Requirement within building (See Penthouse Affordable Housing Addendum): _____ sq. ft.		29. Total Net Residential IZ Required Within the Development: (Box 27(b)) + (Box 28 if provided within the Development) _____ sq. ft.		

SECTION B - IZ UNIT CLASSIFICATION

Unit or Dwelling Type	All Units (#)	Market Rate Units (# and % of total Market Rate Units)	IZ Units (# and % of total IZ units)	IZ Income Set-Aside (#)	
				50% of AMI	80% of AMI
Multiple Dwellings	Studio units	#: _____ %: _____	#: _____ %: _____		
	1-bedroom units	#: _____ %: _____	#: _____ %: _____		
	2 or more bedroom units	#: _____ %: _____	#: _____ %: _____		
	Total	#: _____ %: _____	#: _____ %: _____		
Single one-unit dwellings and flats	Single household dwellings	#: _____ %: _____	#: _____ %: _____		
		#: _____ %: _____	#: _____ %: _____		

_____ sq. ft.

Navigating the Form: Section B, Box 3

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3. How is the penthouse affordable housing requirement being satisfied?

- The penthouse generated IZ square footage is being provided within the building generating the penthouse IZ requirement at units: _____

- The affordable housing requirement is being satisfied through a contribution to a housing trust fund (per C-1006.10(a)-(c))

Navigating the Form:

All penthouse generated IZ square footage must be allocated to eligible low income household unit(s) per [C-1003.7](#)

3. How is the penthouse affordable housing requirement being satisfied?

The penthouse generated IZ square footage is being provided within the building generating the penthouse IZ requirement at units: _____

The affordable housing requirement is being satisfied through a contribution to a housing trust fund (per C-1006.10(a)-(c))

CIZC Application

SECTION C – IZ ITEMIZATION (If more than 10 units, continue unit information on a supplemental page)

No.	Inclusionary Unit Number, Dwelling Address, or Lot	Floor Number	Net Square Feet	Number of Bedrooms	Income Set-Aside 50% of AMI, 80% of AMI, or other	Tenure (Sale/Rental)	Estimated Date of Availability	Square feet added to Unit from Penthouse IZ Requirement
1.								
2.								
3.								

No requirement that the IZ is provided within the penthouse unit(s)

Navigating the Form: Section B, Box 3

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3. H



C-1006.10: Inclusionary units resulting from the set-aside required for penthouse habitable space as described in Subtitle C § 1001.2(d) **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 § 1505.15 shall be based on the maximum permitted residential FAR, when:

- (a) The new penthouse habitable space is being provided as an addition to an existing building which is not otherwise undergoing renovations or additions that would result in a new or expanded Inclusionary Zoning requirement within the building;
- (b) The penthouse habitable space is being provided on an existing or new building not otherwise subject to Inclusionary Zoning requirements; or
- (c) The building is not otherwise required to provide inclusionary units for low income households 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.

Navigating the Form: Section B, Box 4

28

4. Total contribution to housing trust fund (if applicable):

$$C = \text{PHS} * ((\text{AV}/\text{LA}) / \text{FAR}) * 50\%$$

ZA confirmation of contribution calculation: _____ *(official use only)*

C = Contribution

PHS = Penthouse Habitable Space subject to IZ set-aside

provisions per C-1500.11 [same as Section B, Box 2(b) above]: _____ sq. ft. Total contribution required: \$ _____

AV = Assessed Value of property (land): \$ _____ Amount paid at time of building permit: \$ _____

LA = Square feet of land area of property: _____ sq. ft. Amount remaining to be paid no later than CofO: \$ _____

FAR = Max permitted residential FAR:

Navigating the Form: Section B, Box 4

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4. Total contribution to housing trust fund (if applicable):

$$C = \text{PHS} * ((\text{AV}/\text{LA}) / \text{FAR}) * 50\%$$

ZA confirmation of contribution calculation: _____ (official use only)

C = Contribution

C-1505.13 The contribution shall be equal to one-half (0.5) of the assessed value of the proposed penthouse habitable space.

C-1505.14 The assessed value shall be the fair market value of the property as indicated in the property tax assessment records of the Office of Tax and Revenue no earlier than thirty (30) days prior to the date of the building permit application to construct the penthouse habitable space.

C-1505.15 The contribution shall be determined by dividing the assessed value per square foot of land that comprises the lot upon which the building is or will be located by the maximum permitted non-residential FAR and multiplying that amount times the penthouse habitable space to be constructed.

C-1505.16 Not less than one-half (0.5) of the required total financial contribution shall be made prior to the issuance of a building permit for construction of the penthouse habitable space, and the balance of the total financial contribution shall be made prior to the issuance of a certificate of occupancy for any or all of the building's penthouse habitable space.

Navigating the Form: Section B, Box 4

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4. Total contribution to housing trust fund (if applicable):

$$C = PHS * ((AV/LA) / FAR) * 50\%$$

ZA confirmation of contribution calculation: _____ (official use only)

C = Contribution

PHS = Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11 [same as Section B, Box 2(b) above]: _____ sq. ft.

Total contribution required: \$ _____

AV = Assessed Value of property (land): \$ _____

Amount paid at time of building permit: \$ _____

LA = Square feet of land area of property: _____ sq. ft.

Amount remaining to be paid no later than CofO: \$ _____

FAR = Max permitted residential FAR:

Penthouse Habitable Space in this context will be considered the space subject to C-1500.11: For residential buildings, the construction of penthouse habitable space, except penthouse habitable space devoted exclusively to communal rooftop recreation or amenity space for the primary use of residents of the residential building, is subject to the Inclusionary Zoning set-aside provisions of Subtitle C, Chapter 10 Inclusionary Zoning.

Navigating the Form: Section B, Box 4

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4. Total contribution to housing trust fund (if applicable):

$$C = PHS * ((AV/LA) / FAR) * 50\%$$

ZA confirmation of contribution calculation: _____ (official use only)

C = Contribution

PHS = Penthouse Habitable Space subject to IZ set-aside

provisions per C-1500.11 [same as Section B, Box 2(b) above]: _____ sq. ft. Total contribution required: \$ _____

AV = Assessed Value of property (land): \$ _____

Amount paid at time of building permit: \$ _____

LA = Square feet of land area of property: _____ sq. ft.

Amount remaining to be paid no later than CofO: \$ _____

FAR = Max permitted residential FAR:

Provide the reviewer with supporting documentation to speed up the review, such as documentation of the assessed value of the land.

Navigating the Form: Section B, Box 4

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4. Total contribution to housing trust fund (if applicable):

$$C = PHS * ((AV/LA) / FAR) * 50\%$$

C = Contribution

PHS = Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11 [same as Section B, Box 2(b) above]: _____ sq. ft.

AV = Assessed Value of property (land): \$ _____

LA = Square feet of land area of property: _____ sq. ft.

FAR = Max permitted residential FAR:

ZA confirmation of contribution calculation: _____ (official use only)

Total contribution required: \$ _____

Amount paid at time of building permit: \$ _____

Amount remaining to be paid no later than CofO: \$ _____

Navigating the Form: Section C



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PENTHOUSE AFFORDABLE HOUSING ADDENDUM last updated: 9.23.16



Consult the Instructions
 Guide to complete this application

DIRECTIONS

- All developments constructing penthouse habitable space must execute this form at the time of the building permit review for the penthouse. Do not execute this form if no penthouse habitable space is constructed.
- Where penthouse habitable space is constructed in association with: (1) a new Inclusionary Zoning (IZ) development, or (2) an addition to an existing development that itself would trigger new or expanded IZ requirements within the building, then execute both the "Penthouse Affordable Housing Addendum" ("Addendum") and a "Certificate of Inclusionary Zoning Compliance (CIZC)" Application. Ensure that data matches between the two forms.
- Where penthouse habitable space is constructed in association with a new building or addition (residential or non-residential) which is: (1) not otherwise subject to IZ requirements, *and* (2) any penthouse generated IZ or affordable housing square footage would *not* be provided within the building, then execute an Addendum only and not a CIZC application.

SECTION A - PROJECT INFORMATION (All information must match building permit application, where applicable)

1. Name of the Development			2. Address(es) of the Development		
3. Square/Suffix	4. Lot(s)	5. Ward	6. Overlay District / Zoning District	7. Zoning Commission or BZA Order (if applicable)	8. Building Permit Application Date: _____ Number: _____
9. Owner of Building or Property			10. Owner Address (include ZIP code)		
11. Owner Phone # & Email			12. Agent for Owner		
13. Agent Address (include ZIP code)			14. Agent Phone # & Email		

SECTION B - RESIDENTIAL BUILDINGS CONSTRUCTING PENTHOUSE HABITABLE SPACE

<p>1. Would penthouse habitable space be provided in the following circumstances:</p> <p>A. Both a CIZC application and an Addendum must be executed when:</p> <p><input type="checkbox"/> The new penthouse habitable space is being provided as part of a new building or as an addition to an existing building which itself is subject to a new or expanded IZ requirement within the building.</p> <p><input type="checkbox"/> New penthouse generated IZ square footage is being satisfied <u>within</u> a new or existing building or addition <u>not</u> otherwise subject to IZ.</p> <p>B. Only Addendum must be executed when:</p> <p>The new penthouse habitable space is being provided as part of a new building or addition <u>not</u> otherwise subject to IZ <u>and</u> either:</p> <p><input type="checkbox"/> The affordable housing requirement is satisfied through a contribution to a housing trust fund; or</p> <p><input type="checkbox"/> There is no Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11 (will complete first 2 sentences of Box 2).</p>	<p>2. Provide the following Penthouse Habitable Space information (references shown to CIZC Boxes, if applicable):</p> <p>(a) Total Penthouse Habitable Space: _____ sq. ft.</p> <p>(b) Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11: _____ sq. ft.</p> <p>(c) Primary Construction Method of building as a whole: <input type="checkbox"/> Steel and/or Concrete (CIZC Box 19) <input type="checkbox"/> Other (such as stick built)</p> <p>(d) Factor used (CIZC Box 26): <input type="checkbox"/> 8% or <input type="checkbox"/> 10%</p> <p>(e) Penthouse IZ Requirement within building (CIZC Box 28): _____ sq. ft.</p> <p>3. How is the penthouse affordable housing requirement being satisfied?</p> <p><input type="checkbox"/> The penthouse generated IZ square footage is being provided within the building generating the penthouse IZ requirement at units: _____</p> <p><input type="checkbox"/> The affordable housing requirement is being satisfied through a contribution to a housing trust fund (per C-1006.10(a)-(c))</p>
---	--

4. Total contribution to housing trust fund (if applicable):

C = PHS * ((AV/LA) / FAR) * 50% ZA confirmation of contribution calculation: _____ (official use only)

C = Contribution

PHS = Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11 (same as Section B, Box 2(b) above): _____ sq. ft. Total contribution required: \$ _____

AV = Assessed Value of property (land): \$ _____ Amount paid at time of building permit: \$ _____

LA = Square feet of land area of property: _____ sq. ft. Amount remaining to be paid no later than CoFO: \$ _____

SECTION C - NON-RESIDENTIAL BUILDINGS CONSTRUCTING HABITABLE PENTHOUSE SPACE

<p>1. Amount of penthouse habitable space provided per C-1500.12: _____ sq. ft.</p>	<p>2. Is the penthouse generated affordable housing requirement being satisfied as follows?</p> <p><input type="checkbox"/> Exempt because penthouse habitable space provided does not exceed 1,000 square feet, or</p> <p><input type="checkbox"/> Construction or rehabilitation of the required affordable housing; or</p> <p><input type="checkbox"/> A housing trust fund contribution</p>	<p>3. If satisfied through construction or rehabilitation of required housing, provide the location (including unit numbers) and average square footage size of the dwellings or units (and any additional information needed):</p>
---	---	---

4. Total contribution to housing trust fund (if applicable):

C = PHS * ((AV/LA) / FAR) * 50% ZA confirmation of contribution calculation: _____ (official use only)

C = Contribution

PHS = Penthouse Habitable Space: _____ sq. ft. Total contribution required: \$ _____

AV = Assessed Value of the property (land): \$ _____ Amount paid at time of building permit: \$ _____

LA = Square feet of land area of property: _____ sq. ft. Amount remaining to be paid no later than CoFO: \$ _____

FAR = Max permitted non-residential FAR: _____

SECTION D - APPLICANT INFORMATION

1. Name:	2. D.C. Lic. No.:	3. Address (include ZIP code):	4. Phone # and Email:
----------	-------------------	--------------------------------	-----------------------

Signature of Project Architect/Engineer: _____ Date: _____

SECTION E - APPLICANT'S SIGNATURES

Owner: I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, construction will conform to the D.C. construction codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature: _____ Address: _____ Date: _____

Agent: I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, construction will conform to the D.C. construction codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature: _____ Address: _____ Date: _____

SECTION F - ZONING ADMINISTRATOR CHECKLIST (OFFICIAL USE ONLY)

Information: Is the application complete?	Yes	No	N/A	Comments
1. Penthouse floor plans and elevations	1. <input type="checkbox"/>	1. <input type="checkbox"/>	1. <input type="checkbox"/>	
2. Penthouse financial contribution to a housing trust fund (at least 50% of the amount owed must be paid at the time of permit)	2. <input type="checkbox"/>	2. <input type="checkbox"/>	2. <input type="checkbox"/>	
3. Remaining balance of financial contribution to a housing trust fund must be listed on building permit for payment prior to C of O.	3. <input type="checkbox"/>	3. <input type="checkbox"/>	3. <input type="checkbox"/>	
4. Off-site assistance documentation	4. <input type="checkbox"/>	4. <input type="checkbox"/>	4. <input type="checkbox"/>	
5. Are all signatures present?	5. <input type="checkbox"/>	5. <input type="checkbox"/>	5. <input type="checkbox"/>	

Analysis: Does the application demonstrate compliance?

1. Is the penthouse generated IZ square feet set aside, contribution, or affordable housing production sufficient? 1. 1. 1.

ZONING ADMINISTRATOR - This certifies that the Addendum is hereby: Approved Denied due to the items checked above

Signed: _____ Date: _____

Navigating the Form: Section C

SECTION C – NON-RESIDENTIAL BUILDINGS CONSTRUCTING HABITABLE PENTHOUSE SPACE

<p>1. Amount of penthouse habitable space provided per C-1500.12:</p> <p>_____ sq. ft.</p>	<p>2. Is the penthouse generated affordable housing requirement being satisfied as follows?</p> <p><input type="checkbox"/> Exempt because penthouse habitable space provided does not exceed 1,000 square feet; or</p> <p><input type="checkbox"/> Construction or rehabilitation of the required affordable housing; or</p> <p><input type="checkbox"/> A housing trust fund contribution</p>	<p>3. If satisfied through construction or rehabilitation of required housing, provide the location (including unit numbers) and average square footage size of the dwellings or units (and any additional information needed):</p> <p>_____</p> <p>_____</p>
<p>4. Total contribution to housing trust fund (if applicable):</p> <p>$C = PHS * ((AV/LA) / FAR) * 50\%$ <i>ZA confirmation of contribution calculation: _____ (official use only)</i></p> <p>C = Contribution</p> <p>PHS = Penthouse Habitable Space: _____ sq. ft. Total contribution required: \$ _____</p> <p>AV = Assessed Value of the property (<u>land</u>): \$ _____ Amount paid at time of building permit: \$ _____</p> <p>LA = Square feet of land area of property: _____ sq. ft. Amount remaining to be paid no later than CofO: \$ _____</p> <p>FAR = Max permitted non-residential FAR: _____</p>		

Non-Residential Projects Only

Navigating the Form: Section C

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SECTION C – NON-RESIDENTIAL BUILDINGS CONSTRUCTING HABITABLE PENTHOUSE SPACE

1. Amount of penthouse habitable space provided per C-1500.12:

_____ sq. ft.

2. Is the penthouse generated affordable housing requirement being satisfied as follows?

- Exempt because penthouse habitable space provided does not exceed 1,000 square feet; or
- Construction or rehabilitation of the required affordable housing; or
- A housing trust fund contribution

3. If satisfied through construction or rehabilitation of required housing, provide the location (including unit numbers) and average square footage size of the dwellings or units (and any additional information needed):

4. Total contribution to housing trust fund (if applicable):

1500.12: For non-residential buildings, the construction of penthouse habitable space, including all forms of habitable space, shall trigger the affordable housing requirement as set forth in Subtitle C § 1505.

ZA confirmation of contribution calculation: _____ *(official use only)*

Total contribution required: \$ _____

Amount paid at time of building permit: \$ _____

Amount remaining to be paid no later than CofO: \$ _____

FAR = Max permitted non-residential FAR: _____

Navigating the Form: Section C

SECTION C – NON-RESIDENTIAL BUILDINGS CONSTRUCTING HABITABLE PENTHOUSE SPACE

1. Amount of penthouse habitable space provided per C-1500.12:

_____ sq. ft.

2. Is the penthouse generated affordable housing requirement being satisfied as follows?

- Exempt because penthouse habitable space provided does not exceed 1,000 square feet; or
- Construction or rehabilitation of the required affordable housing; or
- A housing trust fund contribution

3. If satisfied through construction or rehabilitation of required housing, provide the location (including unit numbers) and average square footage size of the dwellings or units (and any additional information needed):

4. Total contribution to housing trust fund (if applicable):

C-1505.2: The requirements of this provision shall be triggered by the filing of a building permit application that, if granted, would result in the amount of penthouse habitable space exceeding one thousand square feet (1,000 sq. ft.).

Contribution calculation: _____ (official use only)

\$ _____

Building permit: \$ _____

LA = Square feet of land area of property: _____ sq. ft.

Amount remaining to be paid no later than CofO: \$ _____

FAR = Max permitted non-residential FAR: _____

Navigating the Form: Section C

SECTION C – NON-RESIDENTIAL BUILDINGS CONSTRUCTING HABITABLE PENTHOUSE SPACE

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3. If satisfied through construction or rehabilitation of required housing, provide the location (including unit numbers) and average square footage size of the dwellings or units (and any additional information needed):

4. Total contribution to housing trust fund (if applicable):

$C = PHS * ((AV/LA) / FAR) * 50\%$

ZA confirmation of contribution calculation: _____ (official use only)

C = Contribution

PHS = Penthouse Habitable Space: _____ sq. ft.

Total contribution required: \$ _____

AV = Assessed Value of the property (land): \$ _____

Amount paid at time of building permit: \$ _____

LA = Square feet of land area of property: _____ sq. ft.

Amount remaining to be paid no later than CofO: \$ _____

FAR = Max permitted non-residential FAR:

Navigating the Form: Sections D & E



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PENTHOUSE AFFORDABLE HOUSING ADDENDUM last updated: 9.23.16



GOVERNMENT OF THE
 DISTRICT OF COLUMBIA
MURIEL BOWSER, MAYOR

Consult the Instructions
 Guide to complete this
 application

DIRECTIONS

- All developments constructing penthouse habitable space must execute this form at the time of the building permit review for the penthouse. Do not execute this form if no penthouse habitable space is constructed.
- Where penthouse habitable space is constructed in association with: (1) a new Inclusionary Zoning (IZ) development, or (2) an addition to an existing development that itself would trigger new or expanded IZ requirements within the building, then execute both the "Penthouse Affordable Housing Addendum" ("Addendum") and a "Certificate of Inclusionary Zoning Compliance (CIZC)" Application. Ensure that data matches between the two forms.
- Where penthouse habitable space is constructed in association with a new building or addition (residential or non-residential) which is: (1) not otherwise subject to IZ requirements, *and* (2) any penthouse generated IZ or affordable housing square footage would *not* be provided within the building, then execute an Addendum only and not a CIZC application.

SECTION A - PROJECT INFORMATION (All information must match building permit application, where applicable)

1. Name of the Development			2. Address(es) of the Development		
3. Square/Suffix	4. Lot(s)	5. Ward	6. Overlay District / Zoning District	7. Zoning Commission or BZA Order (if applicable)	8. Building Permit Application Date: _____ Number: _____
9. Owner of Building or Property		10. Owner Address (include ZIP code)		11. Owner Phone # & Email	
12. Agent for Owner		13. Agent Address (include ZIP code)		14. Agent Phone # & Email	

SECTION B - RESIDENTIAL BUILDINGS CONSTRUCTING PENTHOUSE HABITABLE SPACE

<p>1. Would penthouse habitable space be provided in the following circumstances:</p> <p>A. Both a CIZC application and an Addendum must be executed when:</p> <p><input type="checkbox"/> The new penthouse habitable space is being provided as part of a new building or as an addition to an existing building which itself is subject to a new or expanded IZ requirement within the building.</p> <p><input type="checkbox"/> New penthouse generated IZ square footage is being satisfied <u>within</u> a new or existing building or addition <u>not</u> otherwise subject to IZ.</p> <p>B. Only Addendum must be executed when:</p> <p>The new penthouse habitable space is being provided as part of a new building or addition <u>not</u> otherwise subject to IZ <u>and</u> either:</p> <p><input type="checkbox"/> The affordable housing requirement is satisfied through a contribution to a housing trust fund; or</p> <p><input type="checkbox"/> There is no Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11 (will complete first 2 entries of Box 2).</p>	<p>2. Provide the following Penthouse Habitable Space information (references shown to CIZC Boxes, if applicable):</p> <p>(a) Total Penthouse Habitable Space: _____ sq. ft.</p> <p>(b) Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11: _____ sq. ft.</p> <p>(c) Primary Construction Method of building as a whole: <input type="checkbox"/> Steel and/or Concrete (CIZC Box 19) <input type="checkbox"/> Other (such as stick built)</p> <p>(d) Factor used (CIZC Box 26): <input type="checkbox"/> 8% or <input type="checkbox"/> 10%</p> <p>(e) Penthouse IZ Requirement within building (CIZC Box 28): _____ sq. ft.</p> <p>3. How is the penthouse affordable housing requirement being satisfied?</p> <p><input type="checkbox"/> The penthouse generated IZ square footage is being provided within the building generating the penthouse IZ requirement at units: _____</p> <p><input type="checkbox"/> The affordable housing requirement is being satisfied through a contribution to a housing trust fund (per C-1006.10(a)-(c))</p>
---	--

4. Total contribution to housing trust fund (if applicable):

C = PHS * ((AV/LA) / FAR) * 50% Z4 confirmation of contribution calculation: _____ (official use only)

C = Contribution

PHS = Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11 (same as Section B, Box 2(b) above): _____ sq. ft. Total contribution required: \$ _____

AV = Assessed Value of property (land): \$ _____ Amount paid at time of building permit: \$ _____

LA = Square feet of land area of property: _____ sq. ft. Amount remaining to be paid no later than CoFO: \$ _____

FAR = Max permitted residential FAR: _____

SECTION C - NON-RESIDENTIAL BUILDINGS CONSTRUCTING HABITABLE PENTHOUSE SPACE

<p>1. Amount of penthouse habitable space provided per C-1500.12: _____ sq. ft.</p>	<p>2. Is the penthouse generated affordable housing requirement being satisfied as follows?</p> <p><input type="checkbox"/> Exempt because penthouse habitable space provided does not exceed 1,000 square feet, or</p> <p><input type="checkbox"/> Construction or rehabilitation of the required affordable housing; or</p> <p><input type="checkbox"/> A housing trust fund contribution</p>	<p>3. If satisfied through construction or rehabilitation of required housing, provide the location (including unit numbers) and average square footage size of the dwellings or units (and any additional information needed): _____</p>
---	---	---

4. Total contribution to housing trust fund (if applicable):

C = PHS * ((AV/LA) / FAR) * 50% Z4 confirmation of contribution calculation: _____ (official use only)

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PHS = Penthouse Habitable Space: _____ sq. ft. Total contribution required: \$ _____

AV = Assessed Value of the property (land): \$ _____ Amount paid at time of building permit: \$ _____

LA = Square feet of land area of property: _____ sq. ft. Amount remaining to be paid no later than CoFO: \$ _____

SECTION D - PROJECT ARCHITECT'S OR PROJECT ENGINEER'S CERTIFICATION

1. Name: _____	2. D.C. Lic. No. _____	3. Address: (include ZIP code) _____	4. Phone # and Email _____
Signature of Project Architect/Engineer: _____		Date: _____	

SECTION E - APPLICANT'S SIGNATURES

Owner: I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, construction will conform to the D.C. construction codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature: _____ Address: _____ Date: _____

Agent: I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, construction will conform to the D.C. construction codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature: _____ Address: _____ Date: _____

SECTION F - ZONING ADMINISTRATOR CHECKLIST (OFFICIAL USE ONLY)

Information: Is the application complete?	Yes	No	N/A	Comments
1. Penthouse floor plans and elevations	1. <input type="checkbox"/>	1. <input type="checkbox"/>	1. <input type="checkbox"/>	
2. Penthouse financial contribution to a housing trust fund (at least 50% of the amount owed must be paid at the time of permit)	2. <input type="checkbox"/>	2. <input type="checkbox"/>	2. <input type="checkbox"/>	
3. Remaining balance of financial contribution to a housing trust fund must be listed on building permit for payment prior to C of O.	3. <input type="checkbox"/>	3. <input type="checkbox"/>	3. <input type="checkbox"/>	
4. Off-site assistance documentation	4. <input type="checkbox"/>	4. <input type="checkbox"/>	4. <input type="checkbox"/>	
5. Are all signatures present?	5. <input type="checkbox"/>	5. <input type="checkbox"/>	5. <input type="checkbox"/>	

Analysis: Does the application demonstrate compliance?

1. Is the penthouse generated IZ square feet set aside, contribution, or affordable housing production sufficient? 1. 1. 1.

ZONING ADMINISTRATOR - This certifies that the Addendum is hereby: Approved Denied due to the items checked above

Signed: _____ Date: _____

Navigating the Form: Sections D & E

SECTION D – PROJECT ARCHITECT’S OR PROJECT ENGINEER’S CERTIFICATION

1. Name:	2. D.C. Lic. No.	3. Address: <i>(include ZIP code)</i>	4. Phone # and Email
----------	------------------	---------------------------------------	----------------------

Signature of Project Architect/Engineer: _____ Date: _____

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Signature: _____ Address: _____ Date: _____

Navigating the Form: Section F



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PENTHOUSE AFFORDABLE HOUSING ADDENDUM last updated: 9.23.16



Consult the Instructions
 Guide to complete this
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Signature of Project Architect/Engineer: _____ Date: _____

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Signature: _____ Address: _____ Date: _____

SECTION F - ZONING ADMINISTRATOR CHECKLIST (OFFICIAL USE ONLY)

	Yes	No	N/A	Comments
Information: Is the application complete?				
1. Penthouse floor plans and elevations	1. <input type="checkbox"/>	1. <input type="checkbox"/>	1. <input type="checkbox"/>	
2. Penthouse financial contribution to a housing trust fund (at least 50% of the amount owed must be paid at the time of permit)	2. <input type="checkbox"/>	2. <input type="checkbox"/>	2. <input type="checkbox"/>	
3. Remaining balance of financial contribution to a housing trust fund must be listed on building permit for payment prior to C of O.	3. <input type="checkbox"/>	3. <input type="checkbox"/>	3. <input type="checkbox"/>	
4. Off-site assistance documentation	4. <input type="checkbox"/>	4. <input type="checkbox"/>	4. <input type="checkbox"/>	
5. Are all signatures present?	5. <input type="checkbox"/>	5. <input type="checkbox"/>	5. <input type="checkbox"/>	
Analysis: Does the application demonstrate compliance?				
1. Is the penthouse generated IZ square feet set aside, contribution, or affordable housing production sufficient?	1. <input type="checkbox"/>	1. <input type="checkbox"/>	1. <input type="checkbox"/>	

ZONING ADMINISTRATOR - This certifies that the Addendum is hereby: Approved Denied due to the items checked above

Stamp: _____ Date: _____

Navigating the Form: Section F

SECTION F - ZONING ADMINISTRATOR CHECKLIST (OFFICIAL USE ONLY)

	Yes	No	N/A	Comments
Information: Is the application complete?				
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5. Are all signatures present?	5. <input type="checkbox"/>	5. <input type="checkbox"/>	5. <input type="checkbox"/>	
Analysis: Does the application demonstrate compliance?				
1. Is the penthouse generated IZ square feet set aside, contribution, or affordable housing production sufficient?	1. <input type="checkbox"/>	1. <input type="checkbox"/>	1. <input type="checkbox"/>	

ZONING ADMINISTRATOR – This certifies that the Addendum is hereby: Approved Denied due to the items checked above

Signed: _____ Date: _____

Penthouse Roadmap: Part II

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- Once the zoning technician has reviewed the Penthouse Addendum and finds it to be accurate, then the following will occur:
 - **Path 1:** When the affordable housing requirement is being provided in the building, the Zoning Administrator will sign the Penthouse Addendum and this component of the building permit review for zoning purposes will be completed – the permit can continue to be processed.
 - Note: the CIZC must also reflect the addition of penthouse generated IZ square footage.

Penthouse Roadmap: Part II

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- **Path 2:** When a payment is being made to the Housing Production Trust Fund, then:

- The zoning technician will review the form – and the calculation – for accuracy. The Zoning Administrator will preliminarily sign the form, which will be provided back to the Applicant.

4. Total contribution to housing trust fund (if applicable):

$$C = PHS * ((AV/LA) / FAR) * 50\%$$

C = Contribution

PHS = Penthouse Habitable Space subject to IZ set-aside provisions per C-1500.11 [same as Section B, Box 2(b) above]: _____ sq. ft.

AV = Assessed Value of property (land): \$ _____

LA = Square feet of land area of property: _____ sq. ft.

FAR = Max permitted residential FAR: _____

ZA confirmation of contribution calculation: _____ (official use only)

Total contribution required: \$ _____

Amount paid at time of building permit: \$ _____

Amount remaining to be paid no later than CofO: \$ _____

Penthouse form to the Zoning Administrator for his final signature.

- If there is a remaining payment balance, it must be paid prior to the issuance of a Certificate of Occupancy.

Penthouse Roadmap: Part II

44

- **Path 2:** When a payment is being made to the Housing Production Trust Fund, then:
 - The zoning technician will review the form – and the calculation – for accuracy. The Zoning Administrator will preliminarily sign the form, which will be provided back to the Applicant.
 - The Applicant will mail or hand-deliver a check, along with the initialed Penthouse Addendum form, to the Department of Housing and Community Development (DHCD). The check should be made out to “D.C. Treasurer”, include the payor’s name and address, and the memo line should state “HPTF” and the project name/property address.
 - The Applicant must provide the zoning technician with a copy of the receipt of payment. Once received, the zoning technician will take the Penthouse form to the Zoning Administrator for his final signature.
 - If there is a remaining payment balance, it must be paid prior to the issuance of a Certificate of Occupancy.

Other Penthouse Addendum Resources

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- **What other resources do you have to assist filling out the form?**
 - Subtitle C, Chapters 1000 & 1500 of the Zoning Regulations (<http://www.dcregs.dc.gov/search/dcmrsearchbytitle.aspx>)
 - CIZC & Penthouse Affordable Housing Instruction Guide (on the DCRA website)
(<http://dcra.dc.gov/publication/certificate-inclusionary-zoning-compliance-cizc-application>)
 - Zoning Technician

Final Tips

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Tip: Always check the DCRA website to locate the latest versions of the form and instruction guide. The current Penthouse Addendum has a date of **9/23/16.**

- The form has already been sent out for public comment on two occasions over the summer.
 - But please continue to provide feedback and we will update it as needed
- Lastly, the form is in a writable pdf format for ease of use.

Contact Information

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Paul W. Goldstein

Program Analyst

Office of the Zoning Administrator

Department of Consumer and Regulatory Affairs

Government of the District of Columbia

1100 4th Street SW, Suite E340

Washington, DC 20024

Phone: 202-481-3556

Email: paul.goldstein@dc.gov

- Thank you -

Questions?