

2202 APPLICATION FOR CERTIFICATE OF INCLUSIONARY ZONING COMPLIANCE

- 2202.1 The Inclusionary Development Owner shall file a written application for a Certificate of Inclusionary Zoning Compliance with DCRA no later than the date upon which the first application for an above-grade building permit is filed for the Inclusionary Development.
- 2202.2 The Inclusionary Development Owner shall include with its application for a Certificate of Inclusionary Zoning Compliance an application fee in an amount as indicated by publication in the D.C. Register.
- 2202.3 The Inclusionary Development Owner shall file its application for a Certificate of Inclusionary Zoning Compliance on a form prescribed by DCRA and shall provide such information as is requested on the form.
- 2202.4 The application form for a Certificate of Inclusionary Zoning Compliance shall include:
- (a) The name of the Inclusionary Development, its marketing name if different, and the apartment or condominium name, if applicable;
 - (b) The street address of the Inclusionary Development;
 - (c) The zone district in which the Inclusionary Development is located;
 - (d) The current and proposed square, suffix, and lot numbers on which the Inclusionary Development will be located;
 - (e) A list of all Inclusionary Units in the Inclusionary Development. Each Inclusionary Unit shall be identified by unit number, net square footage, floor location, and the number of bedrooms. The list shall also include, and separately identify, any Inclusionary Units that will serve as the location for the offsite compliance of another Inclusionary Development, as approved by the Board of Zoning Adjustment, together with a copy of the Board of Zoning Adjustment order approving the offsite compliance;
 - (f) 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 the size indicated in the following table, whichever is lesser;

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Type of Dwelling	Type of Unit	Minimum Unit Size (net square feet)
Multiple Family Dwelling	Studio	400
	One bedroom	550
	Two bedrooms	850
	Three bedrooms	1,000
	Four or more bedrooms	1,050
One or Two Household Dwelling	Two bedrooms	1,000
	Three bedrooms	1,200
	Four or more bedrooms	1,400

- (g) A copy of the site plan, front elevation or block face, and all residential floor plans for the Inclusionary Development. The floor plans shall show the location of each Inclusionary Unit and each Market Rate Unit and shall identify each by unit number;
- (h) A copy of the building plat, if required by DCRA pursuant to 12-A DCMR § 106.1.12;
- (i) A plan for the phasing of construction that demonstrates compliance with 11-C DCMR § 1005.4, which requires that all Inclusionary Units in an Inclusionary Development be constructed prior to or concurrently with the construction of Market Rate Units, except that in a phased development, the Inclusionary Units shall be constructed at a pace that is proportional with the construction of the Market Rate Units;
- (j) The total land area of all of the lots included in the Inclusionary Development;
- (k) The total gross floor area of the Inclusionary Development; the gross residential floor area of the Inclusionary Development; the net residential floor area of the Inclusionary Development ; and the gross floor area of the Inclusionary Development required to be set aside pursuant to 11-C DCMR § 1003;
- (l) The total net square footage that will be set aside for Inclusionary Units as

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calculated by multiplying the gross floor area of the Inclusionary Development required to be set aside pursuant to 11-C DCMR § 1003 by the ratio of the net residential floor area of the Inclusionary Development to the gross residential floor area of the Inclusionary Development ;

- (m) The net square footage of Inclusionary Units that will be set aside for each MFI Level;
- (n) A proposed schedule of standard finishes, fixtures, equipment, and appliances for both Inclusionary Units and Market Rate Units;
- (o) For each Inclusionary Unit, the approximate date by which the Inclusionary Development Owner will provide a Notice of Availability pursuant to § 2206;
- (p) If construction of the Inclusionary Development will result in the temporary displacement of tenants who are entitled by law to return to comparable units, a list of the Inclusionary Units for which a right of return exists and the basis of the right to return; and
- (q) Such other information as may be requested by DCRA.

SOURCE: Notice of Final Rulemaking published at 56 DCR 3907 (May 15, 2009); as amended by Final Rulemaking published at 56 DCR 9295, 9296 (December 11, 2009); as amended by Final Rulemaking published at 64 DCR 13582 (December 29, 2017).