



SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Shepard Beamon, Development Review Specialist
JL Joel Lawson, AICP, Associate Director for Development Review

DATE: October 15, 2025

SUBJECT: BZA #21303: Request for area variance and special exception relief to add two additional units in the cellar of an existing, legally non-conforming four-unit apartment house in the RF-1 zone at 1631 A Street SE.

At its September 24, 2025 public hearing on this case, the Board asked OP to provide background information on the history and intent of the “900-square-foot” rule (U § 301.5(b)), which is used for conversions of dwellings to apartment buildings in the RF zones, and for the expansion of existing apartment buildings in the RF zones. This memo attempts to provide a basic history of the rule, and to interpret its intent in the current Zoning Regulations.

Brief History of the 900-Square-Foot Rule

1958 Zoning Regulations

In 1954 the Commissioners of the District of Columbia hired a planning consultant, Harold Lewis, to study zoning in the District and propose changes to the Regulations. His final report (the “Lewis Report”), dated November 9, 1956, summarized new zoning rules, including for a zone to be called R-4, which is today known as RF-1. According to the Lewis Report the R-4 zone would be for “areas now developed primarily with row houses, but within which there has been a substantial number of conversions of one-family row dwellings to dwellings for two or three families” (Lewis Report, p. 100). Lewis sought to formalize the process for conversions in this zone, and notes a lot-area standard for a conversion:

“Separate area requirements are established for all housing types permitted in the R-4 District. A scale of density limitations based on housing type is established. A row dwelling would be permitted on a lot of 1,800 square feet, but any type of one-family dwelling could be converted for the use of two or three families if its lot has an area of at least 1,000 square feet per family. The average density in such a district might be about 35 families per acre.” (Lewis Report, p. 100¹)

By the time of the publication of the final Regulations, which became effective May 12, 1958, the above standard had been reduced to 900 square feet “per dwelling unit”, apparently without the

¹ Lewis’ draft regulations from May 1, 1956 call for a 1,250 square feet of lot area per family for a conversion. This proposal, therefore, must have been revised prior to the issuance of the Report in November.

previously stated limit of three units. Please refer to Section 3301.1 of the original 1958 Regulations. The purpose statement for the R-4 zone, Section 3104.1, had also been revised to state that the zone was intended for areas where there had been a number of conversions into “dwellings for two or more families” rather than dwellings for “two or three families” as stated in the Report². Section 3104.1 also stated that the primary purpose of the R-4 zone would be “the stabilization of remaining one-family dwellings”.

Regardless of the exact standards or descriptive language used, it can be inferred from the text of the Report and the adopted Regulations that the 900-square-foot rule was originally meant to limit density in the R-4 zone. Conversions consistent with the 900 square foot rule were permitted by right; any conversion not providing 900 sq. ft. of land area per proposed unit required BZA relief by variance.

Zoning Commission Case 14-11

In June of 2014, the Office of Planning filed zoning text amendment case 14-11, to significantly amend the (then) R-4 zone regulations. A major change was to the R-4 conversion provisions to allow conversions only by special exception subject to the 900 square foot provision, pursuant to U § 320.2. Any conversion to more than 3 units requires the fourth unit and every second subsequent unit to be an IZ unit. As noted in the Zoning Commission Order for 14-11:

The Commission acknowledged the concerns expressed by members of the public and the ANCs regarding the negative impacts of conversions of residential buildings in the R-4 Zone District to apartment houses. The Commission remained sympathetic to the concerns of housing advocates and the development community that limiting such conversions to special exception could restrict the production of new housing at a point when the District’s housing needs have become acute. However, the Commission concluded that the balance must be struck in favor of protecting existing one- (1) family dwellings and flats consistent with the admonition of § 330.3 of the R-4 regulations that the district “shall not be an apartment house district as contemplated under the General Residence (R-5) Districts” and the stated policies of the Comprehensive Plan presented in the OP public presentation. (Exhibit 96)

While the policy direction of the Comprehensive plan has changed considerably since then (through the 2021 Comp Plan update), and now calls for compatibly scaled infill development to respect the character of row house neighborhoods, the Commission at the time was weighing the critical need for more housing options and opportunities against the concerns of rowhouse neighborhood residents and Comp Plan language specifically called for “regulating the subdivision of rowhouses into multiple dwellings” (LU-2.1.7).

Other changes approved in Case 14-11 which also furthered this direction related to addressing the conversion of non-residential buildings to residential building and the expansions of existing

² Similar language can be found to this day in Subtitle E § 101.1, referring to the RF zones, which are the successors to the R-4 zone: “101.1 The Residential Flat (RF) zones are residential zones, which provide for areas developed primarily with residential row buildings, but within which there have been limited conversions of dwellings or other buildings into more than two (2) principal dwelling units.”

apartment buildings, and to reducing the permitted height from 40 feet to 35 feet maximum, based on research of predominant height of rowhouses.

Intent of the 900-Square-Foot Rule in the Current Regulations

On its face, the 900-square-foot rule is still intended to regulate unit density in the RF zone. However, deviations from that guideline are permissible, subject to an applicant seeking variance relief. In such cases, the broader intents of the entire zone and the Zoning Regulations may also be considered, such as maintenance of neighborhood character, rather than just density. In addition, when evaluating variances, the Office of Planning also looks to past statements by the Board regarding interpretation of the provisions and their intent to decide how to apply the intent standard of the variance test in new cases.

In the RF-1 zone, the purposes of the zone have been modified over the years, consistent with adopted District policy objectives. In addition to statements about a limited number of conversions and distinguishing the RF zones from the RA zones, E § 101.2(a) states that the RF zone is intended to:

Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;

Similarly, while A § 101.1(b) indicates that a purpose of the Regulations is to “Prevent undue concentration of population”, paragraph (c) also states that zoning is intended to:

Provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities; and that will tend to further economy and efficiency in the supply of public services.

While even a BZA variance is not a “policy” implementation tool, these purpose statements can be useful in assessing whether any given project would substantially impair the intent of the Zoning Regulations.

In past cases that have been approved, the Board has found that the requests for variance from the 900-square-foot rule do not impair the intent of the Regulations. As summarized by the applicant in their most recent submissions³, past Orders indicate that the Board found that, for example:

- Additional density does not automatically impair the intent of the RF zone;
- The intent of the Regulations can in part be met by improving a property’s condition;
- The size of the building, as long as it is generally compatible with its context, is an important factor, regardless of the number of units inside the building;
- Small apartments are not atypical in the RF zone;
- Small apartment buildings are consistent with the overall residential nature of the RF zone;

³ Exhibits 37 and 37A of application #21319; Exhibits 44 and 44A of application #21303; Exhibits 35A and 35B of application #21307.

- Providing housing is an important priority of the Regulations;
- Variance relief can be consistent with the intent of the RF zone noted above, from E § 101.2(a).

Given the broader purposes of the Regulations and the RF zones, combined with past findings by the Board, OP concludes that the intent of the 900-square-foot rule can be met, and recommends approval of this request.