

December 8, 2025

VIA IZIS

Anthony Hood, Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: **Zoning Commission Case No. 25-08 -**
Proposed Zoning Text Amendment to Update the RA-1 Zone

Dear Chairperson Hood and Members of the Commission:

Please accept these comments into the record for Z.C. Case No. 25-08, proposed zoning text amendment to update the RA-1 Zone. On June 3, 2025, the Office of Planning (“OP”) filed the proposed text amendment in response to requests from the Zoning Commission (“Commission”) and Board of Zoning Adjustment members to provide clarity and additional directions pertaining to new development or expansions within the RA-1 Zone. Goulston & Storrs strongly supports these proposed amendments to the RA-1 Zone and considers them an important and long-needed step toward optimizing the matter-of-right housing production potential of the RA-1 Zone, thus better positioning the zone to be able to address the need for missing middle housing in the District, particularly in high-cost / high opportunity areas.

During the preparation of comments for this application we became aware of a technical error in the Zoning Regulations regarding the maximum density that is permitted in an RA-1 Planned Unit Development (“PUD”). We believe that OP and the Commission should take the opportunity provided by Z.C. Case No. 25-08 to correct this technical error that has existed since the adoption of Inclusionary Zoning (“IZ”) in 2006.

Genesis of the Technical Error in the Maximum Allowable Density Under an RA-1 PUD

Prior to the adoption of IZ, the maximum matter-of-right density permitted in the RA-1 (then R-5-A) Zone was 0.9 FAR, and 1.0 FAR under a PUD. The Commission adopted the IZ regulations on May 18, 2006 (Z.C. Order No. 04-33). Thereafter, residential developments in the RA-1 Zone that were subject to IZ were permitted to have a maximum matter-of-right density of 1.08 FAR (0.9 FAR + 20% IZ bonus density = 1.08 FAR). Unfortunately, when the IZ regulations were adopted the table within the PUD regulations at the time setting forth permitted density was

not updated to reflect the 20% IZ bonus density. As a result, the prescribed density permitted under an RA-1 PUD (1.0 FAR) became less than the matter-of-right 1.08 FAR that was permitted in the RA-1 Zone under IZ. A thorough review of the original IZ case record, including transcripts, did not reveal any indication that retention of the 1.0 FAR limit under an RA-1 (R-5-A) PUD was intended, as it would be nonsensical to pursue a PUD if the maximum density allowed under the PUD was lower than the maximum density allowed as a matter-of-right.

The discrepancy between the RA-1 matter-of-right (w/ IZ) density and PUD density was seemingly resolved with the adoption of ZR16 (Z.C. Order No. 08-06A). Under ZR16, the previous table that prescribed allowable PUD densities by individual zone under the old [ZR58] PUD regulations was replaced with a straightforward approach that allowed a standard 20% PUD-related increase in overall density. Furthermore, the ZR16 PUD regulations clarified that the 20% PUD-related increase in density “may be calculated using the matter-of-right density and the IZ bonus density when the PUD includes the full allocation of Inclusionary Zoning units consistent with Subtitle C, chapter 10.” As a result of this clarification, the density permitted under an RA-1 PUD correctly became 1.296 FAR, and the progression of the base density (0.9 FAR), base density w/ IZ (1.08 FAR), and PUD density (1.296 FAR) for the RA-1 zone were aligned.

Beginning in late 2019, OP initiated multiple text and map amendment cases that involved the reorganization and renaming of certain zones (Z.C. Case Nos. 18-16, 19-27, 19-27A, and 19-27B), which the Commission approved on July 27, 2023. The OP setdown reports for each of these cases stipulate there are no substantive changes to any of the development standards, uses, or other permissions.¹ This was reiterated at the public hearing for Z.C. Case No. 19-27B. Unfortunately, the table of permitted densities for the lower-density residential zones was inserted into the PUD regulations at Subtitle X § 303.3, which returned the 1.0 FAR limit on RA-1 PUDs that existed under ZR58. There is no discussion regarding this substantive change to reduce the maximum FAR in an RA-1 PUD application in the case record, nor was it discussed at the public hearing.

Appropriateness of the Proposed Technical Error Correction

The failure to realign the RA-1 Zone matter-of-right, matter-of-right (w/ IZ), and PUD maximum density permissions will perpetuate an illogical misalignment in the Zoning Regulations. It also renders useless the additional height that is allowable under an RA-1 PUD. Specifically, while under the current regulations the allowable matter-of-right versus PUD density is decreased from 1.08 FAR to 1.0 FAR, the allowable height is increased from 40 feet and 3 stories to 60 feet. Maintaining this misalignment effectively makes RA-1 PUDs useless and also

¹ See Z.C. Case No. 18-16 at Exhibit 1, Z.C. Case No. 19-27 at Exhibit 2, Z.C. Case No. 19-27A at Exhibit 2, and Z.C. Case No. 19-27B at Exhibit 2

cuts against the intended purposes of the amendments proposed in this case, which aim to: (i) make sure the regulations advance the purpose and intent of the RA-1 zone; (ii) provide better clarity in the regulations; and (iii) continue to promote flexibility for new, diverse development that is compatible with existing development patterns.

The records in two recent PUDs support the proposition that the maximum permitted density in an RA-1 PUD should be 1.296 FAR (1.08 FAR w/IZ + 20% PUD bonus).

Z.C. Case No. 16-17 (EYA Development, LLC)²

The Commission approved a Consolidated PUD in the RA-1 zone with a maximum density of 0.95 FAR. While the approved density of this PUD is only slightly higher than what is permitted in the RA-1 Zone as a matter-of-right, the Commission's final order expressly states that “[t]he Project's overall FAR is well below the maximum FAR of 1.296 allowed in the RA-1 zone under a PUD and indeed is below the 1.08 FAR allowed by right pursuant to compliance with the Inclusionary Zoning (“IZ”) regulations. (11-C DCMR § 1002.3; X § 303.3.”)³ The OP reports for this case also state the maximum permitted density as 1.296 FAR.⁴ The Townhomes at Michigan Park community, adjacent to the St. Josephites Seminary, was completed in 2023.

Z.C. Case No. 19-19 (Terrace Manor Redevelopment LP)⁵

The Commission approved a Consolidated PUD in the RA-1 zone with a maximum density of 1.296 FAR.⁶ The OP reports for this case state the maximum permitted density as 1.296 FAR.⁷ On June 10, 2021, the Commission approved a modification of consequence to this PUD that included a reduction in density from 1.296 FAR to 1.290 FAR. The OP report for the modification reiterated that the maximum permitted density under an RA-1 PUD is 1.296 FAR. Terrace Manor, located in the Shipley Terrance neighborhood, has been open since October 2024.

The technical error of limiting the maximum density of RA-1 PUDs to 1.0 FAR can be rectified by simply removing the reference to the RA-1 Zone from the table in Subtitle X § 303.3(a) of the current Zoning Regulations. This would allow the density permitted under an RA-1 PUD to be regulated under Subtitle X § 303.3(b), which provides for a 20% PUD-related density bonus

² Submitted September 26, 2019, Approved September 11, 2017, Effective February 2, 2018

³ See Z.C. Order No. 16-17, Findings of Fact (FoF) 49 at pg. 9. See also FoF 134(e) and (f)

⁴ See Z.C. Case No. 16-17 at Exhibits 11 and 36

⁵ Submitted September 26, 2019, Approved September 14, 2020, Effective May 7, 2021

⁶ See Z.C. Order No. 19-19, Conditions 17 and 19

⁷ See Z.C. Case No. 19-19 at Exhibits 12 and 22

that can be added to the maximum IZ density. For the Commission's convenience, a mark-up of the correction is provided below:

303.3 Except as limited in Subtitle X §§ 303.5 and 303.6, the Zoning Commission may increase the maximum total density permitted on the PUD site as follows:

(a) In any R, or RF, or **RA-1** zone, by no more than the aggregate of the floor area ratio of all buildings as permitted in the following table:

TABLE X § 303.3(b): MAXIMUM AGGREGATE FLOOR AREA RATIO

| Zones | Maximum Residential FAR | Maximum Non-Residential FAR | Maximum Total FAR |
|-------------------|-------------------------|-----------------------------|-------------------|
| R-1 | 0 | N/A | 0.4 |
| R-2 | 4 | N/A | |
| R-3 | 0.6 | N/A | 0.6 |
| RF RA-1 | 1.0 | N/A | 1.0 |

(b) In all other zones, by no more than twenty percent (20%) of that maximum matter-of-right permitted by the zone(s) associated with the PUD. As part of the twenty percent (20%) increase, the Zoning Commission may increase the maximum density for non-residential uses by no more than thirty-four percent (34%) of the maximum matter-of-right non-residential density permitted within the zone associated with the PUD.

Proposed language for technical correction to RA-1 PUD permitted density under Subtitle X § 303.3

Correcting this technical error is clearly not a substantive change to the RA-1 Zone when considering the regulatory history of IZ, the examples of approved RA-1 PUDs discussed above, and the fact that it will not impact the matter-of-right permitted density of the RA-1 Zone. Rather, it will simply reestablish the appropriate progression of the matter-of-right density (0.9 FAR), matter-of-right density w/ IZ (1.08 FAR), and PUD density (1.296 FAR) for the RA-1 Zone.

Thank you for the opportunity to comment on these very important amendments to the Zoning Regulations.

Respectfully,

Goulston & Storrs