



December 22, 2025

Zoning Commission of the District of Columbia
441 4th Street, NW – Suite 210
Washington, DC 20001

VIA IZIS

Re: OAG Comments in Support of RA-1 Zone Text Amendment Proposed by the Office of Planning (“OP”) (Z.C. Case No. 25-08)

The Office of the Attorney General (“OAG”) respectfully recommends that the Zoning Commission (“ZC”) approve certain aspects of OP’s proposed text amendment that will increase additional housing and affordable housing and reduce unnecessary and burdensome regulations in the RA-1 Zones, as called for by the District’s Comprehensive Plan (“CP”),¹ including:

- Allowing use of Inclusionary Zoning (“IZ”) bonus density by right;
- Simplifying the side yard requirements; and
- Expanding by-right residential development options to include all building types with four units or less.

OAG supports these provisions and the overall intent of the proposed text amendment to simplify residential development in the RA-1 Zones. OAG believes that these actions will advance numerous CP policies by removing disincentives to development based on outdated historic concerns about multi-family developments. The revised regulations will provide property owners with greater flexibility to meet the District’s housing needs.

However, OAG is concerned that some changes proposed by the amendment would impose additional, overly burdensome regulations that will add time and complication to projects in the RA-1 Zones, hindering the creation of much needed additional housing units. OAG recommends that OP further simplify these problematic provisions as discussed herein to ensure that the text amendment achieves its stated purpose. Appendix A includes OAG’s specific suggestions for amended text.

I. The CP Calls for Reducing “Unnecessary and Burdensome” Regulatory Barriers to Producing Housing.²

The Zoning Act requires the ZC to promote the general welfare as guided by the CP. The CP establishes the District’s land use and planning goals through a public process culminating in

¹ D.C. Mun. Regs. tit. 10-A (2021).

² D.C. Mun. Regs. tit. 10-A, § 507.10 (2021).

approval by the Council and the Mayor.³ The CP is therefore law. Under that law, the District’s elected representatives have determined that “it is the availability of safe, decent, affordable housing across all neighborhoods that will determine whether the District’s vision for an inclusive District will be realized.”⁴ To achieve this goal of an inclusive and diverse city, the CP prioritizes the production and preservation of both affordable and market-rate housing to serve a variety of household types and income levels.⁵

Simplifying Regulations to Address the District’s Housing Crisis. The CP identifies rising housing costs as one of “the most pressing and critical issues facing the District.”⁶ It notes that rising housing demand, driven by an increase in higher-income households, has increased housing costs across the District and resulted in a “crisis of affordability.”⁷ To increase housing supply, the CP calls for updating the Zoning Regulations to “[r]emove unnecessary and burdensome regulations and propose more efficient and effective alternatives for achieving important policy and regulatory goals.”⁸ Many of the aspects of the amendment proposed by OP target current regulations that require discretionary review by the Board of Zoning Adjustment (“BZA”) but that are generally approved with little to no opposition. Eliminating these current regulations that function as speed bumps to the creation of housing and add significant costs to the building process fulfills the CP’s explicit call to streamline housing construction.

Adding “Gentle” Density to Achieve Housing Equity. The CP encourages modest increases in density and more diverse housing types in low- and moderate-density neighborhoods, especially to produce additional affordable housing.⁹ This “gentle” density, which is limited in scale and fits in with the existing built environment of low-rise houses with ample open space, is a critical tool to addressing past “discriminatory land use policies that have resulted in segregation by race and economic status.”¹⁰ Many lower-density neighborhoods also have higher housing costs relative to the rest of the District, so the CP encourages more inclusive development in these areas through zoning and regulatory incentives for affordable housing, including leveraging bonus density to create more IZ units and creating opportunities for more and larger dwelling units in accessory buildings.¹¹

³ D.C. Code §§ 6-641.01-6-641.02 (2001); *Wisconsin-Newark Neighborhood Coalition v. Dist. of Columbia Zoning Comm’n*, 33 A.3d 382, 389–90 (D.C. 2011); [District of Columbia Comprehensive Plan Act of 1984, D.C. Law 5-76 \(1984\)](#), as amended by the Comprehensive Plan Framework Amendment Act of 2019, D.C. Law 23-127 (2020), the Comprehensive Plan Amendment Act of 2021, D.C. Law 24-20 (2021); and the Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2021, D.C. Resolution R24-0292 (2021).

⁴ *Supra* note 6, §§ 500.6a, 503.1 (2021).

⁵ *Id.* §§ 206.1, 224.9, 310.10, 500.6a, 504.17 (2021).

⁶ *Id.* § 206.1 (2021).

⁷ *Id.* § 500.19 (2021); *see generally id.* §§ 500.4, 500.15, 500.18 (2021).

⁸ *Id.* § 507.10 (2021).

⁹ *Id.* § 310.15 (2021).

¹⁰ [OP, *Single-Family Zoning in the District of Columbia* \(2020\)](#), at 21; *supra* note 6, §§ 310.1, 310.6, 310.15, 503.5, 503.10, 504.8.

¹¹ *Supra* note 6, §§ 503.10, 504.15, 504.19, 504.29, 507.9, & 507.10 (2021).

II. OAG Supports Aspects of OP’s Amendment that Will Reduce Barriers to Creating Housing.

A. OAG Supports OP’s Proposal to Make Use of IZ Bonus Density By-Right

OP’s proposed amendment to Subtitles C § 1001.2(b)(3) and F §§ 201.4 & 202 would eliminate the current requirement for BZA review to use IZ bonus density in the RA-1 Zone. This expands OP’s parallel proposal in its “Omnibus” text amendments (Z.C. Case No. 25-12) to allow IZ bonus density use by-right in the lower-density zones (R-2, R-3, RF-1, RF-4, and RF-5) to the RA-1 Zone.¹²

OAG supports this proposal, as it did the parallel proposal in OP’s Omnibus case, because it will streamline burdensome regulations that add delay and costs to the production of affordable housing. The core tenet of the IZ program is the mutually beneficial exchange between the District, which authorizes extra density, and the property owner, who in return restricts the rent or sale price of a certain percentage of units. Requiring BZA approval for IZ projects imposes additional costs and delays that dramatically reduce the value of this exchange for the property owner and ultimately disincentivizes development of affordable housing. .

OAG recommends a minor correction to OP’s proposed Subtitle F § 202.2 and Table F § 202.2, which do not apply the proposal to Mandatory Inclusionary Developments. OAG believes the proposal to eliminate BZA review should apply to all Inclusionary Developments. This correction would match OP’s proposed revisions to Subtitle F § 201.4 and Table F § 201.4 in the current case, as well as OP’s proposed revisions in its Omnibus case to the parallel provision applicable to the lower-density zones.¹³

B. OAG Supports Simplifying Side Yard Requirements and Recommends Focusing on the Impact of Building Size

OP’s proposed amendment to Subtitle F § 208 would simplify the side yard requirements for the RA-1 Zones by:

- Enabling row buildings to have up to four dwelling units instead of the current limit of two units;
- Requiring two side yards only for a building with more than five dwelling units instead of the current requirement, which is triggered by having more than two units on a floor;
- Imposing a standard eight-foot side yard requirement by removing the current sliding-scale side system based on building height for buildings greater than 32 feet tall; and

¹² Amendment 14 of OP’s Setdown Report (Exhibit 2, pp. 32-35), proposing to amend Subtitles C § 1001.2(b), D § 202, & E § 202.

¹³ See proposed changes in Appendix but note that if the ZC adopts OAG’s proposal to delete Subtitle F § 202 (see II.B), this change will be moot. Similarly, the proposed amendment to Subtitle C § 1001.2(b)(3) will not be necessary if the ZC adopts OP’s parallel Amendment 14 in its Omnibus case as that would delete the entire subparagraph (3).

- Increasing the minimum side yard for additions to existing buildings with non-conforming side yards to a minimum of five feet from the current three feet.

OP’s amendment also proposes to add eight-foot minimum side yards for detached and semi-detached buildings with up to two dwelling units in the other RA Zones, whereas currently no side yard is required for these zones.

OAG supports the intent of these proposals to clarify the side yard requirements and protect neighbors by mitigating the impacts on light and air from larger new buildings or additions. However, OAG recommends three changes to ensure that side yards are tied to building size and not number of units, which would better reflect a building’s impact on neighboring properties:

- Require two side yards for buildings with sides that exceed 40% of the adjacent side lot line, which would align side yard requirements with the effective maximum depth of row buildings based on the 40% maximum lot occupancy in the RA-1 Zone¹⁴;
- Require eight-foot side yards for all additions to existing buildings with nonconforming side yards, with any reduction requiring BZA approval; and
- Maintain the existing side yard provisions for the RA-2 through RA-5 Zones instead of creating a new category for buildings with one and two dwelling units.

C. OAG Supports OP’s Proposed Expansion of By-Right Development in the RA-1 Zone to Include All Buildings with Four Units or Less

1. The Existing By-Right Zoning Controls Are Sufficient to Protect Neighbors

OP’s proposed amendment to Subtitle U §§ 401 & 402 would expand the types of new residential developments permitted by-right in the RA-1 Zone by removing the current requirement for BZA review of new row and multi-family buildings. Currently, only new single-household detached or semi-detached buildings do not require BZA review if they comply with all other zoning requirements, including Floor Area Ratio (“FAR”), height, lot occupancy, yards, and green area ratio. The only limitations are the number of units *per* building and the type of building. As such, a single building with just three units requires discretionary BZA review, whereas a development of 40 single-household semi-detached buildings can be built by-right.

This does not reflect the potential impact of the number of units and occupants on neighbors but instead appears to be the result of historical concerns of the 1970s when the District lost almost one third of its population.¹⁵ At the same time, the District’s wholesale demolition of much of Southwest due to “urban renewal”¹⁶ forced the mostly Black and low-income longtime residents to seek new housing, primarily provided in new multifamily buildings in RA-1 Zones in

¹⁴ Since a row building has no side yards but cannot exceed the 40% maximum lot occupancy of the RA-1 Zone, it effectively will occupy at most 40% of each side lot line.

¹⁵ The District lost almost 230,000 people from its 1950 population of approximately 802,000.

¹⁶ [The Cost of Urban Renewal in Southwest DC | Boundary Stones](#)

Southeast.¹⁷ The 1970 requirement for BZA review of most new developments in RA-1 Zones thus sought to respond to concerns about how new multifamily buildings built for low-income, primarily Black residents would impact the surrounding neighborhood, as well as to stem the District’s overall population loss by prioritizing single-household detached and semi-detached housing that typified the suburban areas that the District’s wealthier white residents were moving to.

Over the past quarter century, the District’s population has grown by over 22%, feeding the crisis in housing and affordable housing.¹⁸ No other zone in the District has a similar requirement for BZA review of new residential developments, except for high-density zones that provide extra height and density in return for design review by the ZC (*e.g.*, Northern Howard Road Zones). In all other zones, zoning controls on bulk and density provide clear direction to property owners as to how they can use their property while simultaneously protecting neighboring residents. In lower-density residential zones, use limits control the total number of units and costly and time-consuming BZA review is required only if the property owner wants to exceed zoning limits.

OAG strongly supports OP’s proposal to expand by-right development in the RA-1 Zone to include developments with up to four units per building with no restriction on the type of building (row, semi-detached, or detached). All developments with five or more units would still require BZA review, regardless of the total number of units in the development. By eliminating the current requirement for BZA review in favor of by-right development, OP’s proposal substitutes the consistent clear rules of the Zoning Regulations for the discretionary BZA process that can lead to radically different outcomes for similarly situated properties. This uncertainty is hard for property owners to navigate and adds costs and delay to the process of building the housing needed to address the District’s housing and affordable housing crisis.

OAG notes that new developments would still have to comply with the development standards of the Zoning Regulations. These standards comprehensively limit what can be built on a property while providing consistency, ensuring that all properties within this zone follow the same rules, and protecting residents in this zone from potential impacts of new development. The RA-1 Zone’s height limit of 3 stories and 40 feet, combined with the maximum 40% lot occupancy limit and 0.9 FAR, effectively limit the maximum buildout to two-story buildings that together occupy 45% of the lot or three-story buildings that together occupy only 30% of the overall lot. The minimum side and rear yards ensure that these buildings are separated from neighboring lots, while the GAR requirement ensures those yards will be landscaped and not completely paved over. Within these tight limits, OP’s proposed elimination of BZA review for buildings with four or fewer units would provide property owners with the flexibility to create more housing that the District needs.

¹⁷ OP Setdown Report (*Ex. 2*, Z.C. Case No. 25-08) at 2; D.C. Policy Center, “Taking Stock of the District’s Housing Stock: Capacity, Affordability, and Pressures on Family Housing,” (March 27, 2018), https://www.dcpolicycenter.org/publications/taking-stock/?utm_source=D.C.+Policy+Center%3A+Website+Sign+Ups&utm_campaign=2bb2b7fe07-EMAIL_CAMPAIGN_2018_03_27&utm_medium=email&utm_term=0_f9317afe84-2bb2b7fe07-10738971 (last visited on October 31, 2025).

¹⁸ Matthew B. Gilmore, “District of Columbia Population History,” (2024), <https://matthewbgilmore.wordpress.com/district-of-columbia-population-history/> (last visited on October 31, 2025).

2. *The Current RA-1 Special Exception Review Includes Irrelevant Agency Referrals and Ambiguous Standards*

OAG also supports OP’s proposal to expand the BZA review exemption because the current BZA review of new RA-1 residential development includes irrelevant agency referrals and ambiguous standards. Subtitle U § 421 currently requires a new RA-1 residential development application to be referred to District agencies for review and recommendation, despite the BZA lacking authority to take meaningful action on those recommendations. As an example, District of Columbia Public Schools (“DCPS”) may be asked for comment on a proposed development as to whether existing and proposed area schools will be able to accommodate the students anticipated to live in the development. However, the BZA has no authority to force an applicant to change the size of units or of the development even if DCPS indicates concerns with accommodating families with school-age children as future residents.

As another example, the current RA-1 review standards refer applications to the District Department of Parks and Recreation (“DPR”) to assess if the area park and recreation facilities can accommodate the residents anticipated to reside nearby. Again, the BZA cannot deny an application or force it to downsize if DPR indicates concerns on the impact of the new development on neighborhood recreation facilities and parks. Similarly, the current RA-1 BZA review process seeks the District Department of Transportation’s (“DDOT”) comments on the “adequacy ... of the ... public streets ... to accommodate the residents that can be expected to reside in the project.”¹⁹ This scope suggests an expansion of DDOT’s typical review that assesses whether there is sufficient parking on site, or how the development should access the public street network to include comment on whether the size and number of units is too much for the street network to handle. Importantly, developments in the other RA Zones that are much larger do not have to undergo this type of review, even though they are much more likely to have impacts on public schools, parks, recreational centers, and transportation.

These overly expansive agency referrals introduce confusion and ambiguity into the BZA approval process that can lead neighbors to believe that the BZA has authority to force changes to a proposed development. The impact on area schools, parks, and recreation centers, and transportation infrastructure might be relevant for a planned unit development (“PUD”) as potential public benefits that would balance out the ZC’s granting of extra density, height, and other zoning flexibility. However, the RA-1 Zones do not authorize the BZA to grant extra flexibility from by-right zoning standards nor require an applicant to provide public benefits. Thus, these unnecessary referrals create confusion and ambiguity that not only extend BZA hearings but also can lead opponents to appeal a BZA order.

Similarly, the current standards for the BZA to review a new RA-1 residential development are broad, ambiguous, and unclear. The standards call for the BZA to effectively conduct a design review covering landscaping, grading, recreation facilities, and parking. However, they provide no guidance as to how much the BZA can alter the by-right bulk and density limits and parking requirements of the RA-1 Zone. This ambiguity creates uncertainty for property owners seeking

¹⁹ Subtitle U § 421.

to build on their property; for neighbors who don't know what aspects of a development they can shape; and for the BZA as it attempts to address neighbors' concerns within the BZA's limited authority. As such, the RA-1 "design review" only adds costs and delays to applicants and District agencies and so impedes the production of housing.

3. OAG Agrees with ANCs that the By-Right Zoning Requirements Should be Sufficient

While OAG strongly supports OP's proposal to exempt all types of buildings with four or fewer units, it also concurs with the arguments raised by several ANCs that the exemption could go further and permit buildings with more than four units by-right. As noted, the vague standards of the BZA's "design review" of RA-1 developments only add ambiguity and delay much needed residential development, without providing any real response to the concerns of neighboring property owners. OAG agrees with the ANCs that the RA-1 development standards already provide reasonable and clear limits on development that are sufficient to mitigate concerns about new development. As such, OAG encourages OP to consider further expanding the BZA review exemption or removing it entirely. Further, to the degree OP believes it is important to retain BZA review for certain projects, OAG strongly suggests that the review standards be clarified to provide better direction for property owners, reviewing District agencies, and the BZA.

III. OAG Opposes Aspects of the Text Amendment that Would Impose New Burdensome Regulations on Residential Development in the RA-1 Zones.

A. OAG Opposes Expanding BZA Review for Expansions of Existing Developments

OP's proposed amendment to Subtitle U § 401 would reduce the current flexibility to expand an existing multiple dwelling building by-right. The current regulations, based on a 2019 Zoning Administrator's interpretation, require BZA review only for an addition of 10 or more dwelling units or where the existing gross floor area and number of units are proposed to be doubled.²⁰ The proposed amendment would require BZA review for any increase in the number of units combined with any expansion of the gross floor area of an existing multiple dwelling building.

OAG opposes this proposed restriction on the basis that it will add costs and delay to the renovation of existing multiple dwelling buildings. As additional units often subsidize the renovation of an existing building, adding costs creates barriers to both the modernization of existing housing as well as to the creation of new housing. Instead, OAG recommends that an existing multiple dwelling building be allowed to modernize and expand, provided it complies with the FAR, lot occupancy, height, and other development standards of the RA-1 Zone.

²⁰ [All New Residential Development in RA-1 and RA-6 Zones, Office of the Zoning Administrator Determination Letter 2019-001.](#)

B. OAG Opposes Adding New Minimum Lot Width and Area Requirements

OP’s proposed amendment to Subtitle F § 202 would add an additional layer of regulations governing density by imposing minimum lot width and area requirements in addition to the current FAR requirements of Subtitle F § 201. Currently, Subtitle F § 202 only has a minimum lot area requirement for single-household row buildings and allows such buildings to satisfy this requirement on a collective basis by allocating portions of common open space to individual buildings.

OAG opposes this duplicative and limiting requirement on a property owner’s flexibility in utilizing their properties. The Zoning Regulations use minimum lot width and lot area requirements to regulate density in the lower-density R and RF Zones (*e.g.*, Subtitles D § 202 & E § 202) and FAR for the RA and higher-density zones. When a specific FAR is required—such as calculating the equivalent density increase for rezonings subject to IZ+—the Zoning Regulations convert the minimum lot width and lot area limits in the R and RF Zones to maximum FAR equivalents (Subtitle X § 502.4). That calculation assigns a 0.9 FAR, exclusive of the 20% IZ bonus density, equivalent to the RF-1 Zone’s minimum 18-foot lot width and 1,800-square-foot lot area (Subtitle E §§ 201.1 & 202.1). This is the same ratio of OP’s proposed imposition of minimum lot width and lot area to the RA-1 Zone (proposed Subtitle F § 202.1). OAG believes that the use of FAR alone will provide simpler guidance while achieving the same purpose of the proposed minimum lot size requirements.

As such, OAG recommends deleting Subtitle F § 202 in its entirety and relying on the current 0.9 FAR limit for the RA-1 zone of Subtitle F § 201.1. This FAR can only be used within the 40% lot occupancy limit of Subtitle F § 210.1 and the maximum 40-foot height of Subtitle F § 203.2. Adding a largely redundant restriction on density only increases complexity without real benefits.

OAG therefore recommends that the ZC approve certain aspects of OP’s proposed amendment to the RA-1 Zone that will encourage further production of housing and affordable housing and encourages the limited changes described above that would unduly burden residential development.

Respectfully submitted,

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**OAG Comments in Support – December 22, 2025
Text Amendment – Office of Planning – RA-1 Zone
Z.C. Case No. 25-08**

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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2025, a copy of the foregoing petition was served on the following by email.

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