

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Michael Jurkovic, AICP, Development Review Specialist  
Shepard Beamon, Development Review Specialist  
Radhika Mohan, AICP, Deputy Director, Development, Design and Preservation *RCM*

**DATE:** January 23, 2026

**SUBJECT:** ZC Case 25-08: Supplemental Report for Proposed Zoning Text Amendment  
Petition to update the Residential Apartment (RA-1) Zone.

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**I. RECOMMENDATION**

The Office of Planning (OP) recommends the Zoning Commission **approval** a zoning text amendment petition to update the Residential Apartment (RA-1) Zone by amending the following sections of the Zoning Regulation (11 DCMR ZR16):

- **Subtitle C § 1000:** Remove Special Exception review requirement from RA-1 Voluntary Inclusionary Developments;
- **Subtitle F § 100-101:** Introduction to Residential Apartment (RA) Zones - Purpose and intent of RA-1 zone;
- **Subtitle F § 200-212:** Development Standards for Residential Apartment (RA) Zones - Minor revisions to selected development standards;
- **Subtitle U § 401:** Use Permissions - Include rowhouses and limited Multiple Dwelling development as a matter-of-right;
- **Subtitle U § 421:** New Residential Development (RA-1) - Application requirements and review criteria;
- **Subtitle Y § 1600:** Clarify filing fees for RA-1.

As discussed in our response below, should the Commission conclude that the petition be amended to include the RA-1 Habitable Penthouse change to Subtitle C, Chapter 15, OP would request flexibility to amend the proposal to ensure that the Penthouse Affordable Housing Production requirements are adequately captured for RA-1 in the proposed text.

**II. RESPONSES TO COMMENTS FROM HEARING**

The proposal was heard by the Zoning Commission on January 5, 2026. At the hearing, the Zoning Commission expressed general support for OP's proposed text amendment. Though the Commission requested OP respond to the comments received in the record and during public comments:

### 1. U § 401.2 (a) - Increasing the proposed matter-of-right development unit limit

The Commission requested OP examine the alternative maximum matter-of-right unit count proposals of either up to six or 10 units. OP does not object to allowing up to six units as a matter-of-right as this unit count is a common total number of units with the approval of special exceptions for expansions of existing apartment buildings. A total of six units should not significantly increase building bulk and height; should not significantly impact surrounding lower density neighborhoods; and would not generate parking requirements.

Under the proposed 6-units, in addition to the cases listed in the hearing report the following cases could be achieved as a matter-of-right:

BZA Case	Year	Request
20845	2023	To construct a new, detached, two-story with cellar, 6-unit apartment house in the RA-1 zone.
20822	2022	To raze an existing structure and construct a new, detached, three-story with cellar and roof decks, 6-unit, apartment houses in the RA-1 zone.
20811	2022	To construct a one-story rear addition, and add two additional dwelling units, to an existing, semi-detached, two-story with cellar, 5-unit apartment house in the RA-1 zone.

However, OP does not support a maximum of 10 units as a matter-of-right. This number of units could have impacts on the bulk and height of the building, compatibility with adjacent and surrounding properties, traffic and parking, and conflict with the overall appearance and character of a neighborhood. Though ten units may be appropriate in some cases, and would trigger a mandatory IZ unit, OP believes projects of this scale should still be reviewed by the BZA to ensure minimal impacts on the surrounding neighborhood and public resources and facilities.

### 2. F § 208 – Side Yards

Currently in the RA-1 Zone, side yards are determined in two ways. First, for any single-family or two-family flat detached or semi-detached dwelling an 8-ft. side yard is required to be provided. OP has not proposed to change said requirement.

Second, is for any building containing more than three dwelling units the minimum width and number of yards is determined based on height and unit count respectively. For side yard width, the minimum side yard width starts at eight feet with a sliding scale which increases the width requirement for buildings greater than 32 feet in height. Meanwhile the number of required side yards is increased to two for when the average number of dwelling units per floor is three or more. Currently, the RA-1 has a maximum building height is 40 feet with three stories. The following unit and floor breakdowns will trigger the current two-side yard requirement:

1-story	3 units
2-story	6 units
3-story	9 units

Several alternative Side Yard proposals were submitted into the record:

**Office of the Attorney General (OAG)**

OAG proffered alternative language for our proposed F § 208.5 (d):

*(d) No building shall touch more than 40% of a side lot line or combination of side lot lines directly connecting a front and rear lot line.*

This language would introduce a new “side yard lot occupancy” development requirement for just this RA-1 zone as well as several terms which are not defined in the current Zoning Regulations. Per rules of measurement, Subtitle B § 320, *a required side yard shall be parallel to a side lot line and apply to the entirety of principal buildings and structures*. Standard practices for side yard measurement are typically measured in distance (feet) for all other zones, and do not require calculations for percentage. Additionally, it would allow row apartment buildings of any size to have no minimum side yard requirement. Past these issues OP has no readily available means of determining how many properties this would bring into non-compliance. For these reasons above we do not recommend the alternative text brought forward by OAG.

Further recommendations from OAG on proposed side yard amendments seem to be based on a misconception of the draft text. OP has not proposed to change any other RA zones’ side yard requirements. OP has rearranged the section so that the F § 208 reads in numerical order of the zones. The proposed change to eliminate the RA-2 through RA-5 side yard requirements is outside the scope of this amendment and should not be considered in this text amendment.

### **American Institute of Architects (AIA)**

AIA recommended an alternative idea for the side yard requirements of the zone:

*Reducing side yard requirements to 5 feet for buildings with six or fewer units should be considered. For example, on a typical 30-foot-wide lot, the current rules (two side yards of 8 feet each) leave only 14 feet for building width. Detached structures are generally better because they offer all units improved light and airflow. Lowering the requirement would make detached buildings more feasible while still ensuring enough privacy and space between them. However, keeping the 8-foot side yard rule for buildings with seven or more units remains suitable.*

OP does not oppose reducing the minimum side to five feet for buildings with six units or less. Recent case history supports the shift to six units. As mentioned during the public hearing, OP believes this typology should be allowed in a row form. Larger and higher-density development with more than six units would continue to be required to have an eight-foot side yard and can request a special exception to reduce the required side yard.

### **Committee of 100**

The Committee of 100 objected to the matter-of-right development of row buildings:

*We object to allowing MOR construction of new rowhouses built to the lot line adjacent to a lower-intensity use, especially when combined with the reduced minimum lot width from 18 to 16 feet. In video presentations to ANCs, OP staff confirmed that this meant a single-family detached house on a 50-foot-wide lot could be replaced by three rowhouses built to the lot line. A neighboring single-family house*

*would face a blank wall. Potentially, a single-family house could have rowhouse development on either side, effectively walling it in. This is precisely the kind of incongruous outcome that the RA-1 rules were designed to prevent, and would violate Subtitle F’s mandate to “[e]ncourage compatibility between the location of new buildings or construction and the existing neighborhood.”*

OP does not support the idea of creating a new special exception review process based solely on the existence of a “lower-intensity” use sharing a side lot line. For residential development in the RA-1 zone, OP does not believe the development on an adjacent property should determine how another building is constructed or require special treatment on another adjacent property through the zoning regulations. A row building is defined as a building with no side yards. The RA-1 zone already has a much lower development capacity than the R-3 and RF zones. If row home development in the R-3 are appropriate next-door to detached homes, OP does not see an argument for why it is inappropriate in the RA-1. OP’s original proposal still requires truly more intense Apartment Houses to be reviewed under the special exception process and requires those buildings to be detached structures and have two eight foot side yards. Moreover, in further consideration of increasing the by-right unit count, OP does not believe that multiple-dwellings of up to 6 units is an overly-intense use in the RA-1 zone.

### **3. F § 5200 – Side Yard Variance Relief**

For clarification, relief from the side yard requirements does not require variance but can be approved by special exception pursuant to Subtitle F § 5201 and Subtitle X § 900.

### **4. F § 202 Lot Dimensions & U § 401 – Matter-of-right Expansions**

In response to OAG comments in opposition related to building expansions, OP’s recommendations would not reduce flexibility to expand an existing building as a matter-of-right. OAG references a previous Zoning Administrator interpretation (2019-001) that states that special exception are triggered “*Where a building permit application proposes either a 100% or greater increase in both the number of dwelling units and the new gross floor area (GFA) compared to the existing building, or increases the number of dwelling units by 10 or more units.*” This decision was then appealed (BZA Appeal No. 20226) and the Board agreed with the Appellant that an apartment house use is not permitted as a matter of right at the subject property, because Subtitle U § 401.1(d)(1) specifically excludes the RA-1 zone from the provision that otherwise permits multi-family buildings as a matter of right in the RA zones. Therefore, per the current zoning regulations, both new construction, conversion from single-family to an apartment house, and expansions of existing apartment houses, are all consider new residential development and require special exceptions. OP now proposes to allow limited expansions within an existing building or construction of new buildings with up to six (6) units as a matter-of-right, which provides more flexibility than the current regulations. Additionally, OP has continued our discussions with DOB to refine the proposed U § 401.2(b) text as to ensure we do not reduce any flexibility currently provided to property owners.

OAG is also opposed applying minimum lot dimensions requirements. OP’s proposal includes said requirements as we are proposing to allow row dwellings as a matter-of-right and these minimum requirements are consistent with the lot sizes allowed by the current F § 202.1 “*In any of the RA-1 zones, each single household row building shall have at least one thousand eight hundred square feet (1,800 sq. ft.)...*” and is consistent with the minimum lot width in other zones which allow row dwellings. In addition to maintaining the RA-1’s current minimum lot dimension requirement for row

buildings we are also introducing a lower minimum lot size to benefit IZ developments. So, when compared to the current lot dimension requirements OP again is providing more flexibly than the current regulations allow.

## **5. Subtitle C, Chapter 15, Penthouses and Rooftop Structures**

The RA-1 is currently limited to a maximum building height of 35 feet/3 stories. In residential areas with a maximum building of 35 or 40 feet, 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. As part of a previous zoning case, 14-13E, the Commission opposed a proposed amendment to C § 1501.1 to retain the proposed matter-of-right and special exception options for penthouses of limited size for single-family and two-family (flats) dwellings and conversions of these to apartment houses because this is limited to a stairwell and small storage space to allow use of a roof.

This text amendment specifically focuses on the most prevalent issues concerning the RA-1 development standards and the BZA review process. OP has not evaluated allowing habitable penthouse space in the RA-1 zone as part of this text amendment as it has not been identified as a recurring issue by the BZA or ANCs in recent years. OP also finds that since this provision (C § 1501.1) is for all residential areas with 35- or 45-foot maximum building height, which includes R-1, R-2, R-3, RF-1, RF-4, R-5 (semi-detached and detached only), and the RA-1 zone, there should be a further comprehensive analysis for a text amendment to the habitable penthouse regulations for all applicable residential zones, not solely the RA-1 zone. OP is in support of further review of the penthouse regulations as part of a separate text amendment, or should the Commission conclude that this habitable penthouse space be permitted as a part of this text amendment, OP would recommend that those spaces be subject to special exception review, and not be a matter-of-right, and be subject to the Penthouse Affordable Housing Production requirements .

## **6. Gentle Density Characterization**

The Committee of 100 submitted testimony in the record referencing “Gentle Density Characterization” as described by OAG. The purpose of this text amendment is not to address “gentle density” but analyze and update the RA-1 zone. OP generally agrees with the Committee of 100 that we are instead looking to remove obstacles for the development of lower-density development in the RA-1 zone.

## **7. U § 421 – Proposed Filing Requirements**

OP continues to propose a shadow study as a requirement for special exception applications; however, we have amended the text to also allow supplemental representation to demonstrate the shadow impacts of the proposed development on adjacent properties throughout the year.

# **III. PROPOSED TEXT AMENDMENT**

The Office of Planning proposes amendments to various provisions pertinent to the RA-1 Zone. The OP proposal was originated at the request of Zoning Commission and the BZA members, and has been presented to the Advisory Neighborhood Commissions (ANCs) through a series of open houses.

Throughout this section text to be deleted is marked with ~~bold strikethrough~~ and new text is shown in **bold and underlined**, changes based on comments received are currently shown in **red, bold, and underlined**:

## **DRAFT TEXT AMMENDMENT**

### Subtitle C, GENERAL RULES

#### Chapter 10 INCLUSIONARY ZONING

##### 1001 APPLICABILITY

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1001.2 Except as provided in Subtitle C § 1001.5, the requirements of this chapter shall apply to, and the modifications to certain development standards and bonus density of this chapter shall be available to, developments in zones in which this chapter is identified as applicable as specified in the individual subtitles of this title; provided the development falls into one of the following categories:

...

(b) A “Voluntary Inclusionary Development” – any single household dwelling, flat, or multiple dwelling development not described in Subtitle C § 1001.2(a) if the owner voluntarily agrees to comply with the requirements of Subtitle C, Chapter 10, provided:

(1) The square footage set aside achieves a minimum of one (1) Inclusionary Unit; **and**

(2) Modifications to development standards shall only be allowed as specified in the development standards of the individual zones pursuant to Subtitle C § 1002.; ~~and~~

~~(3) Any use of the modifications of development standards and bonus density authorized by Subtitle C § 1002 and in the development standards of the RA-1 zones shall require special exception approval pursuant to Subtitle X, Chapter 9.<sup>1</sup>~~

...

### Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES

#### Chapter 1 INTRODUCTION TO RESIDENTIAL APARTMENT (RA) ZONES

##### 101 PURPOSE AND INTENT

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101.5 The RA-2 zone provides for areas developed with predominantly moderate-density residential **development**.

101.6 The RA-3 zone provides for areas developed with predominantly medium-density residential **development**.

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<sup>1</sup> As part of Zoning Commission Case 25-12, Omnibus, the Zoning Commission has taken proposed action to delete the special exception requirement for a voluntary inclusionary zoning development in the R-2, R-3, and RF zones.

101.7 The RA-4 zone provides for areas developed with predominantly medium- to high-density residential **development**.

101.8 The RA-5 zone provides for areas developed with predominantly high-density residential **development**.

...

Chapter 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL APARTMENT (RA) ZONES

...

201.4 The maximum permitted FAR for Inclusionary Developments in any of the RA-1 through RA-5 zones, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, shall be as set forth in the following table; ~~provided that in all the RA-1 zones Voluntary Inclusionary Developments shall require special exception relief pursuant to Subtitle X, Chapter 9, to utilize this modification:~~

**TABLE F § 201.4: MAXIMUM PERMITTED FLOOR AREA RATIO FOR INCLUSIONARY DEVELOPMENTS**

Zones	Maximum FAR for Inclusionary Developments
RA-1	1.08
RA-2	2.16
RA-3	3.6
RA-4	4.2
RA-5	7.2

202 LOT DIMENSIONS

**202.1** **Except as provided elsewhere in this section, the minimum required lot width and lot area for the creation of a new lot of record in any of the RA-1 zones shall be as set forth in the following table:**

**TABLE F § 202.1: MINIMUM LOT WIDTH AND LOT AREA**

Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
<b>RA-1</b>	<b>All Structures</b>	<b>18</b>	<b>1,800</b>

**202.2** **The minimum lot width and lot area of ~~Mandatory or Voluntary~~ Inclusionary Developments may be reduced in any of the RA-1 zones to not less than as set forth in the following table:**

**TABLE F § 202.2: MINIMUM LOT WIDTH AND LOT AREA FOR ~~MANDATORY OR VOLUNTARY~~ INCLUSIONARY DEVELOPMENTS**

Zones	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
<b>RA-1</b>	<b>All Structures</b>	<b>16</b>	<b>1,500</b>

**202.13** In any of the RA-1 zones, each ~~single household row~~ building shall have at least ~~one thousand eight hundred square feet (1,800 sq. ft.) of gross land area exclusive of~~

**any land area in the project used as a basis for determining the floor area ratio of multiple dwelling unit buildings the minimum lot areas as permitted by this section.** Each ~~single household~~ row building, however, need not ~~have a site of one thousand eight hundred square feet (1,800 sq. ft.)~~ **meet the minimum lot area requirement individually** and the difference between the site area and the gross land area may be accumulated into common spaces. Land area used to support ~~this the~~ floor area ratio of ~~multiple dwelling unit buildings~~ **Multiple Dwellings** may also be used for common spaces; **provided that all developments seeking this flexibility shall require special exception relief pursuant to Subtitle U §421.1 to utilize this modification.**

~~202.2 In any of the RA-1 zones, lot area and lot width for residential uses permitted as a special exception shall be as prescribed by the Board of Zoning Adjustment.~~

203 HEIGHT

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203.6 In any of the RA-1, RA-2, or ~~R-3~~**RA-3** zones, a building or other structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories, not including a penthouse or rooftop structure; provided, that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation.

203.7 In any of the RA-1, RA-2, or ~~R-3~~**RA-3** zones, an institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories, not including a penthouse or rooftop structure, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the zone in which it is located.

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205 PENTHOUSE AND ROOFTOP STRUCTURE

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205.2 Notwithstanding Subtitle F § 205.1, in any of the RA-1 and RA-2 zones, a mechanical penthouse or rooftop structure with a maximum height of eighteen feet, six inches, (18 ft. 6 in.) shall be permitted on a non-residential building constructed pursuant to Subtitle F §§ 203.3 through ~~203.6~~**203.7**.

...

208 SIDE YARD

208.1 Except as provided elsewhere in this title, the minimum side yard shall be as set forth in this section.

**208.2 A side yard shall not be required along a side street abutting a corner lot in any of the RA-1, RA-2, RA-3, RA-4, and RA-5 zones.**

**208.3 Existing conforming side yards shall not be reduced to a nonconforming width or eliminated.**

**208.4 In the case of a lot proposed to be used by a public library or public recreation and community center where a side lot line abuts or adjoins a public open space, recreation area, or reservation, no side yard shall be required.**

**208.25 Side yards for a detached or semi-detached building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.). No side yards shall be required for a row building containing one (1) or two (2) dwelling units. In any of the RA-1 zones, side yards for buildings containing ~~six (6)~~ Dwelling Units or less shall be as follows:**

- (a) Side yards for detached buildings shall be a minimum of ~~five feet (5 ft.)~~; and**
- (b) Side yards for semi-detached buildings shall be a minimum of ~~five feet (5 ft.)~~; and**
- (c) No side yards shall be required for row buildings; and**
- (d) In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of ~~three feet (3 ft.)~~.**

**208.6 In the RA-1 zones, Multiple Dwellings containing ~~seven (7)~~ units or more shall provide:**

- (a) Two side yards of a minimum of eight feet (8 ft.); and**
- (b) In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.).**

**208.3 Except as provided in Subtitle F § 208.2, the following side yard rules apply:**

- (a) In any of the RA-1 zones, one (1) side yard shall be provided unless the building is a multiple dwelling that contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided; in either case such side yards shall have the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.); and]**

- ~~(b) In any of the RA-2, RA-3, RA-4, and RA-5 zones, no side yards are required; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.).~~

**208.7 In any of the RA-2, RA-3, RA-4, and RA-5 zones, the following side yard rules apply:**

- (a) A detached building containing one (1) or two (2) Dwelling Units shall provide two (2) side yards a minimum of eight feet (8 ft.);
- (b) A semi-detached building containing one (1) or two (2) Dwelling Units shall provide one (1) side yard a minimum of eight feet (8 ft.);
- (c) No side yards shall be required for a row building containing one (1) or two (2) Dwelling Units;
- (d) For all other buildings no side yards are required; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.); and
- (e) In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

~~208.4 A side yard shall not be required along a side street abutting a corner lot in any of the RA-1, RA-2, RA-3, RA-4, and RA-5 zones.~~

~~208.5 Existing conforming side yards shall not be reduced to a nonconforming width or eliminated.~~

~~208.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).~~

~~208.7 In the case of a lot proposed to be used by a public library or public recreation and community center where a side lot line abuts or adjoins a public open space, recreation area, or reservation, no side yard shall be required.~~

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Subtitle U, USE PERMISSIONS

Chapter 4 USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES

401 MATTER-OF-RIGHT USES (RA)

401.1 The following uses shall be permitted as a matter of right subject to any applicable conditions for each use below:

- (a) Any use permitted in the RF zones under Subtitle U § 301, except corner stores;
- (b) Private clubs with sleeping accommodations;
- (c) Child Development Center;
- ~~(d) Except for the RA-1 zones:~~

~~(1) Multiple dwellings provided that in an apartment house, accommodations may be provided only to residents who stay at the premises a minimum of one (1) month; and~~

~~2) Hotel in existence as of May 16, 1980, with a valid certificate of occupancy or a valid application for a building permit; provided, that the gross floor area of the hotel may not be increased and the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts may not be increased. An existing hotel may be repaired, renovated, remodeled, or structurally altered; and~~

~~(3) A continuing care retirement community; and~~

(ed) Community Residence Facility for not more than six (6) persons not including resident supervisors or staff and their families. The facility may accommodate seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families; provided there shall be no property containing an existing community residence facility for eight (8) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property;

(fe) Recreation building, park, playground, swimming pool, athletic field, ice rink, or other similar athletic facility, public or private, operated on and using local or federal land and approved by a joint federal-local jurisdictional transfer agreement; subject to the following:

- (1) No part of any use is nearer than seventy feet (70 ft.) to the nearest residential structure;
- (2) The uses shall not be organized for profit;
- (3) All parking areas shall be shared by all uses on a lot;
- (4) Scoreboards shall be installed such that the highest point is no taller than twenty-five feet (25 ft.) above grade; and

(5) Any lighting used to illuminate a park, playground, athletic field, trail, or other outdoor space, shall be so arranged that all direct rays of lighting are confined to the boundaries of the lot;

(gf) Elderly development center or adult day treatment facility provided, that the use shall be limited to no more than twenty-five (25) individuals not including staff; **and**

(hg) Youth Residential Care Home for not more than six (6) persons not including resident supervisors or staff and their families. The facility may accommodate seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families; provided, there shall be no property containing an existing youth residential care home for eight (8) within a radius of five hundred feet (500 ft.) from any portion of the subject property.;

(ih) A temporary surface parking lot accessory to the Ballpark shall be permitted on Square 767, Lots 44-47 and Square 768, Lots 19-22 in accordance with Subtitle C § 718.;

**(i) In any RA zone other than the RA-1 zone:**

**(1) Multiple Dwelling developments; and**

**(2) Hotel in existence as of May 16, 1980, with a valid certificate of occupancy or a valid application for a building permit; provided, that the gross floor area of the hotel may not be increased and the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts may not be increased. An existing hotel may be repaired, renovated, remodeled, or structurally altered; and**

**(3) A continuing care retirement community.**

~~401.2 A chancery is a permitted use in RA-4 and RA-5 zones, subject to disapproval by the Board of Zoning Adjustment in accordance with the requirements of Subtitle X, Chapter 2.~~

~~401.3 In the RA-2/RC zone, the uses of this section shall be permitted as a matter of right unless prohibited in Subtitle U § 514.3.~~

**401.2 In the RA-1 zone, Multiple Dwelling developments are subject to the following:**

**(a) A Multiple Dwelling shall be permitted as a matter of right when limited to no more than **six (6)** Dwelling Units;**

**(b) Multiple Dwelling(s) of more than **six (6)** dwelling units existing prior to **[enactment date of this order]**, as a matter of right, may:**

**(1) Expand or reduce structurally; and**

**(2) Alter the number of Dwelling Units, provided that additional dwelling units shall only be located within basement or cellar spaces not already dedicated to dwelling units, so long as the added units do not project beyond the existing Building Area.**

**(c) All other Multiple Dwelling developments are subject to Subtitle U § 421.**

**401.5 In the RA-2/RC zone, the uses of this section shall be permitted as a matter of right unless prohibited in Subtitle U § 422.2.**

**401.6 A chancery is a permitted use in RA-4 and RA-5 zones, subject to disapproval by the Board of Zoning Adjustment in accordance with the requirements of Subtitle X, Chapter 2.**

...

**421 SPECIAL EXCEPTION FOR NEW RESIDENTIAL DEVELOPMENTS (RA-1)**

**421.1 In any of the RA-1 zones, all new the following residential developments shall be reviewed by the Board of Zoning Adjustment as special exceptions pursuant to Subtitle X, Chapter 9, in accordance with the standards and requirements in this section:**

**(a) Multiple Dwelling developments that do not meet the standards set in U § 401.2; and**

**(b) Residential developments seeking flexibility pursuant to Subtitle F § 202.3.**

~~**421.2 The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:**~~

~~**(a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and**~~

~~**(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.**~~

~~**421.3 The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.**~~

~~**421.4 In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.**~~

**421.2** **When seeking relief pursuant to Subtitle U § 421.1, in addition to filing requirements of Subtitle Y § 300, the applicant shall submit the following at the time of initial filing:**

- (a)** **Existing and proposed site plans of the entire property, showing:**
  - (1)** **Existing and proposed buildings and structures;**
  - (2)** **Building Restriction Lines and easements;**
  - (3)** **All heritage trees and all trees to be retained or removed;**
  - (4)** **All impervious surface materials;**
  - (5)** **Location and screening of trash enclosures;**
  - (6)** **Location and screening of any surface parking spaces;**
  - (7)** **Screening or fencing along common lot lines; and**
  - (8)** **Exterior lighting.**
  
- (b)** **Architectural Plans, including but not limited to:**
  - (1)** **Floor plans of each level and roof;**
  - (2)** **Elevations, including door and window locations and exterior building materials;**
  - (3)** **Sectional drawings through the entire building; and**
  - (4)** **Any other renderings relevant to this or other relief associated with the application;**
  
- (c)** **Streetscape and alley-scape photos;**
  
- (d)** **Shadow study, or supplemental representation, comparing existing, by-right, and proposed development at the equinox, longest, and shortest days of the year; and**
  
- (e)** **Other plans or illustrations demonstrating the proposed development in relation to adjacent properties including, but not limited to the alignment of windows, doors, trash enclosures, parking, and screening in relation to adjacent residential buildings.**

**421.3** **In addition to the filing requirements of Subtitle U § 421.2, when seeking relief from F § 202.3, or for a proposal with more than one principal building, or for a property exceeding twenty thousand square feet (20,000 sq. ft.), the applicant shall submit the following at the time of initial filing:**

- (a) An existing and proposed Grading Plan, with the limit of disturbance shown;**
- (b) Plans for all new public or private rights-of-way and easements;**
- (c) A statement of justification which examines the proposed development in relation to adjacent properties and the surrounding neighborhood context regarding the proposed:**
  - (1) Arrangement of buildings and structures;**
  - (2) Landscaping, grading, and storm-water management;**
  - (3) Vehicle parking; and**
  - (4) Recreation and outdoor space.**

**421.4 In addition to the notification requirements of Subtitle Y §400.4, the Board of Zoning Adjustment shall refer any application subject to review under Subtitle U § 421.3 to the following District of Columbia agencies for comment:**

- (a) District of Columbia Public Schools (DCPS) to review whether the existing and planned area schools can accommodate the number of students that can be expected to reside in the project;**
- (b) Department of Parks and Recreation (DPR) to review the potential impacts on nearby recreational facilities; and**
- (c) Department of Energy and Environment (DOEE) to review the proposed grading and stormwater management plan.**

**421.5 The Board of Zoning Adjustment may require special treatment for the mitigation of undue impacts to adjacent properties.**

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Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE

Chapter 16, FEES

1600 FILING FEES FOR APPLICATIONS AND APPEALS

1600.1 Except as provided in Subtitle Y §§ 1600.2 and 1600.3, at the time of filing a request for an appeal or application with the Board of Zoning Adjustment, the appellant or applicant shall pay a filing fee in accordance with the following schedule:

...

(b) Application for a special exception:

...

- (19) Residential development, new **or modified**, ~~except those comprising all detached and semi-detached single dwelling units in the RA-1~~

~~zones~~ pursuant to Subtitle U § 421.1, five hundred forty dollars (\$540)  
for each new dwelling unit;