

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



NOTICE OF FINAL RULEMAKING
Z.C. Case No. 25-08¹
Office of Planning
(Text Amendment to Subtitles C, F, U, and Y to Update the
Residential Apartment (RA-1) Zone)
May 28, 2026

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2018 Repl.), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2016 Repl.)), hereby gives notice of its adoption of amendments to Subtitles C, F, U, and Y of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified), with the text at the end of this notice.

SETDOWN

On June 3, 2025, the Office of Planning (OP) filed a petition (OP Set Down Report²) to the Commission proposing text amendments to update the Residential Apartment (RA-1) zone to provide clarity and additional directions pertaining to new developments or expansions within the zone (Exhibit [Ex.] 2). The OP Set Down Report provided background for the proposal stating that the RA-1 zone originated in the 1958 Zoning Regulations as R-5-A and was later renamed to RA-1 as part of the 2016 Zoning Regulations. Unique to the RA-1 zone is the Subtitle U § 421 special exception review requirement for all new residential developments except those comprising of all one-family detached and semi-detached dwellings. Accordingly, any new rowhouse, flat, or multi-family building requires special exception review, and additions to existing multi-family buildings require special exception review. This requirement was originally introduced in a 1970 text amendment to the then R-5-A zone to address the oversaturation of multi-family development in the Anacostia area, Wards 7 and 8. RA-1 zoning is present in many parts of the District except Ward 1; however, Ward 8 continues to have the highest concentration of RA-1 zoning at approximately 1.94 square miles despite numerous rezonings approved by the Commission of large areas of Wards 7 and 8 from RA-1 to lower intensity R or RF zones. The OP Set Down Report stated that the proposed amendments are in response to requests from the Commission and Board of Zoning Adjustment (BZA). The proposed amendments are intended to:

- Analyze the current RA-1 intent, review standards, and development patterns;
- Make sure the regulations advance the purpose and intent of this zone;

¹ For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 25-08

² The OP Set Down Report also served as the prehearing report required by Subtitle Z § 501.

- Provide better clarity in the regulations;
 - Refine new development review standards;
 - Continue to promote flexibility for new, diverse development that is compatible with existing development patterns;
 - Allow reasonable expansions of residential buildings by right;
 - Allow new rowhouses by right; and
 - Identify ANC and community concerns related to new residential development in RA-1.
- (Ex. 2).

OP stated that primarily the proposed amendments would:

- Allow opting into IZ provisions by right;
- Establish and clarify minimum lot size requirements, including for an IZ development;
- Replace existing side yard requirements to base them on typology for buildings containing four (4) units or less, requiring new buildings with more than four (4) units to provide two (2) side yards and existing buildings with nonconforming side yards to provide a minimum five foot (5 ft.) side yard;
- Allow any new apartment house or expansion of less than four (4) units by right;
- Allow renovations of existing apartments of more than four (4) units by right to allow for enlargement of existing units and conversion of space into new units;
- Retain the existing special exception review requirement for apartment houses of more than four (4) units and those seeking lot dimension flexibility;
- Update application filing requirements and referral to District agency requirements to ensure adequate application information is provided at the time of filing for community, ANC, and District agency review; and
- Update filing fees to reflect instances where special exception filing fees are required for apartment houses.

(Ex. 2).

To effectuate these changes, OP proposed amendments to the following Subtitles:

- 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; and
- Subtitle Y § 1600: Clarify filing fees for RA-1.

(Ex. 2).

At its June 12, 2025 public meeting, the Commission expressed support for the proposed amendments and requested that OP provide additional information regarding the following:

- Examples of previous RA-1 cases that would no longer require BZA approval under the proposed amendments; and
- Existing density and floor area ratio (FAR) requirements in the RA-1 zone,³ to respond to a suggestion to allow additional FAR in the zone; and
- The Commission then voted to set down the petition for a public hearing.

OP Reports

OP submitted a Set down Report on June 3, 2025, and a Hearing Report on December 26, 2025 (hereinafter collectively, the OP Reports), which are summarized below regarding the Comprehensive Plan consistency analyses provided (Ex. 2, 14).

Comprehensive Plan

The OP Reports concluded that, on balance, the proposal would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens, and would further policy objectives of the Land Use, Housing, Urban Design, Historic Preservation, and Implementation Elements as well as policies of the Far Northeast and Southeast Area Element. OP stated that the proposal should lessen the burden for new development and expansion of existing buildings in the RA-1 zone and encourage further allowances of permitted uses and increased density while ensuring that new construction, redevelopment, infill, additions, and renovations will be compatible and in scale with the surrounding context (*Id.*).

Racial Equity

Community Outreach and Engagement

The OP Reports stated that OP began outreach regarding the proposed amendments in January 2025 holding three (3) virtual meetings in January 2025 for ANC commissioners, with over thirty (30) commissioners attending these meetings collectively. OP held two (2) additional virtual ANC meetings on October 20, 2025. OP also had individual conversations with ANC commissioners and members of the public; and OP staff had contact with the American Institute of Architects (AIA) and land use attorneys regarding the proposed amendments. In addition, OP launched a project webpage through the OP website providing an overview of the proposal and various information; the webpage provided an email for submission of questions and comments and comments could also be provided through OP social media platforms. OP stated that it received general support of the proposed amendments from ANCs and property owners (*Id.*).

Disaggregated Race and Ethnicity Data

OP provided Districtwide disaggregated race and ethnicity data regarding population, median income, median age, and housing tenure for the 2012-2016 and 2019-2023 time periods. OP noted that it does not anticipate the proposed amendments to result in direct or indirect displacement of tenants or residents as the intent of the proposal is to encourage appropriate levels of redevelopment by alleviating procedural review for both small scale residential development and expansions of existing apartment houses. OP also noted that the potential for displacement as part of redevelopment exists under the current regulations and the provision of additional housing options as a matter-of-right should help mitigate displacement. OP further stated that the

³ The RA-1 zone allows a maximum FAR of 0.9 for most structures, except a public library which is allowed a FAR of 2.0 (Subtitle F§ 201.1). For IZ developments, the RA-1 zone allows a maximum FAR of 1.08 (Subtitle F § 201.4).

proposal's allowance of by right opting into IZ for bonus density, and by right new apartment houses and expansion of existing apartment houses will facilitate more by right housing options and provide District residents with greater housing choice (*Id.*).

OP Hearing Report

The OP Hearing Report provided responses to questions raised by the Commission at set down (Ex. 14). Specifically, examples of RA-1 cases that would no longer require BZA approval with adoption of the proposed amendments, and information providing the maximum density and FAR requirements in the RA-1 zone (Ex. 14 at 2-4).

The OP Hearing Report stated OP made the following changes to the proposed text between set down and the OP Hearing Report:

- Changed the language for opting into IZ by right to apply to mandatory IZ developments under Subtitle F § 202.2, as recommended by the Office of the Attorney General (OAG). The originally proposed language was worded to apply to voluntary IZ developments only;
- Proposed deleting a provision under the IZ regulations (i.e., Subtitle C § 1001.2(b)(3)) in its entirety to reflect Commission action taken eliminating special exception relief to opt into IZ for voluntary inclusionary developments in R and RF zones. Specifically, OP proposed eliminating the special exception requirement for opting into IZ in the R-2, R-3, and RF zones in the Omnibus text amendments Case No. 25-12, for which the Commission has taken proposed action.⁴ As a part of this case, OP is proposing to eliminate the special exception requirement for opting into IZ in the RA-1 zone, and allowing the reduced lot area and lot width permitted under the IZ program as a matter of right for either a mandatory or a voluntary IZ project; and
- Made additional technical edits from the Department of Buildings (DOB) for clarification and more effective administration.

(Ex. 14).

The OP Hearing Report also responded to comments from ANC 3C and OAG. OP stated that it does not agree with ANC 3C's suggestion to allow by right residential development for up to ten (10) units or more. OP stated that it agrees with OAG's suggestion to make opting into IZ by right apply to mandatory IZ developments and made this change to the proposed amendment language; and OP stated that it disagrees with OAG's suggested changes to side yard requirements after consulting with DOB (Ex. 14).

NOTICE

Pursuant to Subtitle Z § 502, the Office of Zoning (OZ) sent notice of the November 6, 2025 public hearing, on August 20, 2025 (Ex. 10) and published notice of the public hearing in the August 29, 2025, *District of Columbia Register* (72 DCR 009307 *et seq.*), as well as on the calendar on OZ's website (Ex. 8, 9). The public hearing was rescheduled to January 5, 2026.

COMMENTS

Prior to the January 5, 2026 public hearing, the Commission received comments regarding the proposed amendments from ANCs 5F, 4D, 5B, and 3C; Goulston & Storrs; OAG; Committee of

⁴ The Commission took proposed action on this text at its December 18, 2025, public meeting.

100; Sullivan & Barros; and AIA. The comments are summarized below to provide a general overview of the main issues raised, but the summaries are not intended to be exhaustive.

ANCs

ANCs 5F, 4D, 5B, and 3C submitted reports in support of the proposed amendments to the RA-1 zone (Ex. 3, 5-7). ANC 3C suggested the Commission consider allowing by right residential development for up to ten (10) units or more (Ex. 7). The other ANCs did not make suggestions for changes to the proposal.

Goulston & Storrs

Goulston & Storrs submitted comments requesting that the Commission correct a technical error in the PUD regulations, under Subtitle X § 303.3, that misstates the maximum density allowed in a PUD in the RA-1 zone as a part of case 25-08⁵ (Ex. 12).

OAG

OAG submitted comments in overall support of the proposed amendments and suggested changes to further simplify provisions (Ex. 13, 13B). OAG suggested further amending Subtitle F § 202.2 to apply the proposal to mandatory IZ developments, to which OP agreed in its Hearing Report. OAG suggested further amendments to the side yard requirements of Subtitle F § 208.5-208.7 to ensure that side yards are tied to building size rather than number of units and better reflect a building's impact on neighboring properties. OAG also stated that it opposes the proposed amendments to Subtitle U § 401 regarding expansions of existing developments because they will add costs and delay to the renovation of existing multiple dwelling buildings; and opposes the proposed amendments to Subtitle F § 202 regarding minimum lot width and area requirements because they are duplicative and limit property owner flexibility (*Id.*).

Committee of 100

Committee of 100 submitted comments opposing allowing by right construction of new rowhouses to be built to the lot line and requesting that special exception relief be required for any proposed development that will eliminate an existing side yard (Ex. 15). In response to OAG's submissions to record, Committee of 100 stated that OAG's proposed changes are aggressive, and that OAG mischaracterizes these amendments as an exercise of gentle density to address past discriminatory land use policies and advance racial equity. Committee of 100 stated that gentle density should be built in high opportunity, amenity rich neighborhoods near rapid transit hubs, but notably, the bulk of the District's RA-1 zoning is in Wards 7 and 8, which are neither high opportunity, amenity rich nor well served by transit. Finally, Committee of 100 stated the importance of public participation in decision making and cautioned the Commission on the dangers of imposing matter of right zoning forms without public input (*Id.*).

Sullivan & Barros

Sullivan & Barros submitted comments in overall support of the proposed amendments (Ex. 16). The Sullivan & Barros comments questioned the absence of allowance of habitable penthouses in

⁵ At the January 5, 2025 public hearing, the Commission agreed that this correction could be made separate from this case with an errata, which was published in the *District of Columbia Register* on January 16, 2026 (73 DCR 000499 *et seq.*).

the RA-1 zone from this case and suggested adding it; stated that the proposed increased side yard requirement coupled with the need for side yard variance relief for new buildings could unnecessarily discourage housing production in the RA-1 zone; and stated that the proposed additional filing requirements (i.e., shadow study and stormwater management plan) are overly burdensome and costly (*Id.*).

AIA

AIA submitted comments in overall support of the proposed amendments (Ex. 17). The AIA comments suggested expanding by right density to six (6) units to better accommodate small multifamily development; permitting habitable penthouses in the RA-1 zone to allow resident access to rooftop areas; and reducing the proposed eight foot (8 ft.) side yard requirement to five feet (5 ft.) for buildings with six (6) or fewer units because the reduction would make detached buildings more feasible while ensuring enough privacy and space. AIA noted that maintaining the eight foot (8 ft.) side yard for buildings with seven (7) or more units remains suitable (*Id.*).

PUBLIC HEARING

At the January 5, 2026 public hearing, OP presented the proposal. The Commission then heard testimony in overall support from Will Teass on behalf of AIA; Marty Sullivan on behalf of Sullivan & Barros; Shane Dettman on behalf of Goulston & Storrs⁶; and Laura Richards on behalf of Committee of 100. The testimony largely reiterated the comments submitted to the case record summarized above. The Commission asked questions of OP and the individuals who provided testimony. No ANCs or government agencies, other than OP, testified at the public hearing.

At the conclusion of the public hearing, the Commission asked OP to provide a post-hearing submission addressing the following questions and issues identified during the public hearing:

- Provide information on potentially increasing the by right development/expansion proposed to more than a four (4)-unit threshold and possibly six (6) or ten (10) units;
- Consider making additional changes to the side yard requirements to potentially incorporate some of the comments and concerns raised by OAG, Committee of 100, Sullivan & Barros, and AIA;
- Provide information on circumstances where side yard variance relief would be triggered;
- Provide a response to OAG's opposition arguments regarding the proposed changes to Subtitle U § 401 and Subtitle F § 202;
- Provide a response regarding the absence of allowance of habitable penthouses in the proposed amendments;
- Provide a response to Committee of 100's gentle density characterization argument; and
- Provide a response regarding the additional filing requirements, i.e., shadow study and stormwater management plan.

In addition, the Commission directly responded to the public participation comments raised by Committee of 100 noting its longstanding and continued commitment to public participation and input in the zoning process.

⁶ See Footnote No. 3 immediately above.

In response to the Commission's request for a post-hearing submission, OP filed a Supplemental Report (OP Supplemental Report) on January 23, 2026 (Ex. 20). The OP Supplemental Report addressed each question and issue raised as explained below:

- Provide information on potentially increasing the by right development/expansion proposed to more than a four (4)-unit threshold and possibly six (6) or ten (10) units:

OP Response: OP agrees with increasing by right development/expansion to six (6) units as this unit threshold should not have significant impacts on building bulk and height. OP changed the proposed language accordingly. OP does not support increasing to a maximum of ten (10) units as it could have compatibility impacts on surrounding properties and should require BZA review;

- Consider making additional changes to the side yard requirements to potentially incorporate some of the comments and concerns raised by OAG, Committee of 100, Sullivan & Barros, and AIA:

OP Response: OP does not agree with OAG's suggested changes because they would add new side yard lot occupancy requirements for the RA-1 zone and introduce terms that are not defined in the current regulations; and the suggestions include eliminating RA-2 and RA-5 side yard requirements that are outside the scope of these amendments. OP does not support the Committee of 100 idea of creating a new special exception review process based solely on a lower density use sharing a side lot line and does not see an argument for why this would be appropriate in the RA-1 zone given its already lower development capacity. OP is not opposed to the AIA idea of reducing the minimum side yard requirement to five feet (five feet (5 ft.)) for buildings with six (6) units or less. OP believes this typology should be allowed in row form; and larger higher density development with more than six (6) units would continue to require an 8 ft. side yard. OP changed the proposed language consistent with AIA's suggestion reducing the minimum side yard requirement to five feet (five feet (5 ft.)) for buildings with six (6) units or less. OP also changed the proposed language to require existing buildings with nonconforming side yards to provide a minimum three foot (3 ft.) side yard⁷;

- Provide information on circumstances where side yard variance relief would be triggered:

OP Response: OP states that relief from side yard requirements does not require a variance and can be approved by special exception per Subtitle F § 5201 and Subtitle X § 900;

- Provide a response to OAG's opposition arguments regarding the proposed changes to Subtitle U § 401 and Subtitle F § 202:

OP Response: OP explained, in reference to Subtitle U § 401, that OP's proposal would not reduce flexibility to expand an existing building as a matter-of-right as asserted by OAG. The proposal would 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. OP explained, in reference to Subtitle F § 202, that OAG is opposed to applying minimum lot dimension requirements, but the proposal allows row dwellings as a matter-of-right consistent with the lot sizes allowed by the current Subtitle F § 202.1 (i.e., 1800 sq. ft.) and consistent with the minimum lot width in other zones allowing row dwellings;

- Provide a response regarding the absence of allowance of habitable penthouses in the proposed amendments:

⁷ The original proposed language required a five feet (5 ft.) side yard for existing buildings with nonconforming side yards.

OP Response: OP did not evaluate allowance of penthouse habitable space in the RA-1 zone as part of these amendments because it has not been a recurring issue in recent years. 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 matter-of-right, and be subject to the Penthouse Affordable Housing Production requirements;

- Provide a response to Committee of 100's gentle density characterization argument:

OP Response: The purpose of these text amendments are not to address "gentle density" but to analyze and update the RA-1 zone. OP generally agrees with the Committee of 100 that we are looking to remove obstacles for the development of lower-density development in the RA-1 zone; and

- Provide a response regarding the additional filing requirements, i.e., shadow study and stormwater management plan:

OP Response: OP continues to propose a shadow study and a stormwater management plan as requirements for special exception applications. OP did not change the stormwater management plan requirement, but OP changed the proposed language to allow supplemental representation to demonstrate shadow impacts of proposed development.

(Ex. 20).

PROPOSED ACTION

At the conclusion of the February 26, 2026 public meeting, the Zoning Commission voted to take **PROPOSED ACTION** to:

- Adopt the Petition as proposed in the OP Supplemental Report; and
- Authorize the publication of a Notice of Proposed Rulemaking (NOPR).

VOTE (February 26, 2026): 5-0-0

(Robert Miller, Tammy Stidham, Anthony Hood, Joseph Imamura, and Gwen Wright to approve).

National Capital Planning Commission (NCPC)

The Commission referred the proposed text amendment to the NCPC on March 2, 2026, for the thirty (30)-day review period required by § 492(b)(2) of the District Charter (Dec. 24, 1973, Pub. L. 93-198, title IV, § 492(b)(2)); D.C. Official Code 6-641.05 (2018 Repl.) (Ex. 21).

NCPC filed a report dated April 3, 2026, stating that the proposed text amendment is not inconsistent with the federal elements of the Comprehensive Plan for the National Capital and would not adversely impact any other identified federal interests (Ex. 22).

OZ published a NOPR in the April 17, 2026, *District of Columbia Register* (73 DCR 006124 *et seq.*) (Ex. 23, 24).

The Commission received one (1) opposition letter from a resident of the Brookland neighborhood citing concern that allowing by right expansions and new development in the RA-1 zone without BZA review and ANC engagement will rob the community of an opportunity to have input to impose conditions and address issues associated with development (Ex. 25).

FINAL ACTION

“Great Weight” to the Recommendations of OP

The Commission must give “great weight” to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 504.6; *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

The Commission finds persuasive and concurs with the analyses in the OP Reports and the OP Supplemental Report. The Commission agrees with the revisions to the proposed amendments that were made in the OP Supplemental Report and concurs with OP’s recommendation that the Commission take final action to adopt the proposed amendments as revised. Specifically, increasing by right development/expansion to six (6) units; reducing the minimum side yard requirement to five feet (5 ft.) for buildings with six (6) units or less; not allowing habitable penthouse space in the RA-1 zone as a part of case 25-08; and continuing to require a shadow study and a stormwater management plan as filing requirements for special exception relief, but allowing for supplemental representation to demonstrate shadow impacts. The Commission acknowledges the comments and suggestions raised by OAG, Committee of 100, Sullivan & Barros, and AIA and finds that OP fully responded to the comments and suggestions raised in the OP Supplemental Report, as discussed above. The Commission also acknowledges the opposition comment in response to the NOPR, but finds the proposed amendments, as revised, an appropriate compromise and balance for development in the RA-1 zone.

“Great Weight” to the Written Report of the ANC

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 505.1). To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

The Commission finds ANC 5F, 4D, 5B, and 3C support of the proposal persuasive and concurs in that judgment. The Commission notes ANC 3C’s suggestion to consider allowing by right residential development for up to ten (10) units or more; however, based on the information provided in the OP Supplemental Report, the Commission does not find this suggestion persuasive. Instead, the Commission believes allowing by right residential development for six (6) units is appropriate based on the testimony provided at the public hearing and the OP Supplemental Report.

At its May 28, 2026 public meeting, the Commission voted to take **FINAL ACTION** to:

- Adopt the Petition as published in the NOPR; and
- Authorize the publication of a Notice of Final Rulemaking.

FINAL ACTION

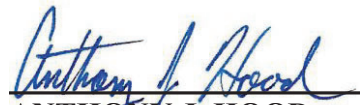
VOTE (May 28, 2026): 3-1-1

(Robert E. Miller, Gwen Wright, and Joseph S. Imamura to approve; Anthony J. Hood to disapprove; Tammy Stidham, not present, not voting).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 25-08 shall become final and effective upon publication in the *District of Columbia Register*; that is on July 10, 2026.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.



**ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION**



**SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING**

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows:

I. Amendments to Subtitle C

Subsection 1001.2(b) of § 1001 APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, was amended to read as follows:

1001.2 ...⁸

⁸ The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal; and

- (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.

II. Amendments to Subtitle F

Subsections 101.5-101.8 of § 101 PURPOSE AND INTENT, of Chapter 1, INTRODUCTION TO RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, was amended to read as follows:

- 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.
- 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, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, was amended to read as follows:

...

- 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:

...

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.)
RA-1	All Structures	18	1,800

- 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.)
RA-1	All Structures	16	1,500

- 202.3 In any of the RA-1 zones, each building shall have at least the minimum lot areas as permitted by this section. Each row building, however, need not 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 the floor area ratio of 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.

203 HEIGHT

...

- 203.6 In any of the RA-1, RA-2, or 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 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.

...

205 PENTHOUSE AND ROOFTOP STRUCTURE

...

- 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 203.7.

...

208 SIDE YARD

...

- 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.
- 208.5 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.);
 - (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.).
- 208.7 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.).

III. Amendments to Subtitle U

Chapter 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle U, USE PERMISSIONS, was amended to read as follows:

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

- (a) ...
- (d) 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;
- (e) 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 feet (5 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;
- (f) 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;
- (g) 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;
- (h) 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; and
- (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 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.

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

401.4 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, 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 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.

IV. Amendments to Subtitle Y

Subsection 1600.1(b)(19) of § 1600 FEES, of Chapter 16, FILING FEES FOR APPLICATIONS AND APPEALS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, was amended to read as follows:

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