

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Michael Jurkovic, AICP, Development Review Specialist  
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*JL for* Jennifer Steingasser, Deputy Director, Development, Design and Preservation

**DATE:** June 2, 2025

**SUBJECT:** ZC 25-XX: Set down 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 **set down** for public hearing this zoning text amendment petition to update the Residential Apartment (RA-1) Zone. The proposed text amendment is filed in response to requests from Zoning Commission and Board of Zoning Adjustment (BZA) members, and is intended to provide clarity and additional directions pertaining to new development or expansions within this 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

The proposed amendment would further several policies of the Comprehensive Plan (Comp Plan) and, on balance, would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens.

This report serves as the Pre-hearing Filing required by 11 DCMR § Z-501 as a prerequisite to the advertisement of the public hearings.

### **II. PLANNING BACKGROUND**

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 update. Unique to the RA-1 zone is the U § 421 Special Exception review requirement for certain residential development types. This requirement was introduced via a text amendment in 1970 with the approval of ZC 70-19. A proposal primarily

brought forward due to the oversaturation of multi-family development in the then R-5-A zone areas in the Anacostia area (Wards 7 and 8). ZC 70-19 intended to limit uncontrolled growth and inappropriate development, encourage homeownership, and foster the construction of a mix of housing types commensurate with the available community facilities in Southeast D.C. The amendment revised the R-5-A development criteria and established the Board of Zoning Adjustment's special exception review process for residential developments which are not detached or semi-detached one (1) or two (2) unit buildings.

The RA-1 zone is designed to permit flexibility by allowing low-to-moderate-density residential development, including detached houses, row houses, and low-rise apartment buildings. The Naval Observatory Residential Apartment (RA-1/NO) zone is similar to RA-1 but specifies that the use of land adjacent to or in close proximity to the Naval Observatory protects Federal interest concerns.

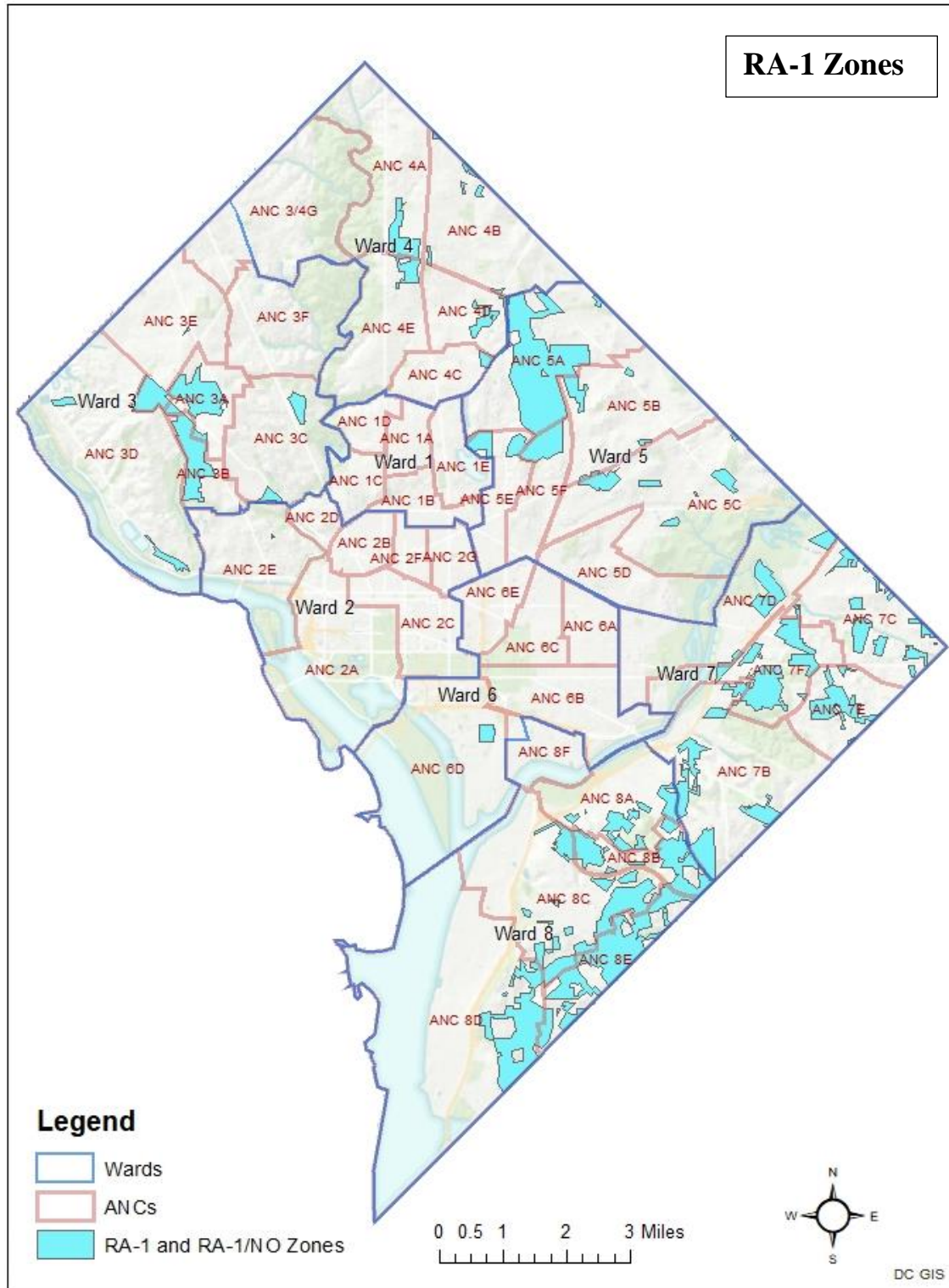
Distribution of RA-1: As shown on the map below, RA-1 zoning is present in many parts of the District except for Ward 1. Wards 2 and 6 have the least containing only single patches of RA-1 in ANC 2E and 6D respectively. Meanwhile Wards 3, 4, 5, 7, & 8 have large contiguous areas of RA-1 zoned property. This is the case even after Zoning Commission Cases 07-30, 08-12, and 08-22 resulted in the rezoning of large areas of Wards 7 and 8 from RA-1 to lower intensity R or RF zones. These cases were filed by OP in response to direct direction in the 2006 Comp Plan and included extensive input from Advisory Neighborhood Commissioners (ANCs). Even with these broad rezoning efforts, Wards 8 still has the highest concentration of RA-1 at approximately 1.94 sq. miles.

Relative to the rest of the District, Far Northeast and Southeast planning areas have a much higher percentage of small apartment buildings. About one-third of the area's housing units were in buildings with 5 to 19 units—almost twice the Districtwide proportion. The Far Southeast/Southwest Planning Area's housing ranges from single-family homes to high-rise apartments. Residential uses make up 16 percent of the total area, or about 1,057 acres. Of this amount, more than half consists of garden apartments, and about one-quarter consists of row houses. Compared to the rest of Washington, DC, the Planning Area has an abundance of small apartment buildings—31 percent of the housing units were in 5-9 unit buildings, and 9.4 percent were in 10-19 unit buildings.

All new residential developments, except those comprising all one-family detached and semi-detached dwellings, require review and approval from the Board of Zoning Adjustment (BZA) as special exceptions pursuant to Subtitles U § 421 and X § 901. Any proposal for a new rowhouse, flat or multi-family building requires special exception review, subject to conditions outlined in the zoning regulations. Additions to existing multi-family buildings also require review by the BZA.

Within the past five years, the most common requests for RA-1 special exceptions included proposals to raze or demolish an existing building, construct an additional story or rear addition, or build out a cellar level to convert a building to a flat up to 10 dwelling units. In some instances, applicants proposed more, up to roughly 40 units. For these cases, the proposed development typically met all zoning development standards and only required relief for new residential development in the RA-1 zone; therefore, the Board approved the request as they found the proposed changes would not result in undue impacts and no issues identified by ANCs or neighboring properties. However, there have also been BZA applications that received opposition,

due to concerns related to the proposed number of units, shadowing, parking, privacy, noise, or other potential undue impacts; however, some of these issues cannot be addressed by the BZA. In some of these cases, ANC or OP recommended conditions to help alleviate or mitigate those issues, which the BZA has typically voted in favor of.



### **III. SUMMARY OF PROPOSED TEXT AMENDMENT**

The RA-1 text amendment was requested by the DC Zoning Commission and the Board of Zoning Adjustment, and is also in response to issues raised by ANC's and residents at BZA public hearings. The goals and intent of the text amendment are to:

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

This text amendment will not result in map amendments to rezone properties to or from RA-1. The proposed text amendment includes amendments to the following sections of the Zoning Regulations (11 DCMR ZR16):

#### **SUBTITLE C GENERAL RULES**

- **CHAPTER 10 INCLUSIONARY ZONING**
  - **1001 APPLICABILITY**

Minor technical modification related to voluntary inclusionary development proposal in the RA-1 zone

#### **SUBTITLE F RESIDENTIAL APARTMENT (RA) ZONES**

- **CHAPTER 1 INTRODUCTION TO RESIDENTIAL APARTMENT (RA) ZONES**
  - Minor technical corrections only
- **CHAPTER 2 DEVELOPMENT STANDARDS FOR RESIDENTIAL APARTMENT (RA) ZONES**
  - **201 DENSITY:**

Modifications to allow opting into the IZ provisions by right, rather than by special exception. Any proposed apartment house of more than 4 dwelling units would still require BZA special exception approval.

Otherwise, no proposed changes to permitted density in this zone.
  - **202 LOT DIMENSIONS:**

Establish and clarify minimum lot size requirements including for an IZ development. Open space flexibility is still available through special exception.
  - **203 HEIGHT:** No changes proposed to permitted building height. Technical corrections only.

- 204 RESERVED

- 205 PENTHOUSE AND ROOFTOP STRUCTURES:

Reference update only. No changes proposed to existing penthouse requirements and restriction.

- 206 RESERVED

- 207 REAR YARD: No changes proposed

- 208 SIDE YARD:

Replacement of existing side yard requirement to be based on typology for buildings containing 4 units or less; any new building with more than four units will be required to provide two side yards. Existing buildings with non-conforming side yards will now be required to maintain a minimum side yard of 5 ft, currently 3 ft. These changes are intended to address concerns raised in past BZA cases about potential impacts on privacy, light and air for larger multi-unit buildings.

No changes are being proposed for other RA zones.

- 209 COURTS: No changes proposed.

- 210 LOT OCCUPANCY: No changes proposed.

- 211 GREEN AREA RATIO: No changes proposed

- 212 SPECIAL EXCEPTION FOR PUBLIC LIBRARIES AND PUBLIC RECREATION AND COMMUNITY CENTERS:

No changes proposed

- **CHAPTER 3 NAVAL OBSERVATORY RESIDENTIAL APARTMENT ZONE – RA-1/NO**

No changes proposed.

## **SUBTITLE U USE PERMISSIONS**

- **CHAPTER 4 RESIDENTIAL APARTMENT (RA) ZONES**

- 400 GENERAL USE PROVISIONS (RA): No changes proposed.

- 401 MATTER OF RIGHT USES (RA)

A detached and semi-detached dwelling, either single-family or a flat, would continue to be allowed by-right. A rowhouse, currently allowed only by special exception, would be allowed by right.

New provisions would allow an apartment house of less than four units as a matter of right; and would allow by-right renovations to existing apartment houses of more than four units, to allow for the enlargement of existing units and conversion of underutilized spaces into new units.

These modifications are intended to address housing related policies, but also to allow new development that closely reflects the current development pattern of row and small apartment buildings in many RA-1 zoned areas.

- 402 ACCESSORY USES: No changes proposed
- 420 SPECIAL EXCEPTION USES: No changes proposed
- 421 NEW RESIDENTIAL DEVELOPMENT (RA-1)

Proposed modifications would retain the existing special exception review requirement for apartment houses of more than 4 units and those seeking lot dimension flexibility (421.1).

Applicant filing requirements are proposed to be updated, clarified, and expanded to ensure adequate information is provided at the time of application for community, ANC, and agency review (proposed 421.2), and to add certainty and efficiency to the review process. Full site plan related review will now only be for projects larger than 20,000 sq. ft. in lot area and must also provide a statement of justification to directly address the proposal's relation to adjacent properties and the surrounding neighborhood (proposed 421.3).

Referral requirements to District agencies will be updated and clarified, including for the Office of Planning report and analysis (proposed 421.4).

Special treatment conditions will be clarified (proposed 421.5).

## **SUBTITLE Y BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE**

- **CHAPTER 16 FEES**

- 1600 FILING FEES FOR APPLICATIONS AND APPEALS

Update, consistent with other recommendations of this report, to reflect instances where special exception filing fees are required for apartment houses.

Please refer to Attachment 1 for a copy of the full proposed text amendment.

## **IV. RACIAL EQUITY ANALYSIS**

### **Racial Equity Tool**

The Comprehensive Plan's Implementation Element calls for "*the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis*"<sup>2501.8</sup>. The scope of the review and Comp Plan policies that apply depend on the nature of the proposed zoning action. To assist in this analysis, the Commission created a four-part Racial Equity Tool.

Ultimately, a racial equity analysis is a tool for identifying and addressing structural inequalities and ensuring that all members of the community, regardless of race or ethnicity, can participate. The Commission requires an analysis of the proposed zoning action through the equity lens, utilizing disaggregated race and ethnicity data.

On balance, the proposed text amendment is not inconsistent with the policies and goals of the Comp Plan, including when viewed through the racial equity lens and when the Comp Plan is read as a whole, as detailed below. The scope of the text amendment is Districtwide and may have little to no applicability in many planning area elements. However, given the largest percentage of RA-1 zoning occurs in the Far Southeast/Southwest and Far Northeast and Southeast Planning Areas, and many of the RA-1 zone regulations were written in response to development issues in those areas, some policies from those planning areas have been included.

## **Racial Equity Tool Part 1 – Comprehensive Plan Guidance**

### **Citywide Elements**

#### **Land Use Element**

The proposed text amendment would be not inconsistent with the following Comprehensive Plan's Land Use Element policies:

*Policy LU-1.5.1: Infill Development*

*Policy LU-2.1.1: Variety of Neighborhood Types*

*Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods*

*Policy LU-2.1.5: Support Low-Density Neighborhoods*

*Policy LU-2.1.7: Row House Neighborhood Character*

*Policy: LU-2.1.8 Explore Approaches to Additional Density in Low- and Moderate-Density Neighborhoods*

*Policy LU-2.1.9: Alterations to Row Houses and Apartments*

The proposed text amendment would uphold several policies in the Comp Plan Land Use Element. This Element prioritizes increasing the housing supply with new, affordable high-quality infill development that is complementary to the established character of each neighborhood. Alterations to existing structures and infill projects should also be compatible with the general design character and scale of the existing neighborhood. It is the goal of this text amendment to encourage the production of quality design and function for residential projects, address compatibility with the surrounding context, and to accommodate a modest increase in density to existing buildings, especially if it results in an increase in family-sized units.

#### **Housing Element**

The proposed text amendment would be not inconsistent with the following Comprehensive Plan Housing Element policies:

*Policy H-1.1.5: Housing Quality*

*Policy H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority*

*Policy H-1.2.2: Production Targets*

*Policy H-1.5.1: Land and Building Regulations*

The Housing Element of the Comp Plan recommends that the design and materials for new or renovated housing should be of high-quality architectural standards and compatible with the

character of the surrounding area. As stated above, this text amendment aims to encourage housing that is well designed and more compatible with its context. The proposed text amendment should lessen the burden for expansion of existing buildings and new development that could potentially contribute to the affordable housing production targets for District.

### **Urban Design Element**

The proposed text amendment would be not inconsistent with the following Comprehensive Plan's Urban Design Element policies:

***Policy UD-2.1.2: Neighborhood Streetscapes***

***Policy UD-2.2.1: Neighborhood Character and Identity***

***Policy UD-2.2.2: Areas of Strong Architectural Character***

***Policy UD-2.2.4: Transitions in Building Intensity***

***Policy UD-2.2.5: Infill Development***

The Urban Design Element is intended to address physical and visual qualities of buildings and their relationship to other buildings, streetscapes and neighborhoods. The proposed amendments include appropriate and clarified review and development criteria so that proposed development can visually reflect the character of the adjacent land uses. The amendment also aims to ensure new construction, redevelopment, infill, additions, and renovations within historic districts and other areas of strong architectural character should be more complementary to existing buildings.

### **Historic Preservation Element**

The proposed text amendment would not be inconsistent with the following Comprehensive Plan's Historic Preservation Element policies:

***Policy HP-1.6.4: Downtown and Neighborhood Character***

***Policy HP-2.4.1: Preservations Standards for Zoning Review***

***Policy HP-2.5.3: Compatible Development***

***Policy HP-2.5.4: Suitability to the Historic Context***

The Historic Preservation Element is intended to protect, enhance and preserve valuable historic assets. The proposed text amendment generally supports this Element as it recognizes design standards in a manner that accounts for different types of historic environments and qualities. The amendment encourages the preservation of residential historic areas and areas with a clear prevailing development pattern while permitting compatible new infill development, building additions, and exterior changes that are in scale with and respect to their historic context.

### **Implementation Element**

The proposed text amendment would not be inconsistent with the following Comprehensive Plan's Implementation Element policies and actions:

***Policy IM-1.1.1: Development Impacts***

***Policy IM-1.1.5: Development Approvals and the Comprehensive Plan***

***Policy IM-1.1.9: Monitor Development Requirements, Benefits, Amenities, and Other Commitments***

***Policy IM-1.3.1: Updating Land Use Control***

***Action IM-1.3.A: Monitor and Review New Zoning Regulations***

***Policy IM-1.5.2: ANC Involvement***

***Policy IM-1.5.5: Transparency in Decision-Making***

***Policy IM-1.5.6: Electronic Media***

***IM-2.2 Recommended Changes to Zoning Regulations 2508***

The proposed text amendment would uphold several Implementation policies when considering both the goals and policies of the District and Citywide Elements. This review and proposed amendment are intended to ensure that potential negative impacts and pressures on neighborhoods, including construction impacts, are assessed and adequately mitigated and alleviated. As described in further detail below, OP is committed to transparency by holding meetings with ANC commissioners and using multiple digital media platforms to inform the general public of the proposed amendments and solicit feedback as the proposed text was drafted, and it will continue discussion and outreach if the proposal is set down for a hearing.

**Planning Area Elements**

Although there is RA-1 zoning throughout most parts of the city, the largest percentages of RA-1 zoned properties occur in Wards 7 and 8 (generally the Far Northeast and Southeast Planning Area, and the Far Southeast/Southwest Planning Area) ZC Order 70-19 sought to address the then development patterns occurring east of the Anacostia River.

**Far Northeast/Southeast Element**

Relative to the rest of the District, the Far Northeast and Southeast area has a much higher percentage of small apartment buildings. About one-third of the area's housing units were in buildings with 5 to 19 units—almost twice the Districtwide proportion.

The proposed text amendment would be not inconsistent with the following policies in the Far Northeast and Southeast Element:

***Policy FNS-1.1.1: Conservation of Low-Density Neighborhoods***

***Policy FNS-1.1.7: Row House Neighborhoods***

While preserving established single-family neighborhoods is a priority, Far Northeast and Southeast recognizes the need to provide a variety of new housing choices. More density is appropriate on land within one-quarter mile of the Metro stations at Minnesota Avenue, Benning Road, and Deanwood, and on the District side of the Southern Avenue and Capitol Heights stations.

## **Far Southeast/Southwest Element**

The Far Southeast/Southwest Planning Area's housing ranges from single-family homes to high-rise apartments. Residential uses, regardless of housing type, make up 16 percent of the total area, or about 1,057 acres. Of this amount, more than half consists of garden apartments, and about one-quarter consists of row houses. Compared to the rest of Washington, DC, the Planning Area has an abundance of small apartment buildings—31 percent of the housing units were in 5-9 unit buildings, and 9.4 percent were in 10-19 unit buildings.

The proposed text amendment would not be inconsistent with the following policy in the Far Southeast and Southwest Element:

### ***Policy FSS-1.1.4: Infill Housing Development***

The Far Southeast/Southwest (FSS) Area includes a range of housing including row homes, , garden apartments and high-rise apartments, all of which make up 16 percent of the total area. The Area needs more high-quality housing options that are suitable for families and younger homeowners. The community has recognized that there are opportunities for increased density. This amendment should provide further allowances of permitted uses and encourage more density for low to moderate density residential uses.

## **Racial Equity Tool Part 2 – Community Outreach and Engagement**

Prior to initiating community outreach, OP reviewed the records for recent BZA cases to assess comments from BZA members, including those of Zoning Commission members, as well as ANC and community comments to identify common issues and trends for RA-1 cases. These comments, along with Comp Plan direction, provided the basis for determining which aspects of the RA-1 regulations were most in need of analysis and potential modification. In particular, potential impacts on privacy, light , air, density and building separation were raised repeatedly, as was the quality and comprehensiveness of applicant filings. The lack of certainty in the meaning of the criteria for the review of these cases was also often raised.

OP began community outreach for the RA-1 text amendment in January 2025. OP held a series of virtual meetings to discuss with ANC commissioners the current RA-1 standards and solicit their feedback on potential amendments. Meetings were held on the following dates:

- January 21, 2025, 5:30 – 6:30 PM for all ANC commissioners;
- January 23, 2025, 12:00 – 1:00 PM for all ANC commissioners; and
- January 29, 2025, 5:30 – 6:30 PM, targeted to Ward 7 and 8 ANC commissioners.

Over 30 commissioners attended these meetings, although some commissioners attended more than one meeting. Comments were generally positive, with many commissioners noting a preference for more by-right options for apartment houses and rowhouses in this zone. In addition, ANC 3A reached out to OP and requested a presentation on the proposed amendment, at which OP generally received support for the proposed changes. Finally, OP has also had individual conversations with some ANC commissioners and members of the public. One suggestion was to allow additional density (FAR) in the zone; at this point, OP is not proposing this amendment.

OP also launched a project [webpage](#) through the Office of Planning's website that provides an overview of the proposal, meeting recordings, printable information sheets and maps of RA-1

zoned areas, both Districtwide and by ward/ANC. The webpage also includes an email to submit questions or provide comments. Generally, ANC comments and feedback have been positive and encouraging from all meetings, and as of the date of this report there have been no concerns expressed or recommendations for additional changes. If the proposal is set down, OP anticipates additional ANC and community discussions prior to a public hearing.

### **Racial Equity Tool Part 3 – Disaggregated Data Regarding Race and Ethnicity**

Analysis of census data over time can yield insights into trends for the District. The following tables compare the 2019-2023 American Community Survey (ACS) data, disaggregated by race and ethnicity, with data from the 2012-2016 period, available from [OP's State Data Center](#). Each table below covers both 5-year periods for Districtwide data. The proposed text amendment should not have an impact on most of the data discussed below.

#### ***Population Race or Ethnicity***

When comparing the two five-year periods, the race/ethnic data for the District shows that over the ten-year period there was an increase in residents for the District, with the population being majority Black/African American. There was a decrease in both Black and White populations, while Two or more races and Hispanic populations experienced a significant increase, and all other racial groups remained relatively the same.

***Table 1 - Population/Race or Ethnicity Districtwide and in the Planning Area***

<b>Race or Ethnicity</b>	<b>Districtwide 2012-2016</b>	<b>Districtwide Percent</b>	<b>Districtwide 2019-2023</b>	<b>Districtwide Percent</b>
Total Population	659,009	100%	672,079	100.00
White alone	266,035	40.4%	262,549	39.07
Black alone	318,598	48.3%	290,772	43.26
American Indian and Alaskan Native alone	2,174	0.3%	2,044	0.30
Asian alone	24,036	3.6%	27,465	4.09
Native Hawaiian and Other Pacific Islander alone	271	0.04%	378	0.06
Some other race alone	29,650	4.5%	32,338	4.81
Two or more races	18,245	2.8%	56,533	8.41
Hispanic or Latino	69,106	10.5%	77,760	11.57

#### ***Median Income***

Districtwide income shows an overall increase of the median income for all racial groups. When comparing the two five-year periods, Hispanic/Latino, White and Asian residents saw the largest increase in income. Black/African-American experienced an income increase, however, the group continued to have the lowest average income for all groups.

**Table 2 – Median Income**

<b>Median Income</b>	<b>Districtwide 2012-2016</b>	<b>Districtwide 2019-2023</b>
Median Household Income	\$72,935	\$106,287
White alone	\$119,564	\$166,774
Black or African American alone	\$ 40,560	\$ 60,446
American Indian and Alaskan Native alone	\$ 51,306	\$ 63,617
Asian alone	\$ 91,453	\$121,619
Native Hawaiian and Other Pacific Islander alone	Not Available	Not Available
Some other races	\$ 41,927	\$ 75,754
Two or more races	\$ 83,243	\$ 116,869
Hispanic or Latino	\$ 60,848	\$ 106,435

### ***Median Age***

The overall District median age increased between the two five-year periods, as did White, American Indian/Alaskan Native, Asian, Two or more race, and Hispanic/Latino, while median income of Black/African American and Some other race decreased.

**Table 3 - Median Age**

<b>Median Age</b>	<b>Districtwide 2012-2016</b>	<b>Districtwide 2019-2023</b>
Total Median Age	32.3	34.9
White alone	33.1	35.3
Black or African American alone	40.3	37.3
American Indian and Alaskan Native alone	31.4	34.9
Asian alone	33.3	38.5
Native Hawaiian and Other Pacific Islander alone	Not Available	20.9
Some other races	29.6	28.7
Two or more races	28.3	31.0
Hispanic or Latino	31.3	32.5

### ***Housing Tenure***

Based on the available data, the District saw an increase in homeownership rates, and corresponding decline in renters between the two periods. The largest changes for homeownership included increases for Native Hawaiian/Pacific Islanders, Two or more races, and Some other races. The proposed text amendment could contribute to furthering opportunities for more housing

units in RA-1 zoned areas, including rowhouses and units in smaller apartment houses which are more likely to provide home-ownership opportunities.

**Table 4 - Owner Occupied Households**

<b>Owner Occupancy</b>	<b>Districtwide 2012-2016</b>	<b>Districtwide 2019-2023</b>
Total Owner Occupied	40.7%	41.1%
White alone	47.8%	48.0%
Black or African American alone	35.9%	34.9%
American Indian and Alaskan Native alone	32.9%	19.6%
Asian alone	39.4%	41.4%
Native Hawaiian and Other Pacific Islander alone	9.1%	31.8%
Some other races	17.5%	28.7%
Two or more races	32.7%	41.3%
Hispanic or Latino	30.9%	36.4%

**Table 5 - Renter Occupied Households**

<b>Renter Occupancy</b>	<b>Districtwide 2012-2016</b>	<b>Districtwide 2019-2023</b>
Total Renter Occupancy	59.3%	58.9%
White alone	52.2%	52%
Black or African American alone	64.1%	65.1%
American Indian and Alaskan Native alone	67.2%	80.3%
Asian alone	60.6%	58.6%
Native Hawaiian and Other Pacific Islander alone	90.9%	68.2%
Some other races	82.5%	71.3%
Two or more races	67.3%	58.7%
Hispanic or Latino	69.1%	63.6%

### ***Housing Cost Burden***

The District experienced an increase in the total number of households over the two five-year periods as well as increase in the total number of cost burdened households, however, the percentage of households spending 30% or more of their income on housing decreased.

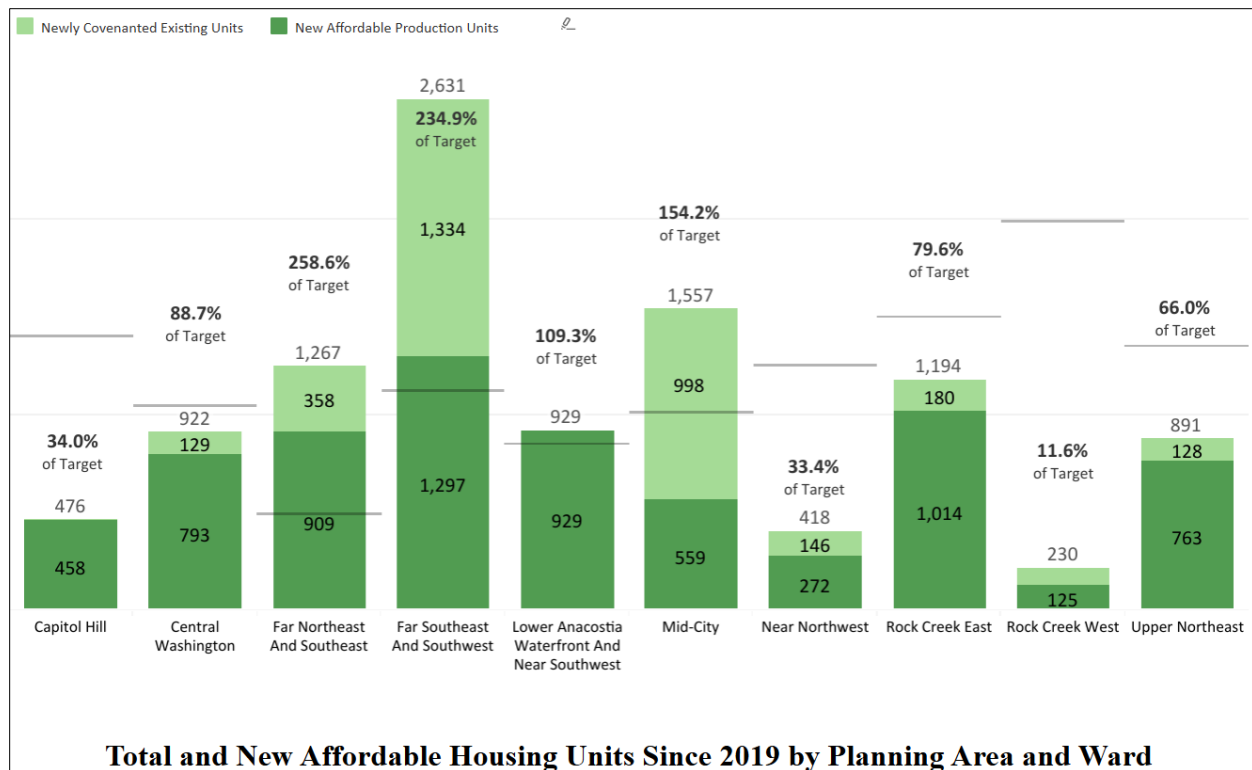
**Table 6 – Housing Cost Burden**

	<b>Districtwide 2012-2016</b>	<b>Districtwide 2019-2023</b>
Total Households	276,546	311,165

	Districtwide 2012-2016	Districtwide 2019-2023
Cost Burdened Households	102,855	105,775
Percent of households spending 30% or more of their income on housing	38.6	34%

### ***Progress Toward Meeting the Mayor's 2025 Housing Equity Goals***

According to the Deputy Mayor for Planning and Economic Development (DMPED) *36,000 by 2025 Dashboard*, many planning areas have achieved or exceeded the affordable housing production target, whereas there are others remaining that are below their target. The proposed amendment aims to provide reasonable and appropriate forms of by-right development to provide new housing opportunities, as well as to clarify and streamline some zoning requirements to reduce the ANC and BZA caseload for certain smaller residential projects existing buildings wishing to expand, which overwhelmingly are not contentious. Although most RA-1 zoning is located in the FAR Northeast and Southwest, and Far Southeast and Southwest Areas, this could encourage more residential development on RA-1 zoned land in areas that have not yet met their target and more family sized and home-ownership opportunities across the city, particularly in Wards 7 and 8.



### **Racial Equity Tool Part 4 – Zoning Commission Evaluation Factors**

Please refer to OP's analysis above under Part 1 of the Racial Equity Tool discussion for policies potentially advanced by the proposed text amendment. The proposal is not inconsistent with the

Citywide Elements of the Comprehensive Plan and should further the policies of the Land Use, Housing, Urban Design, Historic Preservation, and Implementation Elements.

**Proposed Zoning Action / Racial Equity**

<b>Factor</b>	<b>Question</b>	<b>OP Response</b>
<b>Direct Displacement</b>	Will the zoning action result in displacement of tenants or residents?	OP does not anticipate these text amendments would result in direct displacement of tenants or residents, and in particular when compared to the existing provisions for this zone. One of the goals of the zone, and of this amendment, is to allow more housing units within this zone. Another intent of this proposal is to encourage appropriate levels of redevelopment by alleviating the burden of procedural review and approval for both smaller scale residential developments and minor expansions of existing apartment houses, while retaining and clarifying the review criteria for larger projects. While there is the potential for the displacement of an existing tenant as part of a redevelopment, that potential exists under the current regulations as well. The proposed amendment should not result in a loss in the number of housing units or permanent relocation of residents. Providing additional housing options, including home-ownership opportunities, should help mitigate displacement and allow more families in areas zoned RA-1.
<b>Indirect Displacement</b>	What examples of indirect displacement might result from the zoning action?	OP does not anticipate significant indirect displacement to occur from this text amendment. The proposed amendment should not result in an increase in housing costs. The current zoning regulations require IZ units for larger projects, but do not allow the by-right option to opt in to the IZ program. Under this proposed amendment, applicants would now have by-right access to the voluntary IZ option for bonus density, both of which would require a percentage of affordable housing units. This, as well as the opportunity for the by-right addition of new dwelling units, including home-ownership opportunities, should mitigate indirect displacement likelihood, and would provide new housing options for neighborhood residents.
<b>Housing</b>	Will the action result in changes to: <ul style="list-style-type: none"> <li>▪ Market Rate Housing</li> <li>▪ Affordable Housing</li> </ul>	The text amendment should permit more housing options as a matter-of-right, which benefit future residents of the area and the District by providing greater housing choice. The amendment would also

Factor	Question	OP Response
	<ul style="list-style-type: none"> <li>▪ Replacement Housing</li> </ul>	allow limited expansions of existing buildings to construct additional units without BZA review. New housing opportunities could include both market rate and affordable units, as well as a potential for more home-ownership opportunities. OP anticipates the proposed amendment would have a positive impact to housing.
<b>Physical</b>	<p>Will the action result in changes to the physical environment such as:</p> <ul style="list-style-type: none"> <li>▪ Public Space Improvements</li> <li>▪ Infrastructure Improvements</li> <li>▪ Arts and Culture</li> <li>▪ Environmental Changes</li> <li>▪ Streetscape Improvements</li> </ul>	<p>These text clarifications are intended to foster well-designed, high-quality development in context with the surrounding neighborhood. This would include landscaping, window placement, and the appearance and character of buildings.</p> <p>The proposed clarifications to the requirements for the discretionary review process should also foster better application, and more contextual new construction that addresses potential impacts.</p>
<b>Access to Opportunity</b>	<p>Is there a change in access to opportunity?</p> <ul style="list-style-type: none"> <li>▪ Job Training/Creation</li> <li>▪ Healthcare</li> <li>▪ Addition of Retail/Access to New Services</li> </ul>	The proposed zoning action is for residential uses only. OP does not anticipate the text amendment would have an impact on access to jobs, healthcare or retail uses.
<b>Community</b>	<p>How did community outreach and engagement inform/change the zoning action?</p> <ul style="list-style-type: none"> <li>▪ (e.g., did the architectural plans change, or were other substantive changes made to the zoning action in response to community input/priorities etc.?)</li> </ul>	<p>As discussed above, in the <i>Community Participation/Outreach Efforts</i> section, OP met with ANCs, as the zoning was drafted. The response from the ANCs was largely supportive and encouraged moving forward with the proposal.</p> <p>Prior to this outreach, OP reviewed BZA, ANC and community comments provided as part of multiple BZA cases, and this helped to inform this proposal, including a focus on privacy, light and air impacts.</p> <p>OP appreciates the conversation and anticipates additional meetings and conversations following setdown and prior to the public hearing. OP remains open to making additional changes that are consistent with Comprehensive Plan policy direction.</p>

## V. SUMMARY OF PLANNING CONTEXT ANALYSIS

On balance, the proposed text amendment is not inconsistent with the 2021 Comprehensive Plan, and it would help to implement many of the recommendations in the Plan's Elements. If approved,

it would allow the provision of more by-right housing options while providing a better-defined discretionary review process for more impactful multiple dwelling developments in the RA-1 zone.

OP looks forward to additional discussions with the ANC, community, and other District agencies as the proposal is refined throughout the Zoning Commission review process.

## **VI. ATTACHMENTS**

Attachment 1 – Proposed Text Amendment

Attachment 2 – Comp Plan Elements

## Attachment 1 – PROPOSED RA-1 TEXT AMENDMENT

Note – proposed new text is shown in **bold underline** and ~~strikethrough~~ is removed text, otherwise text show is existing.

### SUBTITLE C GENERAL RULES

#### CHAPTER 10 INCLUSIONARY ZONING

##### 1001 APPLICABILITY

...

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:

...

- (3) Any use of the modifications of development standards and bonus density authorized by Subtitle C § 1002 and in the development standards of the R-2, R-3, RF-1, RF-4, **or** RF-5, ~~or RA-1~~ zones shall require special exception approval pursuant to Subtitle X, Chapter 9.

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

#### 101 PURPOSE AND INTENT

101.1 The Residential Apartment (RA) zones are residential zones, designed to provide for residential areas suitable for multiple dwelling unit development and supporting uses.

101.2 The RA zones are intended to:

- (a) Permit flexibility by allowing all types of residential development;
- (b) Promote stable residential areas while permitting a variety of types of urban residential neighborhoods;
- (c) Promote a walkable living environment;

- (d) Allow limited non-residential uses that are compatible with adjoining residential uses;
- (e) Encourage compatibility between the location of new buildings or construction and the existing neighborhood; and
- (f) Ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces.

101.3 The purposes of the RA-1, RA-2, RA-3, RA-4, and RA-5 zones are to:

- (a) Permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts; and
- (b) Permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones.

101.4 The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including detached houses, row houses, and low-rise apartments.

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**.

## 201 DENSITY

201.1 Except as provided elsewhere in this title, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:

**TABLE F § 201.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

<b>Zones</b>	<b>Type of Structure</b>	<b>Maximum FAR</b>
RA-1	Public Library	2.0

	All Other Structures	0.9
RA-2	Public Library	2.0
	All Other Structures	1.8
RA-3	Public Recreation and Community Center	1.8
	All Other Structures	3.0
RA-4	Public Recreation and Community Center	1.8
	All Other Structures	3.5
RA-5	Public Recreation and Community Center	1.8
	Apartment House or Hotel	6.0
	All Other Structures	5.0

201.2 A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle F § 212.2.

201.3 In any of the RA-1 zones, a public recreation and community center may have a 1.8 FAR if approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle F § 212.2.

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**

<b>Zones</b>	<b>Maximum FAR for Inclusionary Developments</b>
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**

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

**202.2 The minimum lot width and lot area of Voluntary Inclusionary Developments may be reduced to not less than as set forth in the following table:**

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

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

~~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

203.1 Except as provided elsewhere in this title, the maximum height of buildings or structures, not including a penthouse or rooftop structure, and the maximum number of stories shall be as set forth in this section.

203.2 The maximum permitted height of buildings or structures and number of stories, except as provided in Subtitle F §§ 203.3 through 203.7, shall be as set forth in the following table:

**TABLE F § 203.2: MAXIMUM HEIGHT AND NUMBER OF STORIES**

<b>Zones</b>	<b>Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)</b>	<b>Maximum Number of Stories</b>
RA-1	40	3
RA-2	50	No Limit
RA-3	60	No Limit
RA-4	90	No Limit
RA-5	90	No Limit

- 203.3 A public recreation and community center in any of the RA-1 zones may be erected to a height not exceeding forty-five feet (45 ft.) with no limit on number of stories, not including a penthouse or rooftop structure.
- 203.4 A public recreation and community center in any of the RA-2 through RA-5 zones may not be erected to a height exceeding forty-five feet (45 ft.), not including a penthouse or rooftop structure.
- 203.5 In any of the RA-1 or RA-2 zones, a place of worship may be erected to a height not exceeding sixty feet (60 ft.) and three (3) stories, not including a penthouse or rooftop structure.
- 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.

## 205 PENTHOUSE AND ROOFTOP STRUCTURE

- 205.1 The maximum permitted height of a penthouse or rooftop structure and number of stories, except as limited by Subtitle C § 1501 on the roof of a single household dwelling or flat, shall be as set forth in the following table:

**TABLE F § 205.1: MAXIMUM PENTHOUSE AND ROOFTOP STRUCTURE HEIGHT AND NUMBER OF STORIES**

<b>Zones</b>	<b>Maximum Height</b>	<b>Maximum Number of Stories</b>
RA-1	12 ft.	1

Zones	Maximum Height	Maximum Number of Stories
RA-2	12 ft., except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
RA-3	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
RA-4	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space
RA-5	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

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, buildings containing four (4) Dwelling Units or less shall provide:~~**

**(a) Side yards for detached buildings shall be a minimum of eight feet (8 ft.); and**

**(b) Side yards for semi-detached buildings shall be a minimum of eight feet (8 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 five feet (5 ft.).

208.6 In the RA-1 zones, Multiple Dwellings containing five (5) 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.~~

## Subtitle U, USE PERMISSIONS

### 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.; 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 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 permitted subject to the following:

(a) New Multiple Dwellings may be comprised of either three (3) or four (4) Dwelling Units;

(b) A Multiple Dwelling existing prior to the effective date of this title, [Insert enactment date here], may:

(1) Be repaired or renovated;

(2) Expand structurally, provided that the new gross floor area beyond the existing at the time of the building permit application would only add or expand Habitable Rooms in existing Dwelling Units; and

**(3) Increase the total number of Dwelling Units, provided that the new Dwelling Units shall be located within the gross square footage of the existing Building Area not previously used for Habitable Rooms at the date of enactment.**

**(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 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.**

## 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;

## **Attachment 2 – COMP PLAN CITYWIDE AND AREA ELEMENTS**

### **Chapter 2 Framework**

#### ***Managing Growth and Change: Guiding Principles***

4. Diversity also means maintaining and enhancing the District’s mix of housing types. Housing should be developed for households of different sizes, including growing families as well as singles and couples, and for all income levels. 219.4

7. Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must be designed to respect the integrity of stable neighborhoods and the broader community context, and encourage housing and amenities for low-income households, who rely more on transit. Adequate infrastructure capacity should be ensured as growth occurs. 219.7

#### ***Creating Successful Neighborhoods: Guiding Principles 220***

11. The residential character of neighborhoods must be protected, maintained and improved. Many District neighborhoods possess social, economic, historic, and physical qualities that make them unique and desirable places in which to live. As the District continues to grow, more residents, and those of varied socio-economic backgrounds, should be accommodated, including the production and preservation of affordable housing, while using zoning, design, and other means to retain the qualities that physically characterize these neighborhoods and make them attractive. Zoning and other means should be used to attract neighborhood serving retail that, in turn, enhances the surrounding residential neighborhood. 220.3

### **Chapter 3 Land Use**

#### ***Policy LU-1.5.1: Infill Development***

Encourage infill development on vacant land within Washington, DC, particularly in areas where there are vacant lots that create gaps in the urban fabric and detract from the character of a commercial or residential street. Such development should reflect high-quality design, complement the established character of the area and should not create sharp changes in the physical development pattern. 308.6

#### ***Policy LU-2.1.1: Variety of Neighborhood Types***

Maintain a variety of neighborhoods, ranging from low-density to high density. The positive elements that create the identity and design character of each neighborhood should be preserved and enhanced while encouraging the identification of appropriate sites for new development and/or adaptive reuse to help accommodate population growth and advance affordability, racial equity, and opportunity. 310.7

#### ***Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods***

Recognize the importance of balancing goals to increase the housing supply, including affordable units, and expand neighborhood commerce with parallel goals to preserve historic resources, advance environmental and sustainability goals, and further Fair Housing. The overarching goal to create vibrant neighborhoods in all parts of the District requires an emphasis on conserving units and character in some neighborhoods and revitalization in others, including inclusive and integrated growth and meeting

communities and public facility needs. All neighborhoods have a role to play in helping to meet broader District-wide needs, such as affordable housing, public facilities, and more. 310.10

***Policy LU-2.1.5: Support Low-Density Neighborhoods***

Support and maintain the District's established low-density neighborhoods and related low-density zoning. Carefully manage the development of vacant land and alterations to existing structures to be compatible with the general design character and scale of the existing neighborhood and preserve civic and open space. 310.12

***Policy LU-2.1.7: Row House Neighborhood Character***

Respect the character of row house neighborhoods by ensuring that infill development is compatible with existing design patterns and maintains or expands the number of family-sized units. Upward and outward extension of row houses that compromise their design should be discouraged. 310.14

***Policy: LU-2.1.8 Explore Approaches to Additional Density in Low- and Moderate-Density Neighborhoods***

Notwithstanding Policy LU-2.1.5, explore approaches, including rezoning, to accommodate a modest increase in density and more diverse housing types in low-density and moderate-density neighborhoods where it would result in the appropriate production of additional housing and particularly affordable housing. Build upon the guidance of the April 2020 Single Family Housing Report to diversify the cost of housing available in high-opportunity, high-cost low- and moderate-density neighborhoods, especially near transit. However, neighborhood planning and engagement is a condition predicate to any proposals. Infill and new development shall be compatible with the design character of existing neighborhoods. Minimize demolition of housing in good condition. 310.15

***Policy LU-2.1.9: Alterations to Row Houses and Apartments***

Generally discourage alterations to existing row houses and apartments that result in a loss of family sized units. Encourage alterations if it results in an increase in family-sized units. Roof structures should only be permitted if they respect the architectural character of the building on which they are proposed and of other nearby buildings. 310.16

**Chapter 5 Housing**

***Policy H-1.1.5: Housing Quality***

Require the design of affordable and accessible housing to meet or exceed the high-quality architectural standards achieved by market-rate housing. Such housing should be built with high-quality materials and systems that minimize long-term operation, repair, and capital replacement costs. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance, should be generally compatible with the design character of the surrounding neighborhood, and should address the need for open space and recreational amenities. 503.7

***Policy H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority***

The production and preservation of affordable housing for low- and moderate-income households is a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout all District neighborhoods. 504.8

***Policy H-1.2.2: Production Targets***

Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in Washington, DC from 2018 to 2030, or approximately 20,000 units, should be affordable to persons earning 80 percent or less of the area-wide MFI. In aggregate, the supply of affordable units shall serve low-income households in proportions roughly equivalent to the proportions shown in Figure 5.8: 30 percent at 60 to 80 percent MFI, 30 percent at 30 to 60 percent MFI, and 40 percent at below 30 percent MFI. Set future housing production targets for market rate and affordable housing based on where gaps in supply by income occur and to reflect District goals. These targets shall acknowledge and address racial income disparities, including racially adjusted MFIs, in the District, use racially disaggregated data, and evaluate actual production of market rate and affordable housing at moderate, low, very-low, and extremely-low income levels. 504.9

***Policy H-1.5.1: Land and Building Regulations***

Ensure the District's land regulations, including its housing and building codes, zoning regulations, construction standards, and permitting fees, enable the production of housing for all income groups. Avoid regulations that make it prohibitively expensive or difficult to construct housing. 507.2

**Chapter 9 Urban Design**

***Policy UD-2.1.2: Neighborhood Streetscapes***

Neighborhood streetscapes should be designed to visually reflect the character and level of intensity of the adjacent land uses. For instance, narrow sidewalks may be appropriate for narrow streets with low-scale buildings, while sidewalks with more trees and vegetation may be appropriate for large-scale development. Pedestrian-oriented lighting should be designed to enhance walkability for all users, as well as visually reflect the character of the neighborhood. 908.4

***Policy UD-2.2.1: Neighborhood Character and Identity***

Strengthen the visual qualities of Washington, DC's neighborhoods as infill development and building renovations occur by encouraging the use of high-quality and high-performance architectural designs and materials. In neighborhoods with diverse housing types, or when introducing more diverse infill housing types, use design measures to create visual and spatial compatibility. 909.5

***Policy UD-2.2.2: Areas of Strong Architectural Character***

Preserve the architectural continuity and design integrity of historic districts and other areas of strong architectural character. New development, additions, and renovations within such areas do not need to replicate prevailing architectural styles exactly but should be complementary. 909.6

***Policy UD-2.2.4: Transitions in Building Intensity***

Design transitions between large- and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single-family or row houses) can be made more pleasing and gradual through a variety of context-specific design strategies, such as a slender massing of taller elements, stepping back the building at floors above its neighbors' predominant roof line, stepping a building's massing down to meet the roof line of its neighbors, or strategic placement of taller elements to mark corners, vista terminations, or large open-space frontages. 909.9

***Policy UD-2.2.5: Infill Development***

New construction, infill development, redevelopment, and renovations to existing buildings should respond to and complement the defining visual and spatial qualities of the surrounding neighborhood, particularly regarding building roof lines, setbacks, and landscaping. Avoid overpowering contrasts of scale and height as infill development occurs. 909.10

**Chapter 10 Historic Preservation**

***Policy HP-1.6.4: Downtown and Neighborhood Character***

Recognize the distinctive character of Washington DC's historic downtown and varied neighborhoods as one of the District's prime attractions and competitive strengths. As Washington, DC grows, encourage compatible new development that enlivens downtown and enhances the character and distinction of its neighborhoods. 1008.6

***Policy HP-2.4.1: Preservations Standards for Zoning Review***

Ensure consistency between zoning regulations and design standards for historic properties. Zoning for each historic district shall be consistent with the predominant height and density of contributing buildings in the district. Monitor the effectiveness of zoning controls intended to preserve characteristic features of older neighborhoods not protected by historic designation. Where needed, specialized standards or regulations should be developed to help preserve the characteristic building patterns of historic districts and minimize design conflicts between preservation and zoning controls. 1013.2

***Policy HP-2.5.3: Compatible Development***

Preserve the important historic features of the District while permitting compatible new infill development. Within historic districts, respect the established form of development as evidenced by lot coverage limitations, height limits, open space requirements, and other standards that contribute to the character and attractiveness of those areas. Ensure that new construction, building additions, and exterior changes are in scale with and respect their historic context through sensitive siting and design, and the appropriate use of materials and architectural detail. 1014.9

***Policy HP-2.5.4: Suitability to the Historic Context***

Apply design standards in a manner that accounts for different levels of historic significance and types of historic environments. Encourage restoration of historic landmarks while allowing enhancements of equivalent design quality, provided such enhancements do not damage the landmark. Exercise greater restraint in residential historic districts and areas with a clear prevailing development pattern or architectural style. Allow greater flexibility where the inherent character of historic properties can accommodate greater intervention or more dramatic new design, such as non-residential zones and areas without a significant design pattern. 1014.10

**Chapter 17 Far Northeast and Southeast Area Element**

***Policy FNS-1.1.1: Conservation of Low-Density Neighborhoods***

Recognize the value and importance of Far Northeast and Southeast's established single-family neighborhoods to the character of the local community and to the entire District. Comprehensive Plan and

zoning designations for these neighborhoods reflect and preserve the existing land use pattern while allowing for taller and denser infill development that is compatible with neighborhood character. 1708.2

***Policy FNS-1.1.7: Row House Neighborhoods***

In the Fairlawn and Twining neighborhoods, encourage infill housing constructed so as to be compatible with the architectural style and materials of the brick row houses and semi-detached homes that predominate in these areas. 1708.8

**Chapter 18 Far Southeast/Southwest Area Element**

***Policy FSS-1.1.4: Infill Housing Development***

Support infill housing development on vacant sites within Far Southeast/ Southwest, especially in Historic Anacostia and in the Hillside, Fort Stanton, Bellevue, Congress Heights, and Washington Highlands neighborhoods. Infill with affordable housing options can help meet the demand of low-income families currently living in the Planning Area, reduce the rates of families living without housing, and decrease the affordable housing waitlist. Infill with housing for persons of low and moderate income can help provide homes for persons and families who might otherwise be displaced from Washington, DC due to high housing costs. 1808.5

**Chapter 25 Implementation**

***Policy IM-1.1.1: Development Impacts***

To the greatest extent feasible, use the development review process to ensure that potential positive impacts are maximized and potential negative impacts on neighborhoods, the transportation network, parking, environmental quality, and other issues, including construction impacts, are assessed and adequately mitigated, consistent with the guidance in the Comprehensive Plan and applicable requirements. 2502.6

***Policy IM-1.1.5: Development Approvals and the Comprehensive Plan***

Consider the goals and policies of the District and Citywide Elements, where applicable, in the approval of PUDs, variances, campus plans, special exceptions large tract reviews, and other projects requiring review.

***Policy IM-1.1.9: Monitor Development Requirements, Benefits, Amenities, and Other Commitments***

Monitor and ensure commitments made through the development review process are implemented, including development requirements, benefits, amenities, or actions offered for incentives. 2502.14

***Policy IM-1.3.1: Updating Land Use Controls***

Regularly review and update the District's land use controls and building codes to eliminate obsolete regulations and develop new regulations that address emerging issues, land uses, building types, and technologies. 2504.3

***Action IM-1.3.A: Monitor and Review New Zoning Regulations***

Regularly monitor and review the zoning regulations to verify that they are working to achieve their purpose and submit corrections, changes, and amendments as necessary. 2504.8

***Policy IM-1.5.2: ANC Involvement***

Include ANC's and area residents in the review of development to assist the District in responding to resident concerns. Consistent with requirements of District Code, ANC issues and concerns, as embodied in resolutions, should be given great weight as land use decisions are made. 2506.3

***Policy IM-1.5.5: Transparency in Decision-Making***

Strongly encourage transparent decision-making in all land use and development matters, making information available and accessible to residents, and maintaining open lines of communication with the public as plans are developed. 2506.6

***Policy IM-1.5.6: Electronic Media***

Enhance communication between residents, organizations, and the District government by providing access to information through electronic media and other methods. 2506.7

***IM-2.2 Recommended Changes to Zoning Regulations 2508***

As noted in Section IM-1.3, zoning regulations are a primary vehicle for implementing the Comprehensive Plan. The responsibility for zoning in Washington, DC rests with the Zoning Commission. The Commission must give great weight to OP's recommendations and to the issues and concerns raised by the ANC's on zoning cases. The Commission has its own staff support in the Office of Zoning. 2508.1