



Effective Date: January 1, 2019

Government of the District of Columbia
Department of Consumer and Regulatory Affairs

Interpretation of Zoning Regulations Guidance Document “All New Residential Developments” in RA-1 & RA-6 Zones

2019-001

References:

- Subtitle U, § 421

Description

Zoning Regulations U-421 provides the following:

- 421.1 In the RA-1 and RA-6 zones, all new residential developments, except those comprising all one-family detached and semi-detached dwellings shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section. [emphasis added]

In plain terms, applications to construct new attached and multiple dwelling buildings in the RA-1 and RA-6 zones must seek special exception relief pursuant to U-421 from the Board of Zoning Adjustment (BZA) prior to the issuance of a building permit (in addition to satisfying all other applicable development standards). However, several recent permit reviews involving the expansion of existing residential buildings into larger multiple dwelling buildings have presented the following question – at what point would an expansion of an existing building effectively constitute “new residential development” and therefore prompt special exception relief pursuant to U-421? The zoning rules are silent on the treatment of building expansions, as is the original source legislative record for Zoning Commission Order No. 19 (November 17, 1970). Nonetheless, Order No. 19 intended that “Proposed text changes to provide for improved site planning and mix of housing types commensurate with adequate community facilities and encourage homeownership in the R-5-A Districts.” In order to implement those policy goals, the ZA has determined that there is a threshold at which a development’s increased intensity prompts the need for further BZA evaluation.

Consequently, the ZA now clarifies that, for expansions of an existing building, U-421 special exception relief will be triggered in the following circumstances:

Where a building permit application proposes either a 100% or greater increase in both the number of dwelling units and the new gross floor area (GFA) compared to the existing building, or increases the number of dwelling units by 10 or more units.

The ZA will further apply this standard collectively to all building permit applications for a development for a single building on a single record lot occurring within a three (3) year period, starting with the first building permit application. Additionally, this Guidance does not address multi-building developments on a single lot of record or expansions of existing developments previously authorized by Zoning Commission or Board of Zoning Adjustment (BZA) Orders.



Example of a building addition <u>triggering</u> U-421 Special Exception	Example of a building addition <u>not</u> triggering U-421 Special Exception
<ul style="list-style-type: none">-Existing 4 dwelling unit and 3,000 square foot GFA multiple dwelling building.-Proposed expansion adding 4 dwelling units (or more) <u>and</u> 3,000 square foot GFA (or more).	<ul style="list-style-type: none">-Existing 4 dwelling unit and 3,000 square foot GFA multiple dwelling building.-Proposed expansion of 3 dwelling units or less <u>and/or</u> 2,999 square feet GFA (or less).
Implementation	
This Zoning Administrator guidance will apply to all building permit applications legally filed with, and officially accepted as complete and under review by DCRA, on or after January 1, 2019 .	

**This Guidance reflects the ZA's current interpretation of the Zoning Regulations in effect at the date of the posting of this document on the DCRA website and is subject to change due to revisions of the Zoning Regulations, decisions of the Board of Zoning Adjustment or Zoning Commission, or experience in reviewing and enforcing the Zoning Regulations. This Guidance only applies to zoning.*