



## Interpretation of Zoning Regulations Guidance Document

2019-002

### Apartment House Expansions in RF Zones

#### References:

- Subtitle E, § 201.4

#### Description

Zoning Regulation E-201.4 provides the following:

E-201.4 An apartment house in an RF-1, RF-2, or RF-3 zone, whether existing before May 12, 1958, or converted pursuant to the 1958 Regulations, or pursuant to Subtitle U §§ 301.2 or 320.2, may not be renovated or expanded so as to increase the number of dwelling units unless there are nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new.

The RF zones are residential zones that provide for areas developed primarily with row dwellings and limit the creation of new or expanded apartment houses. One such limitation is found in E-201.4, which provides that the construction of additional dwelling units, through renovation or expansion, of existing apartment houses is only permitted if the property is large enough to meet the following standard – there must be at least 900 square feet of lot area per dwelling unit (hereinafter, the “900 sq. ft. rule”). Section E-201.4 (previously § 401.11 under the 1958 Zoning Regulations) was adopted as part of Zoning Commission Case No. 06-47 (2007).

However, several recent permit reviews have presented the following scenario: (1) the existing apartment house was legally built prior to May 12, 1958; (2) the apartment house is presently non-conforming to the 900 sq. ft. rule; and (3) a proposed expansion of the apartment house would increase the building’s gross floor area but not the number of dwelling units. Only the size of the existing units, or other building common spaces, would increase. The issue presented is whether such non-conforming apartment houses, constructed prior to May 12, 1958, can renovate or expand as a matter of right pursuant to E-201.4 where no dwelling units are added and assuming all other development standards are satisfied (such as height, lot occupancy, and yard setbacks).

The ZA views the following clause of E-201.4 – “may not be renovated or expanded” – to be connected to the purpose of “increas[ing] the number of dwelling units.” As such, the ZA therefore provides the following E-201.4 interpretation:

**In the RF-1, RF-2, or RF-3 zones, apartment houses constructed prior to May 12, 1958 that are presently non-conforming to the 900 sq. ft. rule may renovate or expand as a matter of right, so long as there is no increase in the number of dwelling units and all other applicable development standards are satisfied.**

In contrast, any proposed expansion of a pre-May 12, 1958 apartment house that either creates or increases the



900 sq. ft. rule non-conformity by adding dwelling units would require BZA zoning relief pursuant to E-201.4.

Note that this Guidance does not address expansions of previously converted apartment houses pursuant to the 1958 Regulations or to Subtitle U §§ 301.2 or 320.2, which are addressed elsewhere in the Zoning Regulations.

## Implementation

Since this interpretation reflects current practice, this Zoning Administrator guidance will apply to all pending and new building permit applications beginning February 6, 2019, the date of publication.

*\*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.*