



**ADVISORY NEIGHBORHOOD COMMISSION 3C**  
GOVERNMENT OF THE DISTRICT OF COLUMBIA  
CLEVELAND PARK • MASSACHUSETTS AVENUE HEIGHTS •  
WOODLAND-NORMANSTONE • WOODLEY PARK

*Single Member District Commissioners*  
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## **ANC3C Resolution 2023-009**

### **Resolution Regarding Accessory Dwelling Unit (ADU) Zoning Reform**

WHEREAS the Zoning Rewrite of 2016 allowed accessory dwelling units (ADUs) as a matter of right in most R zones subject to certain requirements;

WHEREAS production of ADUs since 2016 has been limited at a time when housing production is needed across DC, especially in areas of high opportunity like Ward 3 and ADUs, if allowed to be easily built, can play a major role in addressing our housing needs;

WHEREAS a 2021 AARP Home and Community Preferences Survey of adults age 18 or older who would consider creating an ADU said they'd do so in order to:

- provide a home for a loved one in need of care (86%)
- provide housing for relatives or friends (86%)
- have a space for guests (82%)
- create a place for a caregiver to stay (74%)
- increase the value of their home (69%)
- feel safer by having someone living nearby (67%)
- earn extra income from renting to a tenant (63%)

[\(AARP's ABCs of ADUs at p1\)](#)

WHEREAS ADUs offer opportunities to make homeownership more affordable for buyers looking to supplement their income and facilitate aging in place through an income-generating rental and downsizing;

WHEREAS current zoning says the maximum building footprint for an accessory building is limited to 450 square feet or 30% of the square footage of the required rear yard area, whichever is larger ([DC Zoning Regulations, Subtitle D-5003.1](#)), and a 450 sq. foot building area allows for a studio apartment that can provide minimal accessible clearances for wheelchairs;

WHEREAS a 650 sq. foot building area would provide flexibility to provide a one-bedroom unit that could accommodate conditions such as an aging-in-place couple or a parent and child with a disability, and could incentivize accessible, universally designed units;

WHEREAS current zoning says either the principal dwelling or accessory apartment unit shall be owner-occupied for the duration of the accessory apartment use. ([DC Zoning Regulations, Subtitle U-253.1](#));

WHEREAS national experts such as AARP's Livable Communities say owner-occupancy requirements limit production of accessory apartments as they make the financing of ADUs more difficult, and limit the appraised value of properties with ADUs and reduce options for lenders should they need to foreclose ([AARP's ABCs of ADUs at p17](#));

WHEREAS there are no owner-occupancy requirements for single family homes;

WHEREAS current zoning says the accessory apartment unit may not occupy more than thirty-five percent (35%) of the gross floor area of the house ([DC Zoning Regulations, Subtitle U-253.7b](#));

WHEREAS in some cases the footprint of the basement exceeds 35%, resulting in an arbitrary loss of space for the basement living unit in these instances;

WHEREAS excluding a small portion of the footprint is arbitrary since the lower level unit will continue to not exceed the equivalent of one story of a dwelling below the first floor of the main dwelling, thus maintaining its subordinate relationship;

WHEREAS permitting the lower level unit to occupy the full footprint of the principal dwelling if it exceeds 35% of the gross floor area of the principal dwelling would allow for a more livable lower level accessory apartment;

WHEREAS the zoning regulations do not require a new parking space for the accessory or second unit. However, the zoning regulations do require that every single family dwelling have at least one parking space ([DC Zoning Regulations Subtitle C-701.5](#));

WHEREAS few row house lots have enough room for both a ground floor living space and a parking pad, and for the high number of narrow and small lots, the only possible space to locate the accessory dwelling is in the rear, on the existing parking space;

WHEREAS co-locating parking and an accessory apartment creates design and cost challenges, requiring the accessory structure to accommodate parking on the ground floor, significantly reducing living space, and forcing a second story for the dwelling;

WHEREAS in RF zones, such as those in Woodley Park, the zoning regulations require a five-year waiting period before an expanded or new accessory building can be used as a dwelling ([DC Zoning Regulations, Subtitle U-301.1\(e\)](#));

WHEREAS this requirement is especially confusing because the RF zones typically permit two dwellings as a matter-of-right ([DC Zoning Regulations, Subtitle U-301.1](#));

WHEREAS the five-year limit unnecessarily and arbitrarily restricts the ability to construct and occupy a new accessory building, including constructing a living unit in a new garage which itself can be built as a matter-of-right;

WHEREAS the delay, cost and unpredictability of the special exception process is generally prohibitive for homeowners, and the RF zones, given their similarity to R-3 zones, should be given the same allowance for new construction of an accessory building that otherwise conforms to the zoning regulations;

WHEREAS the RF-1 zone only permits a third unit as a special exception and when the property has sufficient space (900 square feet of land area per unit);

WHEREAS a RF-1 property that can accommodate a basement apartment and an accessory building apartment, would be able to add an additional housing unit with negligible negative impact, and advance DC housing goals by fitting additional housing opportunities in areas already provided with public services.

THEREFORE BE IT RESOLVED that ANC 3C urge the Office of Planning to develop amendments to the DC Zoning Regulations that would:

1. Revise the 450 square foot footprint limit for an accessory building used for a dwelling to permit up to 650 square feet;
2. Eliminate the owner occupancy requirement in the R zones;
3. Permit cellar/basement accessory apartments to use the full footprint of the principal dwelling even if the size of the accessory unit exceeds 35% of the gross square footage of the principal dwelling;
4. Eliminate parking replacement requirements
5. Eliminate the five-year delay for construction and occupancy of a second dwelling in an accessory building in Residential Flat (RF) zones;
6. Lift restrictions on third units in the RF zones.

BE IT FURTHER RESOLVED that ANC 3C is authorized to support and or offer text amendments to any and all of the above recommendations before the Zoning Commission;

BE IT FURTHER RESOLVED that ANC 3C authorizes the Chair, and the Commissioner for 3C03 to represent the Commission in this matter.

**Attested by**



Janell Pagats  
Chair, on April 19, 2023

*This resolution was approved by voice vote on April 19, 2023, at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 8 commissioners) was present.*