

Accessory Apartment Regulations

DC Office of Planning



March 18, 2022

1958 Zoning Regulations

➤ The 1958 Zoning Regulations permitted:

- By-right
 - A “domestic unit” above a detached garage in the R-1-A and R-1-B zones, subject to setback and height (20 feet) restrictions.
- By special exception
 - An accessory apartment within the house, subject to a number of conditions including:
 - That it be within a detached house (i.e. an accessory apartment is not permitted in an attached house or a rowhouse);
 - That the lot meets the minimum lot size requirements for the zone (even though many lots – in some zones more than half of all lots – do not meet this minimum lot size requirement);
 - That the house be at least 2,000 sq. ft. in size; and
 - That the owner reside on the property.

Benefits

➤ What are the benefits to DC residents?

- **Affordability**

- Accessory apartments can provide additional income (“mortgage helpers”) for home owners, bringing home ownership within reach of more DC residents *and* creating new rental units.

- **Aging in Place**

- Accessory apartments can create revenue for retirees and long term homeowners to allow them to stay in their homes longer, or provide a smaller living space that fits their changing lifestyle and housing needs.

- **Diversity**

- Additional housing options in established neighborhoods can make more of the city accessible to a diverse population.

- **Security**

- Additional “eyes on the street” and having someone else living close by can provide a sense of safety for existing homeowners.

2016 Zoning Regulations

➤ The 2016 Zoning Regulations permit by-right in the Residential House (R) zones:

- One accessory apartment per lot subject to conditions:
 - In either the house, or in an accessory building
 - Property owner must live on the lot
 - 3 apartment residents max
 - If located in the **principal building**, then:
 - Minimum house size:
 - 2,000 sq. ft. minimum in R-1 zones
 - 1,200 sq. ft. minimum in R-2 and R-3 zones.
 - 35% of the house area maximum
 - No new entrance on the building front
 - If located in an **accessory building**, then:
 - Permanent 8' wide access to street or a 24' wide alley; or access to a 15' wide alley if the lot is within 300' of a street
 - No roof deck

Text Amendments

- The Zoning Regulations have been updated to provide additional flexibility:
 - Greater accessory building height
 - 2 stories and 22 feet in height
 - Reduced alley centerline setback
 - 7.5 feet from alley centerline

Comprehensive Plan

Policy LU-1.5: Neighborhood Infill Development *Accessory dwelling units as part of new infill development can provide opportunities for addressing affordability, aging in community, or helping pay a mortgage.* 10 DCMR § 308.5

Policy H-1.3: Diversity of Housing Types *Given the shortage of available land in areas with some of the highest housing costs, promoting accessory dwelling units is one way to provide housing options for persons at all income levels and support the transition from older to younger households. Large homes may easily accommodate what is commonly called an in-law suite on the top floor or lower level, or above a garage, in place of a garage, or in a separate unit out back. An accessory dwelling unit can accommodate a low- or moderate-income family, a student, or an older adult who is unable to continue to fulfill the full burdens of homeownership. The added rental income can help a younger household qualify to purchase the home.* 10 § 505.5

Action H-1.5.D: Support of Accessory Dwelling Units *Study whether recent zoning changes are sufficient to facilitate the creation of accessory dwelling units, or whether barriers to their creation still exist, and remove unnecessary obstacles to their creation. Incorporate racial equity considerations into the study. Investigate the benefits of financially supporting accessory dwelling units and design a pilot program to increase the number of affordable housing units through accessory dwelling units.* 10 § 507.9

Ongoing Efforts

➤ Tracking Applications

- Department of Consumer and Regulatory Affairs (DCRA)
 - Fewer than 50 accessory apartments are approved each year
- Office of Planning
 - Review and make recommendations for accessory apartment applications that are not matter-of-right

➤ DCRA Pre-approved plans

- Two models which can make it easier to get building permits and shorten wait times

➤ Deputy Mayor for Planning and Economic Development (DMPED) and Department of Housing and Community Development (DHCD) **Residential Accessory Apartments Program (RAAP)**

- Pilot to support creation of accessory apartments
- \$1.65 million in funding