Rock Creek Club

BZA Application No. 21510

2325 Porter Street NW
Square 2224, Lot 4

Special Exception Analysis

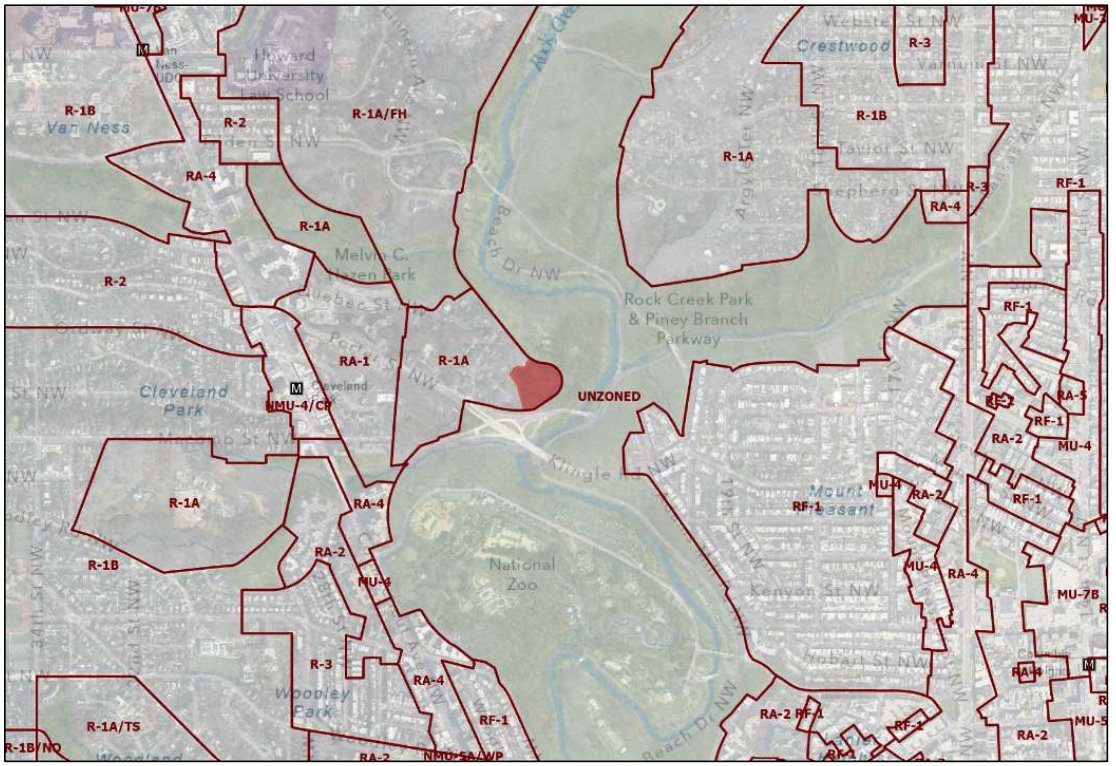
Requested Relief

SPECIAL EXCEPTION USES – R-USE GROUPS A, B, AND C

Subtitle U- 203.1 - The following uses shall be permitted in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9 and subject to the applicable conditions for each use below:

...

d) Community center building, park, playground, swimming pool, or athletic field, operated by a local community organization or association



Standard of Review

Subtitle X § 901.2

- The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exception:

  a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

  b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

  c) Will meet such special conditions as may be specified in this title.

Subtitle U § 203.1(d)

Community center building, park, playground, swimming pool, or athletic field, operated by a local community organization or association, subject to the following conditions:

a) The use shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located;

b) The use shall not include retail sales to the general public but may charge a fee to members for services, which may include refreshments;

c) The use shall not likely become objectionable in a R zone because of noise or traffic; and

d) The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located;

Subtitle X § 901.2(a)

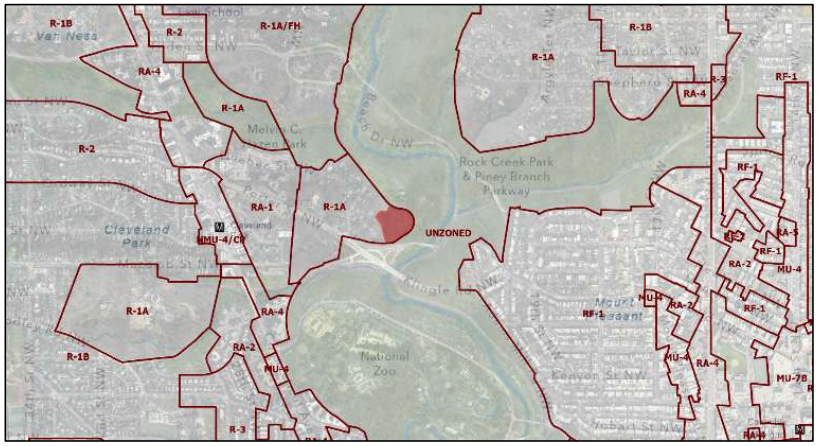
The proposed private community center will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps

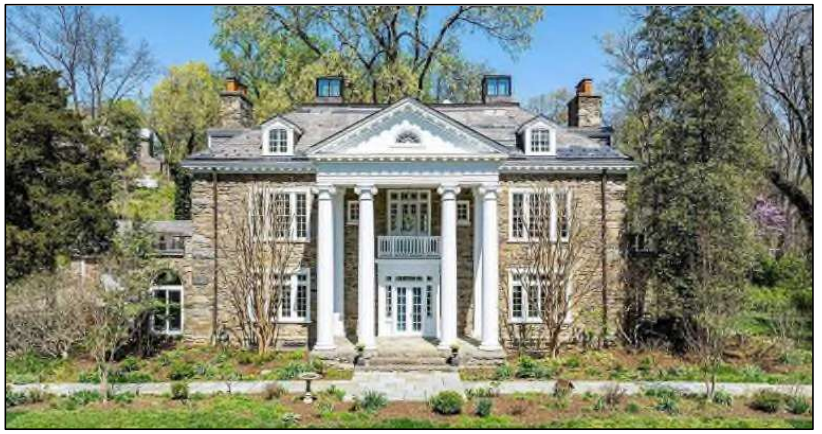
Purposes of the Zoning Regulation and Zoning Maps

- Promote public health, safety, convenience, and general welfare
- Provide adequate light and air, prevent overcrowding of land
- Provide use of land that will tend to create conditions favorable to transportation, protection of property, and recreational, educational, and cultural opportunities.
- R zones are intended to allow for limited compatible accessory and non-residential uses;

The proposed private community center is consistent with these stated purposes:

- Facilities and activities are consistent with other recreational and athletic facilities found in low-density residential zones,
- Opportunities for shared cultural enrichment, social gathering and interaction
- No substantial increase development on the site
- No impact to light and air
- Appropriate adaptive reuse of historic property





Subtitle X § 901.2(b)

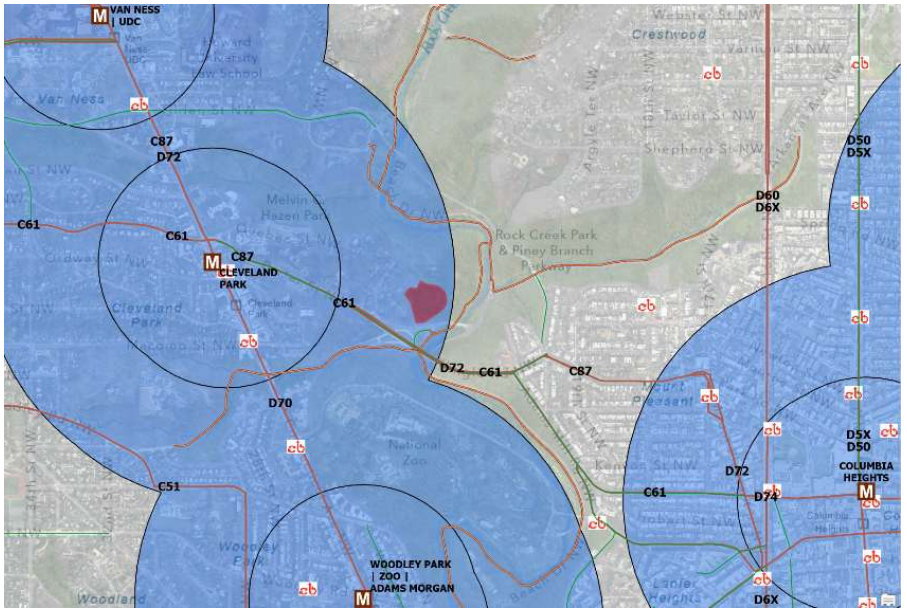
Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

- Modest scope and scale of physical improvements, coordinated with HPO and CFA

- 270-household membership cap (85% within one-mile neighborhood radius)

Traffic and Parking

- Minimal peak hour vehicle trips
- Overall average three (3) vehicle trips per hour
- Adequate on-site parking (14 vehicle spaces) that exceeds expected demand
- Multi-modal access (Metrorail, Metrobus, Capital Bikeshare)
- TDM measures for normal operations and special events
- Adequate two-way circulation along gravel access road
- Gravel access road restrictions and monitoring study
- General delivery schedules and protocols, prohibition on individual food deliveries



Subtitle X § 901.2(b)

Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

Noise

- Hours of operation, generally and specific to racquet sports and deliveries
- Acoustic barriers along the tennis court fence
- Padel courts located away from the neighbors (acoustical barriers, as necessary)
- Pickleball prohibition
- Enclosure of all pool and HVAC equipment located away from neighbors
- Limits on the frequency and scheduling of events and activities
- Limits on event and activity attendees
- Limits on amplified music

- All noise generated on the site remains subject to the DC noise ordinance.

Lighting

- No outdoor lighting beyond what is necessary for safety and security
- No permanent landscape uplighting.



Subtitle X § 901.2(b)

Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

Privacy

- New main pedestrian entrance off Porter Street
- Preservation of meadow area
- Installation of mature evergreen trees and other landscape screening.

Odor and Pest Management

- No commercial kitchen
- Limits on mobile food vendors and catering operations
- Trash storage and collection procedures and schedule

Use can be made subject to a term limit to allow the Board to evaluate actual operations, traffic and parking, neighbor complaints, and require any corrective measures.



Subtitle U § 203.1(d)(1)

The use shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located;

- **Non-profit:**
  - Non-Profit Organization - An organization organized, registered with the appropriate authority of government, and operated exclusively for religious, charitable, literary, scientific, **community,** or educational purposes,…provided that no part of its net income inures to the benefit of any private shareholder or individual.
  - RCC is organized as a non-profit exclusively for the purpose of serving the "social welfare" of the neighborhood surrounding Greystone Enclave.
  - The Zoning Regulations are agnostic to the type of IRS non-profit classification
- **Social Welfare**:
  - The requirement is the "promotion of the social welfare **of the neighborhood**…" **not of any one beneficiary group or class within a neighborhood, and not specifically disadvantaged groups or classes.**
  - The use **is** a "Private Community Center" and **is not** a "Community Service Center"

Subtitle U § 203.1(d)(1)

The use shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located;

*The proposed use **is** a private **community center***

203 SPECIAL EXCEPTION USES – R-USE GROUPS A, B, AND C

203.1 The following uses shall be permitted in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9 and subject to the applicable conditions for each use below:

(d) Community center building, park, playground, swimming pool, or athletic field, operated by a local community organization or association, subject to the following conditions:

(1) The use shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located;

(2) The use shall not include retail sales to the general public but may charge a fee to members for services, which may include refreshments;

(3) The use shall not likely become objectionable in a R zone because of noise or traffic; and

(4) The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located;

*The proposed use **is not** a **community service center***

320 SPECIAL EXCEPTION USES (RF)

320.1 The uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, subject to any applicable conditions for each use below:

(a) Any use or structure permitted under Subtitle U § 203 subject to any modification by this chapter.

(b) A community service center to accommodate organizations created for the purpose of improving the social or economic well-being of the residents of the neighborhood in which the center is proposed to be located which may include but not be limited to centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, subject to the following conditions:

(1) A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions;

(2) The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located; and

(3) A community service center shall not be organized for profit, and no part of its net income shall inure to the benefit of any private shareholder or individual;

Subtitle U § 203.1(d)(1)

The use shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located;

- **What is "social welfare" as is relates to the special exception for a "community center building, park, playground, swimming pool, or athletic field" under the Zoning Regulations**

- Opportunities for social interaction, engagement, gatherings, and activities that further the well-being of a neighborhood

- Activities and programs that help build "social connectedness"

  - Passive and active recreation and exercise spaces
  - Swimming pools and saunas
  - Cultural enrichment activities
  - Play spaces
  - Gardens
  - Family dinners

- Board precedent demonstrates range of facilities have been approved as private community center, including multiple cases involving pools, tennis, and playgrounds.



Subtitle U § 203.1(d)(2) and (3)

The use shall not include retail sales to the general public but may charge a fee to members for services, which may include refreshments;

- No retail sales or other commercial activity offered to the general public
- Members will be charged fees for services, including operational, maintenance, and food and beverage services.
- All charges for services, including refreshments, must be placed on a member account

The use shall not likely become objectionable in a R zone because of noise or traffic

Noise

- Site design and physical improvements aimed at mitigating noise impacts (acoustic barriers, location of padel courts, landscape screening and buffering, mechanical equipment enclosure and screening)
- Operational restrictions and prohibitions (hours of operation, limits on events and activities, limits on amplified music)

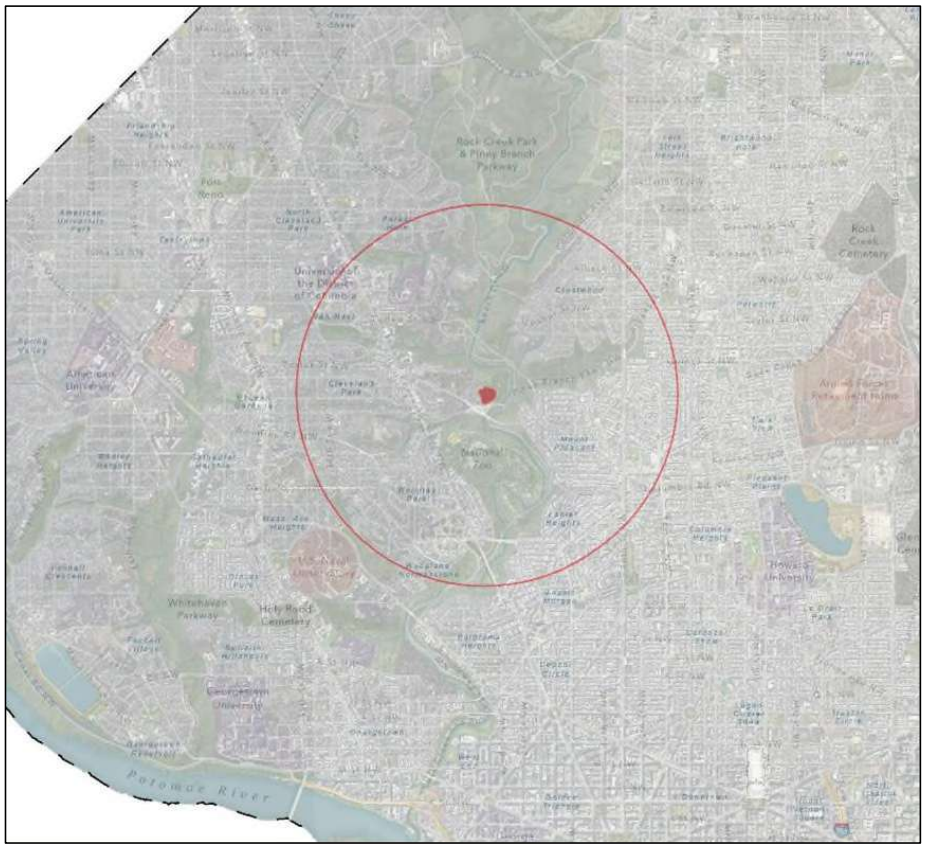
Traffic

- Minimal peak hour vehicle trips
- Adequate parking
- Multi-modal access
- TDM measures
- Gravel access road restrictions and monitoring study
- General delivery schedules and protocols, prohibition on individual food deliveries

Subtitle U § 203.1(d)(4)

*The use shall be reasonably **necessary or convenient** to the neighborhood in which it is proposed to be located;*

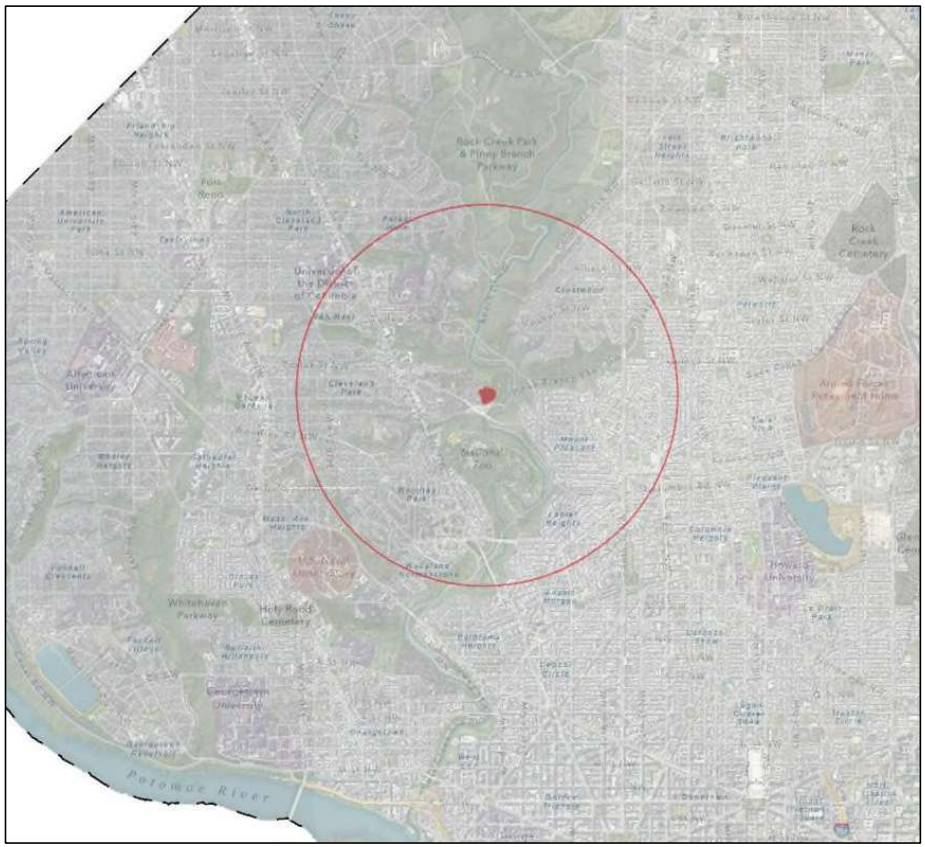
- A private community center use is both reasonably necessary and convenient to **the neighborhood** within 1-mile of the site.
- Zoning Regulations do not define "neighborhood," nor provide guidance on what defines a "neighborhood" for purposes Subtitle U § 203.1(d)
    - Do not require use of a named neighborhood
    - "DC does not have official neighborhood boundaries, and we do not try to draw them" - DC Office of Planning mapping services webpage
- **Merriam-Webster** – Neighborhood: 4a : a number of people forming a **loosely cohesive community within a larger unit** (as a city, town) and living close or fairly close together in more or less familiar association with each other within a relatively small section or district of **usually somewhat indefinite boundaries** and usually having some common or **fairly common identifying feature** (as approximate equality of economic condition, similar social status, similar national origins or religion, similar interests) and usually some degree of self-sufficiency as a group (as through local schools, churches, libraries, business establishments, cultural and **recreational facilities**)



Subtitle U § 203.1(d)(4)

*The use shall be reasonably **necessary or convenient** to the neighborhood in which it is proposed to be located;*

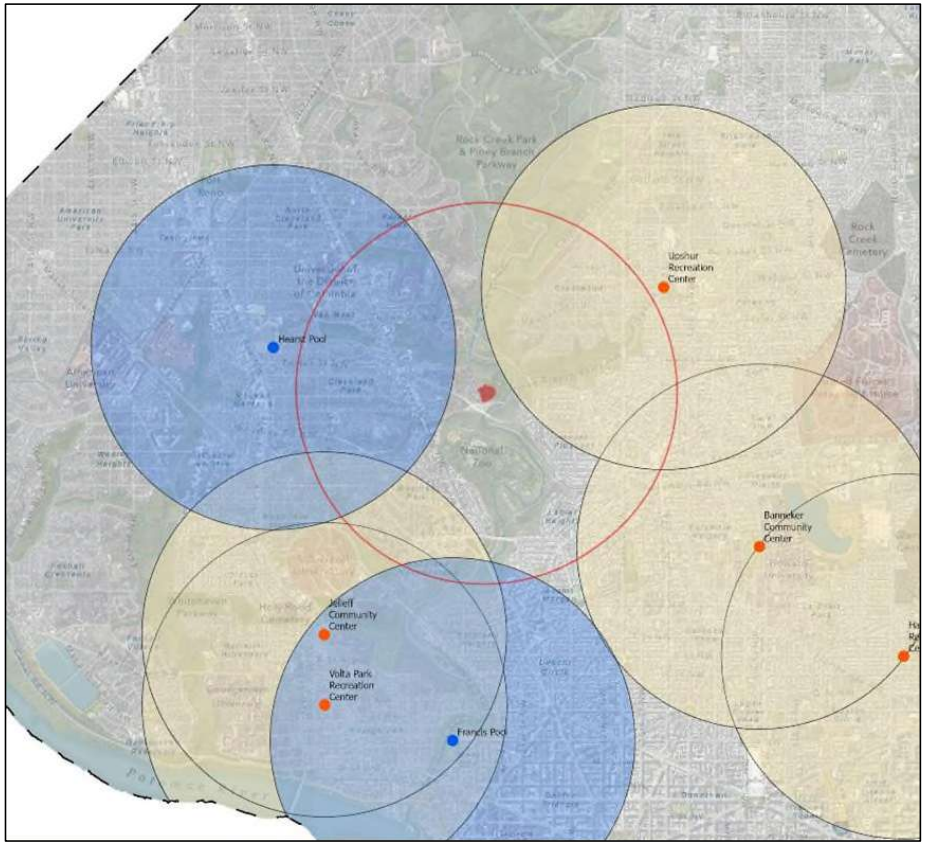
- Comprehensive Plan and DPR use one (1) mile as a general metric for analyzing recreation center / community center coverage
- BZA has not adhered to any consistent metric for defining "neighborhood" in prior community center approvals:
  - Asian American LEAD (BZA 17942): **Non-contiguous area** serving families in Columbia Heights, Mount Pleasant, and Chinatown
  - D.C. Council on Clothing for Kids, Inc. (BZA 13792**): Immediate vicinity and "the entire District of Columbia"**
  - Lenore Partnership (BZA 14619): **1000-foot radius**
  - Dunn & Partners and Kaempfer (BZA 13992): **500-foot radius**
  - Brown Street Maker Cooperative (BZA 21192): **No definition**, "available for use for neighboring individuals and communities."



Subtitle U § 203.1(d)(4)

*The use shall be reasonably **necessary or convenient** to the neighborhood in which it is proposed to be located;*

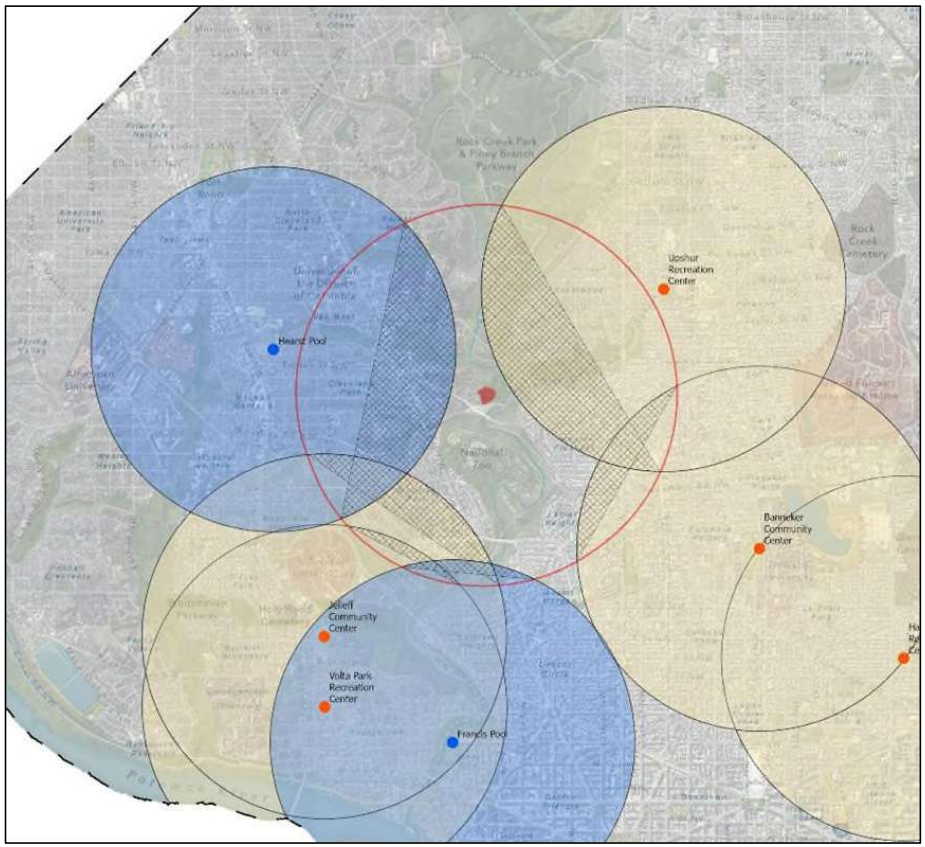
- A private community center use is both reasonably **necessary** and **convenient** to the neighborhood within 1-mile of the site.
- Applicant conducted a data-driven analysis to determine reasonable necessity and convenience in the surrounding neighborhood.
    - DC recreation centers with outdoor pools and standalone outdoor pools (Source: DCGIS)
    - Focused on where people live rather than subjective neighborhood reference points in relation to existing community centers
- Recreation center / outdoor pool **coverage gaps (NECESSITY)** exist within the neighborhood surrounding the proposed community center, including portions of:
    - Adams Morgan, Lanier Heights, Mount Pleasant, Woodley Park, Forest Hills



Subtitle U § 203.1(d)(4)

*The use shall be reasonably **necessary or convenient** to the neighborhood in which it is proposed to be located;*

- Within the 1-mile neighborhood, the proposed community center would be far more convenient to several areas than the closest public recreation center / outdoor pool (**CONVENIENCE**)



Subtitle U § 203.1(d)(4)

The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located;

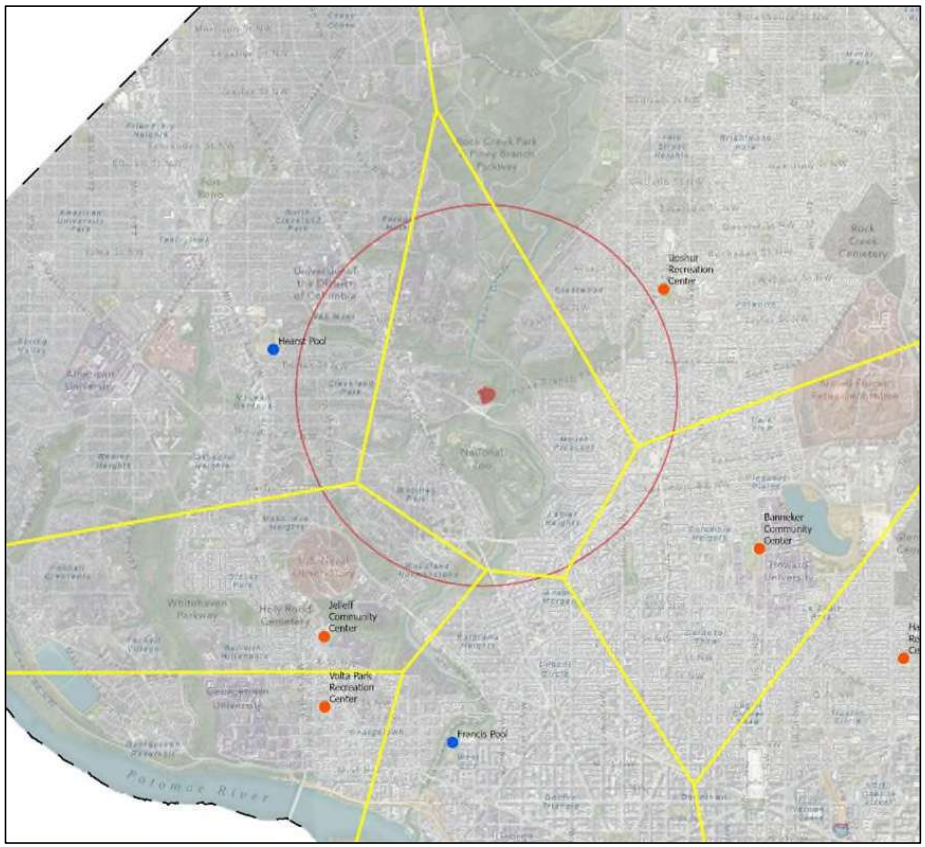
- Within the 1-mile neighborhood, the proposed community center would be far more convenient to several areas than the closest public recreation center / outdoor pool (**CONVENIENCE**)

- GIS tool to construct a Voronoi diagram, or "zones of influence" around the comparable recreation centers / outdoor pools and the proposed community center

    - Each location (household) within a given yellow polygon is closer to the recreation center / outdoor pool within that polygon than any other recreation center / outdoor pool

- For households within the RCC polygon - meets neighborhood need and is the most convenient.

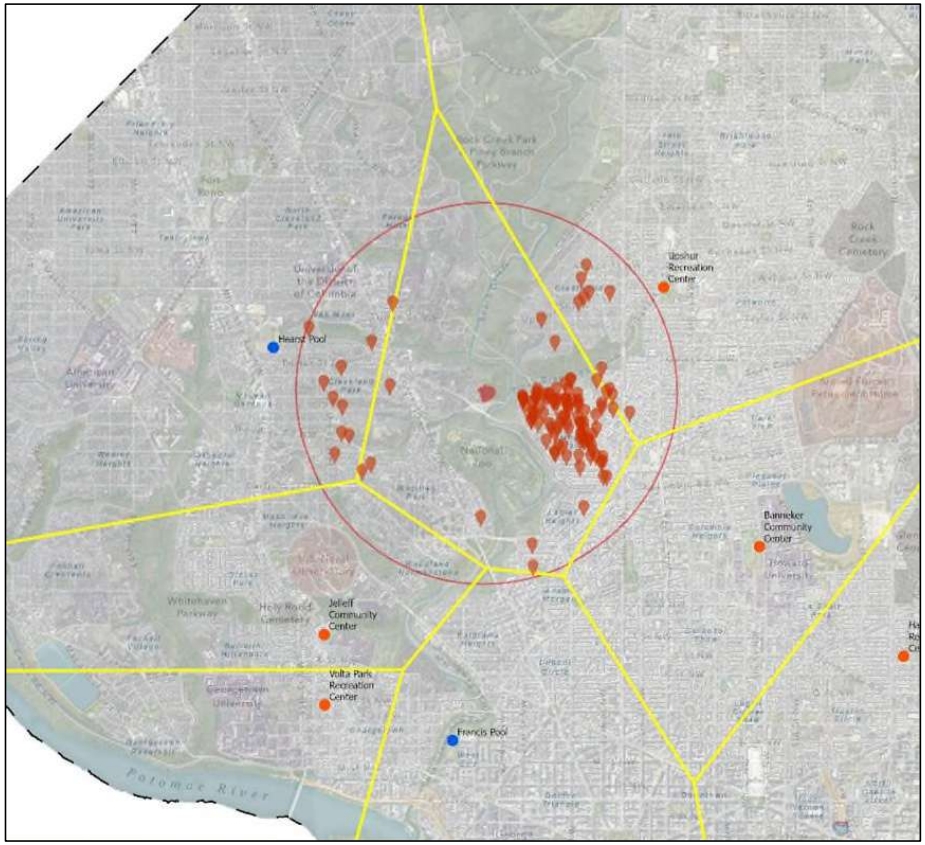
- For households outside of the RCC polygon - other public recreation center / outdoor pools closer but does not negate the convenience of a private alternative.



Subtitle U § 203.1(d)(4)

The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located;

- Within the 1-mile neighborhood, the proposed community center would be far more convenient to several areas than the closest public recreation center / outdoor pool (**CONVENIENCE**)
- GIS tool to construct a Voronoi diagram, or "zones of influence" around the comparable recreation centers / outdoor pools and the proposed community center
    - Each location (household) within a given yellow polygon is closer to the recreation center / outdoor pool within that polygon than any other recreation center / outdoor pool
- For households within the RCC polygon - meets neighborhood need and is the most convenient.
- For households outside of the RCC polygon - other public recreation center / outdoor pools closer but does not negate the convenience of a private alternative.
- The proposed community center's necessity and convenience is real (Red dots -125 households that have already signed up to join the facility)



Conclusion

- The proposed use as a member-run community center serving the Greystone Enclave and surrounding neighborhood complies with the plain language of the Zoning Regulations, as affirmed by the Board's past precedent and established planning guidance.

- The proposed community center:

    - Will promote the social welfare of the neighborhood within which it is located by providing opportunities for social gathering to enjoy passive and active recreation and cultural enrichment activities.

    - Is necessary and convenient to the neighborhood as demonstrated by the Applicant's data driven analysis and demonstrated early membership demand.

    - Will not adversely impact or become objectionable to neighboring properties given the modest scale of improvements to the site and the Applicant's commitment and adherence to a comprehensive set of conditions and mitigation measures.

    - Is consistent with the purpose and intent of the Zoning Regulations and Map as it will promote general welfare and convenience, create conditions that are favorable to recreation and cultural opportunities, and is appropriately scaled given its location within an R-1A zone.

