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OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

TO: D.C. Zoning Commission

FROM: Andrew Altman
Director

DATE: January 7, 2002

SUBJECT: Report for **Emergency Rulemaking and Setdown for Text Amendments To Permit Public Recreation and Community Centers As A Matter-Of-Right Use In The R-1 Zone**; initiated by the Office of Planning on behalf of the DC Parks and Recreation Department.

RECOMMENDATION

The Office of Planning recommends two actions:

1) Adoption of a text amendment as an emergency rulemaking to allow municipal recreation centers and parks as a matter-of-right use in the R-1 Residence zone district; and
2) Setdown of the same language for public hearing and permanent consideration.
3)

The intent of the text amendment is to provide a matter-of-right use category for municipal recreation and community centers.

The intent of the emergency regulations is to provide an immediate and orderly process to permit the timely renovation of the city's community and recreation centers avoiding significant delay and enabling the efficient use of public money.

BACKGROUND

The DC Department of Parks and Recreation (DPR) has requested the text amendment and emergency rulemaking to allow them to proceed on schedule with a major capital improvements program for the modernization of the city's recreation and community centers. The program includes renovations, raze and reconstruction, and/or additions to many of the existing city facilities. The community center and recreation center uses have historically been a government use on city and federal lands and were not been subject to zoning.

ZONING COMMISSION
District of Columbia
CASE NO.02-15
EXHIBIT NO.1

In 1990 the City Council passed legislation that states city property shall be subject to zoning. Section 106.5 of 11DCMR sets out the applicability of zoning to city-owned properties and Section 106.5 (b) triggers the zoning requirement for the construction projects. It reads in part "...any change or expansion in the use of land or building, or any new construction or additions to buildings shall be subject to zoning;"

ZONING

The current zoning regulations are silent on public recreation uses, however public schools are allowed as a matter of right in the R-1 Residence zone (§201.1 (k)). Private schools (§206) and community centers operated by "a local community organization or association" (§209) are permitted as special exception uses in the R-1 zone. A recreation or community center, regardless of ownership is first permitted by right in the in the SP Special Zone by §501.

This lack of language has resulted in DPR being in a situation that dictates either a use variance for almost all of their properties, or more appropriately, a text amendment be adopted to allow the uses as a matter-of-right. All of the existing municipal recreation and community centers have historically existed as matter-of-right uses; the overwhelming majority for at least forty years.

Allowing the public recreational uses by a matter of right provision would allow the renovations and construction to continue on their critical time schedule and avoid a costly delay that would be caused by requesting variance relief. The centers have been in existence for decades and the text amendment would acknowledge their existence as conforming uses.

OP believes pubic parks, recreation and community centers are similar community supporting uses to public schools and churches, which are allowed by right beginning in the R-1 zone. Section 200 of 11 DCMR sets forth the intent if the R-1 zones:

> 200 R-1 DISTRICTS: GENERAL PROVISIONS
>
> 200.1 The R-1 district is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes.
>
> 200.2 The provisions of this chapter are intended to stabilize the residential areas and to promote a suitable environment for family life. For that reason, only a few additional and compatible uses shall be permitted.

The development standards for R-1 uses, public schools and church are listed below.

Matter-of-Right Uses	Height					Floor-Area - Ratio	Lot Occupancy	Parking Standards
	R-1 / R-2	R-3/ R-4/ R-5A	R-5B	R-5C	R-5D			
SF Dwelling	40	40	50	60	90	None prescribed	60%	1 per unit
Churches	60	60	60	60	60	None prescribed	60%	1 per 10 seats
Public School	60	90	90	90	90	0.9	60% plus[1]	2 per 3 employees[2]
PUBLIC RECREATION/ COMMUNITY CENTERS	**60**	**90**	**90**	**90**	**90**	**1.8 and 3.0**	**60 plus[1]**	**1 per 2000 s.f. of bldg. or of use [3]**

1 - additional height limits may apply

2 - more spaces required for high schools

3 - current parking standard for recreational buildings or uses is listed as 1 space for each "2000 square feet devoted to the building or use" (§ 2101.1).

The matter-of-right uses of the R-1 zone carry forward through all other zone districts unless specifically restricted within a specific zone district. The area restrictions change by zone.

PROPOSED TEXT

Amend §201.1 k, Chapter 2, R-1 Residence District Use Regulations, 11DCMR, to include the following language:

201 USES AS A MATTER OF RIGHT (R-l)

201.1 The following uses shall be permitted as a matter of right in R-l Residence districts:

k) Public schools, **PARKS AND PLAYGROUNDS, AND PUBLIC RECREATION AND COMMUNITY CENTERS**, subject to the provisions of chapter 21 of this title;

Amend §400, Chapter 4, Residence District: Height, Area, and And Density Regulations, 11DCMR, to include the following language:

400 HEIGHT OF BUILDINGS OR STRUCTURES (R)

400.10 In an R-l and R-2 district, a public school building or structure**, OR PUBLIC RECREATION OR COMMUNITY CENTER** may be erected to a height not exceeding sixty feet (60 ft.).

400.11 In an R-3, R-4, R-5-A, R-5-B, and R-5-C district, a public school building or structure**, OR PUBLIC RECREATION OR COMMUNITY CENTER** may be erected to a height not exceeding ninety feet (90 ft.).

Amend §402, Chapter 4, Residence District: Height, Area, and Density Regulations, 11DCMR, to include the following language:

402 FLOOR AREA RATIO (R)

402.1 In an R-l and R-2 district, the maximum floor area ratio requirements applicable in each district may be increased for specific public school buildings or structures, **PUBLIC RECREATION AND COMMUNITY CENTERS**; Provided, the total gross floor area of all buildings and structures on the campus shall not exceed a floor area ratio of nine-tenths (0.9).

ANY PUBLIC RECREATION OR COMMUNITY CENTER THAT EXISTED PRIOR TO JANUARY 1, 2002, MAY HAVE A FLOOR AREA AS PRESCRIBED FOR THE R-5-B DISTRICT.

402.2 In an R-3, R-4, R-5-A, and R-5-B district, the maximum floor area ratio requirements applicable to each district may be increased for specific public school buildings or structures, **AND PUBLIC RECREATION AND COMMUNITY CENTERS** but shall not exceed the floor area ratio prescribed for the R-5-B district.

402.3 In all other residential districts not provided for in §§402.1 and 402.2, increases in the floor area ratio of all public school buildings and structures, **AND PUBLIC RECREATION AND COMMUNITY CENTERS** shall not exceed the floor area ratio prescribed for the R-5-C district.

Amend §403, Chapter 4, Residence District: Height, Area, and Density Regulations, 11DCMR, to include the following language:

403 PERCENTAGE OF LOT OCCUPANCY (R)

403.1 A public school building, **RECREATION OR COMMUNITY CENTER** may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in §403.2; Provided, that the portion of the building excluding closed courts exceeding the permitted lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and Provided further, that direct pedestrian access not less than ten feet (10 ft.) in width from at least two (2) public right-of-ways shall be provided to each roof area used for these purposes. The roof area shall be used only for open space, recreation areas, or other athletic and field equipment areas in lieu of similarly used space normally located at ground level.

Amend the table in §403.2 to permit **PUBLIC RECREATION AND PUBLIC COMMUNITY CENTERS** to have a permitted lot occupancy of sixty percent (60%).

Amend §404, Chapter 4, Residence District: Height, Area, and Density Regulations, 11DCMR, to include the following language:

404 REAR YARDS (R)

404.3 In the case of a lot proposed to be used by a public school, **RECREATION OR COMMUNITY CENTER** ~~which~~ **THAT** abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, the required rear yard may be reduced or omitted.

Amend §405, Chapter 4, Residence District: Height, Area, and Density Regulations, 11DCMR, to include the following language:

405 SIDE YARDS (R)

405.7 In the case of a lot located in en R-1 or R-2 district proposed to be used by a public school, **RECREATION OR COMMUNITY CENTER** that abuts or adjoins on one (1) or more side lot lines a public open space, recreation area, or reservation, the required side yard may be reduced or omitted.

Amend §2101.1, Chapter 21, OFF STREET PARKING REQUIREMENTS, 11DCMR, to include the following language:

2101 SCHEDULE OF REQUIREMENTS FOR PARKING SPACES

USES	NUMBER OF SPACES REQUIRED
Recreational building or use; All Districts	1 for each 2,000 s.f. devoted to the building or use; **EXCEPT FOR PUBLIC RECREATION AND COMMUNITY CENTERS WHICH MAY HAVE LESS PARKING IF DETERMINED TO BE APPROPRIATE BY THE DEPARTMENT OF PARKS AND RECREATION AND THE ZONING ADMINISTRATOR**

COMPREHENSIVE PLAN
The text amendment is not inconsistent with many of the Comprehensive Plan goals including:

CHAPTER 1 GENERAL PROVISIONS

102 STABILIZING AND IMPROVING THE DISTRICT'S NEIGHBORHOODS

102.3 Many city neighborhoods also include integral commercial and institutional uses that contribute to their character. Neighborhood businesses, schools, park and recreational facilities, churches, and other public facilities all add to the livability of our communities. These uses too must be protected, stabilized, and improved.

CHPATER 11 LAND USE

1100.2 District neighborhoods are the cornerstones of the District's social and physical environments:

(a) Land use policies must ensure that all neighborhoods have adequate access to commercial services within the District and sufficient housing opportunities to accommodate a range of needs. These policies must also ensure that the historic, cultural, and design qualities that make neighborhoods unique and desirable are maintained and enhanced. ***Adequate recreational opportunities***

and access to cultural and educational facilities are also necessary ingredients of neighborhood vitality; (emphasis added)

CHAPTER 12 - WARD ONE PLAN; Section 1219 focuses in the need for improvement and maintenance of the park and recreational facilities within the Ward and the rehabilitation of public recreation areas to make them handicap accessible.

CHAPTER 13 -WARD TWO PLAN; Section 1312 states that among other uses, recreation centers within the ward provide essential services to the residents. Section 1312.12 reads "In general, the public facility recommendations support the upgrading of certain facilities, provide for, along with other improvements, the accessibility of the handicapped, as well as better maintenance of parks, playgrounds, and recreation centers."

Section 1313.1 lists the public facilities objectives are as follows:

(a) Ensure the construction, rehabilitation, and maintenance of facilities essential for public service delivery to the ward's current and future population; and

(b) Provide for coordinated planning of public facilities construction or rehabilitation…

(e) Since access to recreational facilities is inadequate and costly for residents, particularly for the elderly, disabled, handicapped and young children, increase the supply of recreational facilities in some of the more densely populated neighborhoods throughout the ward (the northern and western sections of Ward 2) by doing the following:

(1) Continuing efforts to develop a variety of recreational opportunities for residents of the ward;

(2) Requiring the Department of Recreation and Parks to increase efforts to meet the needs of special population groups, including programs for juveniles and the mentally and physically disabled and other persons who have been deprived of adequate recreational resources; and

(3) Encouraging the Department of Recreation and Parks and the National Park Service ("NPS") to continue to work together to foster use of federal park and recreational facilities in Ward 2; and

CHAPTER 14 - WARD THREE PLAN; There are several sections in the Ward Three plan that call for the maintenance, upgrading and expansion of recreation centers, including, new recreation fields and public swimming pools (1405.4).

CHAPTER 15 - WARD FOUR PLAN; Section 1516.3 of the Ward Four Plan states that the "principal recreation concerns in Ward 4 include the rehabilitation of all facilities and the expansion of recreational programs for all age groups."

CHAPTER 16 - WARD FIVE PLAN; Section 1618.1 states the wards desire to "expand, upgrade, landscape and, or renovate the recreation centers in the Edgewood and Eckington communities: including the evaluation of available uses within the existing recreational facilities "to target improvements and provide landscaping through the regular budget cycle and the Capital Improvements Program;"

CHAPTER 17 - WARD SIX PLAN; Section 1719 (e) calls for the provision of "adequate recreation opportunities, including usable fields and sports facilities" and Section 1710 (g) calls for the improvement of "recreation opportunities for residents of near Northeast section of the ward, including upgrading of recreation and playground facilities at Sherwood and Rosedale, together with enhanced security programs." as implementation actions for the public facilities element of the Ward plan.

CHAPTER 18 - WARD SEVEN PLAN; The Ward Seven Plan includes several references regarding support for maintenance and development of parks and recreation centers:

1812 (b)	Develop recreational facilities and programs for Ward 7 similar to efforts underway in Wards 2 and 6 to develop recreation facilities on the east bank of the Anacostia River
1812 (h)	Expand improvements of park and recreation facilities and increase the maintenance and upkeep along Pope Branch, Watts Branch and other tributaries of the Anacostia River…
1816.6	In general, the public facility recommendations support upgrading of certain facilities, improving accessibility for the handicapped and better maintenance of parks, playgrounds and recreation centers.

CHAPTER 19 - WARD EIGHT PLAN; The Ward Eight Plan references the importance of recreation centers as both a public facility (§1916) and a human service (§1925).

CONCLUSION

OP believes the proposed text amendments are not inconsistent with any of the above goals and objectives and would result in the expedited achievement of many. Specifically, the proposed text amendment is consistent with Chapter 6, Public Facilities, of the Comprehensive Plan (10DCMR), including:

- Section 601, Public Facilities Goal, which is to "provide adequate and energy-efficient public facilities in good condition to support the cost-effective delivery of municipal programs and services, and to support economic development and neighborhood improvement objectives," and
- Section 604, Increased Cost-Effectiveness In Public Facilities, which "is to improve the cost-effectiveness of public facility construction, maintenance, and rehabilitation,"

DPR and OP believe that without the efficiency of the emergency rulemaking the twenty-odd projects would face a significant delay in obtaining the necessary building permits. This would result in a significant delay in beginning construction and ultimately resulting in higher cost to the public and a tremendous delay in the seasonal timing which is so critical for the recreation centers.

AGENCY COMMENTS

OP has had considerable discussion with the Office of Corporation Counsel and the Office of Zoning regarding the needed zoning amendments. The Office of Zoning supports the proposal to include the new matter-of-right use. The Office of Corporation Counsel has no legal issues with the proposal. The Department of Parks and Recreation requested the emergency rulemaking and set down.

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