Government of the District of Columbia
OFFICE OF ZONING

Z.C. CASE NO.: 02-15

As Secretary to the Zoning Commission, I herby certify that on APR - 3 2002 copies of this Z.C. Order No. 02-15 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. Zoning Administrator
   DCRA
   941 North Capitol Street, N.E.
   Washington, D.C. 20002

2. Andrew Altman
   Office of Planning
   801 N. Capitol Street, N.E.
   4th Floor
   Washington, D.C. 20002

3. ANC Chairpersons (see attached list)

4. Councilmembers (see attached list)

5. Alan Bergstein, Esq.
   Office of Corporation Counsel
   441 4th Street, N.W.
   Washington, D.C. 20001

ATTESTED BY: _____
Alberto P. Bastida, AICP
Secretary to the Zoning Commission

441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001
Tel: (202) 727-6311 • Fax: (202) 727-6072
E-Mail: zoning info@dcoz.dcgov.org • Web Site: http://dcoz.dcgov.org/

ZONING COMMISSION
District of Columbia
CASE NO.02-15
EXHIBIT NO.3

Linda W. Cropp
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 504
Washington, D.C. 20004

Carol Schwartz
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 105
Washington, D.C. 20004

Phil Mendelson
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 400
Washington, D.C. 20004

Jack Evans
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 106
Washington, D.C. 20004

Adrian Fenty
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 506
Washington, D.C. 20004

Sharon Ambrose
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 102
Washington, D.C. 20004

Sandy Allen
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 408
Washington, D.C. 20004

Harold Brazil
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 404
Washington, D.C. 20004

David A. Catania
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 110
Washington, D.C. 20004

Jim Graham
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 406
Washington, D.C. 20004

Kathleen Patterson
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 107
Washington, D.C. 20004

Vincent B. Orange, Sr.
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 108
Washington, D.C. 20004

Kevin P. Chavous
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 504402
Washington, D.C. 20004

Elizabeth McIntire
1A
3511 14th Street, NW, 2nd Fl
Washington, DC 20010

Glenn J. Melcher
1B
P.O. Box 73710
Washington, DC 20056

Andrew Miscuk
1C
P.O. Box 21652
Washington, DC 20009

Lance Salonia
1D
P.O. Box 53342
Washington, DC 20009

Jim Whitman
1E
P.O. Box 43529
Washington, DC 20010

Elizabeth B. Elliott
2A
725 24th Street, NW
Washington, DC 20037

Vince Micone
2B
St. Thomas Parish
9 Dupont Circle, N.W.
Washington, D.C. 20036

Lawrence L. Thomas (ANC 2C)
Terrell Junior High School
Shaw/Terrell Community Center
First & Pierce Streets, NW
Washington, DC 20001

Andy Litsky
2D
400 I Street, SW
Washington, DC 20024

Peter Pulsifer
2E
3265 S Street, NW
Washington, DC 20007

David Stephens
2F
P.O. Box 9348
Washington, DC 20005

Monica Mizerek
3B
P.O. Box 32312
Washington, DC 20007

Nancy J. MacWood
3C
2737 Devonshire Place, NW
Washington, DC 20008

Eleanor Roberts Lewis
3D
P.O. Box 40846
Washington, DC 20016

Jill Diskan
3E
P.O. Box 9953
Washington, DC 20016

Cathy Wiss
3F
P.O. Box 39290
Washington, DC 20016-9290

Anne M. Renshaw
3G
P.O. Box 6252
Washington, DC 20015

James Jones
4A
7600 Georgia Avenue, NW
Washington, DC 20012

Barrington D. Scott, I
4B
6856 Eastern Ave., NW #314
Washington, DC 20012

Willie Flowers
4C
P.O. Box 6087
Washington, DC 20039

Constance Todd
4D
143 Kennedy Street, N.W.
Suite 1
Washington, DC 20011

Norma M. Broadnax (ANC 5A)
Slowe School Demountable
1404 Jackson Street, NE
14th & Irving Streets, NE
Washington, DC 20017

Rhonda Chappelle
5B
1355 New York Avenue, NE
Washington, DC 20002

James D. Berry, Jr.
5C
680 Rhode Island Ave., NE
Washington, DC 20002

Keith Jarrell
6A
1132 4th Street, NE
Washington, DC 20002

Kenan P. Jarboe
6B
921 Pennsylvania Ave., SE
Washington, DC 20003

Oliver Johnson
6C
2100 MLK Avenue, SE (Annex)
Washington, DC 20020

Angela Thompson-Murphy
7A
4310 Texas Avenue, SE
Washington, DC 20019

Roscoe Grant, Jr.
7B
3200 S Street, SE
Washington, DC 20020

Mary L. Gaffney
7C
4651 N H Burroughs Ave., NE #2
Washington, DC 20019

Delano A. Foster
7D
3741 Grant Place, N.E.
Washington, DC 20019

Mary D. Jackson
7E
5001 Hanna Place, S.E.
Washington, DC 20019

Charles H. Wilson
8A
2427 MLK Jr., Ave., SE
Washington, DC 20020

Jacque D. Patterson
8B
1809 Savannah Street, SE
Washington, DC 20020

Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF EMERGENCY RULEMAKING
and
ZONING COMMISSION ORDER NO. 02-15
Case No. 02-15TA
(Text Amendment – Providing Matter-of-Right Use in the R-1 Zone District for Public Park and Recreational Uses -- 11 DCMR)

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Official Code § 6-641.01), and section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), hereby gives notice of the adoption, on an emergency basis, of amendments to Chapters 2 and 4, of the Zoning Regulations (11 DCMR). This emergency rule was adopted by the Commission at its public meeting on February 11, 2002, and became effective on that date. The rule established a matter of right provision to allow public parks and recreational uses and public community centers in R-1 and less restrictive districts. This emergency rule will expire on June 11, 2002 (the 120th day after the adoption of this first rule), or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

This action is being taken on an emergency basis because there is no existing use category for public recreation facilities or public community centers in the Zoning Regulations. In the absence of a Zoning Regulation providing for this matter-of-right use, there is no mechanism to allow the existing uses to obtain necessary permits to ensure maintenance and upkeep of the existing facilities or allow for the expansion or construction of new facilities as planned. Normal rulemaking procedures cannot be completed in sufficient time to adequately safeguard the public welfare and would result in significant delay and substantial public cost.

NEW LANGUAGE INDICATED IN BOLD

Title 11 DCMR (Zoning Regulations) is amended as follows:

A. Amend Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, section 201, USES AS A MATTER OF RIGHT (R-1), subsection 201.1, paragraph (k) to read as follows:

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

B. Amend Chapter 4, RESIDENCE DISTRICT: HEIGHT, AREA, AND DENSITY REGULATIONS, as follows:

1) Amend section 400, HEIGHT OF BUILDINGS OR STRUCTURES (R), by adding a new subsection 400.14 to read as follows:

400.14 A PUBLIC RECREATION FACILITY OR PUBLIC COMMUNITY CENTER IN ANY RESIDENTIAL ZONE MAY BE ERECTED TO A HEIGHT NOT EXCEEDING FORTY FEET (40 FT.).

2) Amend section 402, FLOOR AREA RATIO (R), subsections 402.1 through 402.3, to read as follows:

402.1 In an R-1 and R-2 District, the maximum floor area ratio requirements applicable in each district may be increased for specific public school buildings or structures, **OR PUBLIC RECREATION FACILITIES, OR PUBLIC 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); **AND PROVIDED FURTHER, THAT ANY PUBLIC RECREATION FACILITY OR PUBLIC COMMUNITY CENTER THAT EXISTED PRIOR TO JANUARY 1, 2002, MAY BE EXPANDED TO 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, **PUBLIC RECREATION FACILITIES, OR PUBLIC 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~~ **ANY** public school buildings and structures, **PUBLIC RECREATION FACILITIES, OR PUBLIC COMMUNITY CENTERS** shall not exceed the floor area ratio prescribed for the R-5-C District.

3) Amend section 403, PERCENTAGE OF LOT OCCUPANCY (R), as follows:

a) Amend subsection 403.1 to read as follows:

403.1 A public school building, **PUBLIC RECREATION FACILITY, OR PUBLIC 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.

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

4) Amend section 404, REAR YARDS, subsection 404.3 to read as follows:

404.3 In the case of a lot proposed to be used by a public school, **PUBLIC RECREATION FACILITY, OR PUBLIC COMMUNITY CENTER** which 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.

5) Amend section 405, SIDE YARDS (R), subsection 405.7 to read as follows:

405.7 In the case of a lot located in an R-1 or R-2 District proposed to be used by a public school, **PUBLIC RECREATION FACILITY, OR PUBLIC 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.