Government of the District of Columbia
OFFICE OF ZONING

MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Alberto P. Bastida, AICP
Secretary to the Zoning Commission

DATE: February 6, 2003

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on February 14, 2003:

1. Z.C. Notice of Proposed Rulemaking (Case No. 02-15).

Received By

2/6/03
Date

Attachments

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

District of Columbia
ZONING COMMISSION
District of Columbia
CASE NO.02-15
EXHIBIT NO.53
Case 02-15
Exhibit 53

RULEMAKING TRANSMITTAL FORM

DATE AND TIME RECEIVED
Office of Documents use only

TYPE OF RULEMAKING ACTION: [ ] EMERGENCY RULES [ ] FINAL RULES [x] PROPOSED RULES [ ] COMBINED

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: ALBERTO BASTIDA

ADDRESS: 441 4th Street, N.W., Suite 210 South

TELEPHONE: 727-0330

TITLE AND DESCRIPTION OF RULES: Amendment to chapters 2, 4, 5, 6, 9, 21, 22 to allow public recreation and community center use.

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning),

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: DATE:

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: section 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Code 2001 Ed. §§ 6-641.01 and 6-641.03 (formerly codified at D.C. Code §§ 5-413 and 5-415 (1994 Repl.))

LEGAL CERTIFICATION: I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.

DATE: SIGNED: PHONE: (202) 442-9777

✓	FINAL		CONDITIONAL	NAME:	ARABELLA W. TEAL	TITLE: INTERIM CORPORATION COUNSEL

PROMULGATOR: Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)
Zoning Commission For The District Of Columbia Title:

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes the issuance of the substance of these rules: sections 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Code 2001 Ed. §§ 6-641.01 and 6-641.03 (formerly codified at D.C. Code §§ 5-413 and 5-415 (1994 Repl.)

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE: 12/9/02

APPROVAL OF ATTEST: Alberto Bastida

TITLE: Secretary to the Zoning Commission PHONE: (202) 727-0330

Office of Documents use only: THIS NOTICE PUBLISHED AT: VOL: DCR: DATE:

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Case No. 02-15TA
(Text Amendment – Public Recreation and Community Center Use -- 11 DCMR)

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Official Code § 6-641.01), hereby gives notice of the intent to adopt amendments to Chapters 2, 4, 5, 6, 9, 21, 22, and 34 of the Zoning Regulations (11 DCMR). The rule establishes provisions to allow public recreation and community centers in R-1 and less restrictive districts. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register.*

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

A. Amend Chapter 1, Section 199, DEFINITIONS, to add to the following definition to the list of definitions in subsection 199.1:

Public Recreation and Community Center – An area, place, structure, or other facility under the jurisdiction of a public agency that is used for community recreation activities. A public recreation or community center may provide a range of wellness, cultural, and arts and crafts activities, and educational classes and services. The center may include but not be limited to auditorium, multipurpose room, gymnasium, meeting space, open space, playground, playing court, playing field, or swimming pool.

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

(r) Public recreation and community center.

C. Amend Chapter 4, RESIDENCE DISTRICTS: 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 and community center in any residential zone may be erected to a height not to exceed forty feet (40 ft.).

2) Amend section 402, FLOOR AREA RATIO (R), by adding new subsections 402.6 and 402.7 to read as follows:

402.6 A public recreation and community center in an R-1, R-2, or R-5-A district shall not exceed 0.9 floor area ratio, unless approved by the Board of Zoning Adjustment, pursuant to § 3104.1.

402.7 A public recreation and community center in an R-3, R-4, R-5-B, R-5-C, R-5-D or R-5-E district shall not exceed 1.8 floor area ratio, unless approved by the Board of Zoning Adjustment, pursuant to § 3104.1.

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

a) Amend the table in subsection 403.2 to permit public recreation and community centers to have a maximum permitted lot occupancy of twenty percent (20%) in all residence districts.

b) By adding a new subsection 403.3 to read as follows:

403.3 A public recreation and community center may be permitted a lot occupancy in excess of twenty percent (20%), but not to exceed thirty percent (30%), if approved by the Board of Zoning Adjustment; provided that, in addition to the requirements of § 3104.1, the agency shows that the increase is consistent with agency policy of preserving open space.

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

404.3 In the case of a lot proposed to be used by a public school or a public recreation and community center 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.

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 or a public recreation and 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(s) that abut the public open space, recreation area, or reservation may be reduced or omitted.

6) By adding a new section 407 to read as follows:

408 GROSS FLOOR AREA

408.1 A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment pursuant as a special exception.

D. Chapter 5, SPECIAL PURPOSE DISTRICTS, is amended as follows:

1) Section 530, HEIGHT OF BUILDINGS OR STRUCTURES (SP), is amended as follows:

a) By adding a new subsection 530.2 to read as follows:

530.2 A public recreation and community center shall not exceed a height of forty feet (40 ft.).

b) Existing subsections 530.2 through 530.6 are renumbered subsections 530.3 through 530.7.

c) Subsection 530.3 is amended to read as follows:

530.3 The height of buildings or structures as specified in §§ 530.1 and 530.2 may be exceeded in the instances provided in §§ 530.4 through 530.6.

2) Section 531, FLOOR AREA RATIO (SP), is amended as follows:

a) Subsection 531.1 is amended by striking the phrase "§ 537" and inserting the phrase "§§ 531.2 and 537" in its place.

b) By adding a new subsection 531.2 to read as follows:

531.2 A public recreation and community center shall not exceed a 3.0 floor area ratio, unless approved by the Board of Zoning Adjustment as a special exception.

c) Existing subsections 531.2 through 531.4 are renumbered subsections 531.3 through 531.5.

3) Section 532, PERCENTAGE OF LOT OCCUPANCY (SP), is amended by adding a new subsection 532.2 to read as follows:

532.2 No public recreation and community center may be permitted a lot occupancy in excess of twenty percent (20%).

532.3 A public recreation and community center may be permitted a lot occupancy in excess of twenty percent (20%), but not to exceed thirty percent (30%), if approved by the Board of Zoning Adjustment; provided that, in addition to the

requirements of § 3104.1, the agency shows that the increase is consistent with agency policy of preserving open space.

4) By adding a new section 538 to read as follows:

538 GROSS FLOOR AREA (SP)

538.1 A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception.

E. Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, is amended as follows:

1) Section 601, USES AS A MATTER OF RIGHT (CR), is amended by adding a new paragraph (u) to read as follows:

(u) Public recreation and community center.

2) Section 630, HEIGHT OF BUILDINGS OR STRUCTURES (CR), is amended by adding a new subsection 630.6 to read as follows:

630.6 A public recreation and community center shall not exceed a height of forty feet (40 ft.).

3) By adding a new section 632 to read as follows:

632 GROSS FLOOR AREA (CR)

632.1 A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception.

4) Section 634, PERCENTAGE OF LOT OCCUPANCY, is amended as follows:

a) Subsection 634.1, is amended to read as follows:

634.1 Except as provided in § 634.4, no structure, including accessory building devoted to residential use, shall occupy more than seventy-five percent (75%) of the lot upon which it is located.

b) A new subsection 634.4 is added to read as follows:

634.4 No public recreation and community center shall occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to thirty percent (30%) if approved by the Board of

Zoning Adjustment pursuant to § 3104.1, provided that the agency shows that the increase is consistent with agency policy of preserving open space.

F. Amend Chapter 9, WATERFRONT DISTRICTS, as follows:

1) Section 901, USES AS A MATTER OF RIGHT (W), subsection 901.1 is amended by adding a new paragraph (v) to read as follows:

(v) Public recreation and community center.

2) Section 930, HEIGHT OF BUILDINGS OR STRUCTURES (W), is amended by adding a new subsection 930.1 is amended to read as follows:

930.1 Except as provided in this section, the height of buildings and structures shall not exceed the maximum height in the following table:

ZONE DISTRICT	MAXIMUM HEIGHT (Feet)
W-1	40 feet
W-2	60 feet, except that public recreation and community centers shall not exceed 40 feet.
W-3	90 feet, except that public recreation and community centers shall not exceed 40 feet.

3) Section 931, FLOOR AREA RATIO (W), subsection 931.2 is amended to read as follows:

931.3 In the W-3 District, the floor area ratio of all buildings and structures, except public recreation and community centers, shall not exceed six (6.0), not more than five (5.0) of which may be used for other than residential purposes. The floor area ratio of public recreation and community centers may exceed three (3.0), up to a maximum of (5.0), if approved by the Board of Zoning Adjustment as a special exception.

4) Section 932, PERCENTAGE OF LOT OCCUPANCY (W), is amended as follows:

a) Subsection 932.1 is amended by inserting at the beginning of the sentence the phrase: "Except as provided in § 932.4,".

b) By adding anew subsection 932.4 to read as follows:

932.4 No public recreation and community center shall occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to thirty percent (30%) if approved by the Board of Zoning Adjustment, provided that, in addition to the requirements of § 3104.1, the agency shows that the increase is consistent with agency policy of preserving open space.

5) A new section 937 is added to read as follows:

937 GROSS FLOOR AREA (W)

937.1 A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception

G. Amend Chapter 21, OFF-STREET PARKING REQUIREMENTS, section 2101, SCHEDULE OF REQUIREMENTS FOR PARKING SPACES, subsection 2101.1, by adding to the list included in the INSTITUTIONAL category the following:

Public Recreation and Community Center Use		
	All districts	1 for each 2,000 square ft. gross floor area of bldg. or use
Bleachers		
	All districts	1 for each 12 seats, plus 1 seat for each 20 seats above 700. If seats are not fixed, each 7 square feet usable for seating or each 18 inches of bleacher/bench space shall be considered 1 seat
Ball fields		
	All districts	5 spaces
Basketball courts		
	All districts	5 spaces
Tennis courts		
	All districts	1 space for every 2 courts

H. Amend Chapter 22, OFF-STREET LOADING FACILITY REQUIREMENTS, section 2201, SCHEDULE OF REQUIREMENTS FOR LOADING BERTHS, LOADING PLATFORMS, AND SERVICE/DELIVERY LOADING SPACES, by adding to the list in subsection 2201.1, to include the following:

USES AND DISTRICTS	MINIMUM NUMBER AND SIZE OF SERVICE/DELIVERY LOADING SPACES REQUIRED
Public recreation and community center with more than 30,000 sq. ft. gross floor area in all districts	1 @ 20 feet deep

I. Amend Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, section 3104, SPECIAL EXCEPTIONS, subsection 3104.1, by adding the following special exception to the table:

Public recreation and community center	Any R, SP, CR, or W District	§§ 402.7, 403.3, 531.2, 532.2, 632.1, 634.4, 931.3, 932.4, and 937.1

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to Alberto Bastida, Office of Zoning, 441 4th Street, N.W., Washington D.C. 20001. Comments must be received not later than thirty (30) days after the publication of this notice in the D.C. Register. A copy of this proposal may be obtained, at cost, by writing to the above address.