GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Parks and Recreation

MEMORANDUM

TO: DC Zoning Commission

FROM: Neil O. Albert
Director

DATE: June 7, 2002

SUBJECT: Request for Extension of Emergency Rule in the Matter of Zoning Commission Order No. 02-15

On February 11, 2002, the Zoning Commission approved unanimously an emergency rule, giving notice of the adoption, on an emergency basis, of amendments to Chapter 2 and Chapter 4 of the Zoning Regulations (11 DCMR). 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. The emergency rule is scheduled to expire on June 11, 2002. The action was 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.

On behalf of the Department, we respectfully request an extension of the emergency rule period for an additional 120 days or until publication of a Notice of Final Rulemaking in the DC Register, whichever occurs first. We realize that the Hearing is scheduled for July 1; however, we believe that there are several compelling reasons for granting an extension:

1) It is critical that the current construction and permitting process be allowed to stay on course, in order to take advantage of the existing construction season. This is necessary so that all centers will remain out of service for as brief a period as possible and be allowed to re-open as soon as possible, upon completion of rehabilitation.

ZONING COMMISSION
District of Columbia
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Exhibit 7

ZONING COMMISSION
District of Columbia
CASE NO.02-15
EXHIBIT NO.7

2) These public facilities all provide positive impacts to their respective adjacent neighborhoods; thus, maintaining the existing construction schedule and returning them to operation as swiftly as possible is essential.
3) It is imperative that the construction schedule not be compromised because of existing budget authority that is in place for the balance of this fiscal year.
4) Every public facility addressed within this emergency rule is in desperate need of rehabilitation or re-construction.

We appreciate your consideration of our request and hope that you will conclude that an extension is warranted, so that this most important District initiative might remain on schedule.