GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

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ZONING COMMISSION
District of Columbia
CASE NO. 04-35
EXHIBIT NO. 22

TO: District of Columbia Zoning Commission

FROM: Ellen McCarthy, Interim Director
Office of Planning

DATE: June 27, 2005

SUBJECT: Final Report - Zoning Commission Application #04-35 (East of the River Corps Community Center)
Consolidated PUD
2301-2310 Martin Luther King, Jr. Avenue, S.E. (Square 5805, Lots 222-226 and 813)

APPLICATION

The East of the River Corps (Salvation Army) (Applicant) seeks review for a consolidated Planned Unit Development (PUD) to develop a community center.

RECOMMENDATION

The Office of Planning (OP) strongly supports the proposed community center to provide a variety of services that will positively affect the physical, social and economic welfare of the residents they will serve. The many opportunities for self-improvement that will be offered will be an asset to the individuals who will use the services as well as to the overall community improvement. The building will facilitate revitalization along Martin Luther King, Jr. Avenue, Anacostia's main street.

The proposed PUD is not inconsistent with the objectives and policies of the Comprehensive Plan and in fact specifically addresses many of them. OP therefore recommends that the proposed PUD for the community center be **approved.**

SITE AND AREA DESCRIPTION

The approximately 20,200 square foot site is located at the southwest corner of the intersection of Martin Luther King, Jr. Avenue and Morris Road, S.E. (Square 5805, Lots 222-226, and 813) and is currently undeveloped and zoned C-2-A (attachment 1). To the west is an auto body shop and to the north is a mixture of row houses and offices in the C-2-A district. To the east, across Morris Road is a liquor store in the C-3-A district. To the south of the site is a stable residential neighborhood in the R-4 and R-3 Districts with predominantly single family detached homes.

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PROPOSAL

The application proposes a community center that will provide a mixture of services including retail on the ground floor; job training space, a health and wellness center, a childcare and family development center, and worship space. The Salvation Army has formed partnerships with a number of individuals, and community organizations such as the Community Equity Empowerment Partnership (CEEP) to assist with the leadership/employment training program and the Spiritual Partnership in Realizing Individual Transformation (SPIRIT) to operate the wellness center.

An underground parking garage with 34 parking spaces will be provided for all users of the building. However, the applicant believes that occasions will arise when additional parking spaces will be needed and has therefore entered into an agreement with Union Temple Baptist Church, located to the north of the site on V Street, SE, to share the use of their 145 space parking lot.

ZONING

The site is currently zoned C-2-A (Community Business District) and community centers are permitted by-right. The applicant has requested some flexibility regarding the FAR and the roof structure requirements.

Development Data

The following table demonstrates the requirements of the C-2-A PUD and the flexibility which the applicant is requesting:

Table 1

	Required/Allowed under C-2-A PUD	Proposal	Deviation
Area	15,000 sq. ft. minimum	20,200 sq. ft.	None
Height	50 ft.	50 ft.	None
FAR	2.0 non-residential use	2.57	0.57
Lot Occupancy	60%	60%	None
Rear Yard	15 ft.	15ft.	None
Side Yard	None	None	None
Parking	34 spaces	34 spaces	None
Loading	Loading berth – 1 @ 30 ft. deep Loading Platform – 1 @ 100 sq. ft. Service Delivery- 1@ 20 ft.	Loading berth – 1 @ 30 ft. deep Loading Platform – 1 @ 100 sq. ft. Service Delivery- 1@ 20 ft.	None

FLEXIBILITY

The above Development Data Table meets the requirement of Sections 2403.11.

FAR
Under the PUD guidelines for development in the C-2-A district, a total FAR of 3.0 is permitted and a wholly residential building may also have a FAR of 3.0. Commercial uses are limited to 2.0 FAR. It is the applicant's contention that the Zoning Regulation does not limit the FAR for community centers and therefore they are allowed up to 3.0 FAR. OP believes that the FAR for the community center is limited to 2.0 FAR. The additional 0.5 FAR is greater than the 5% increase that Section 2405.5 of the Zoning Regulations allows the Zoning Commission to grant. Therefore, OP believes that the increase in non-residential FAR would have to be submitted as a variance to be processed concurrently with the PUD review.

Roof Structures
The applicant has requested flexibility from the requirements of Section 411 and 770.6, which states that roof structures are setback from all exterior walls at a 1:1 ratio and the enclosure is of equal heights. The mechanical equipment, elevator override and the stair enclosures on the southern side of the building are not setback as required. The enclosures for the mechanical equipment are 6 feet high while the elevator override and the stair enclosure are sixteen feet high. A second stair access and mechanical equipment room that are adjacent to the chapel roof have separate 6-foot high enclosures. The limited size of the building, the need to have separate access to the retail portion of the ground floor and the need to provide recreational uses on the roof does not allow the requirements to be met. The unequal heights of the enclosures will reduce the massing of the structures. The proposed flexibility will not diminish the intent of the requirements to provide uniformity of the structure and reduce the impact of the perceived height of the building.

Parking

The applicant is providing 34 underground parking spaces and believes that there may be occasions when this may not be sufficient to serve the users of the building. The applicant has therefore entered into an agreement with Union Temple Baptist Church to use their parking spaces when such an event occurs. As shown in Exhibit B of the applicant's April 27, 2005 submission, Union Temple Baptist Church has a total of 145 parking spaces.

The applicant has identified four main uses for the building; retail, a daycare center, a church and a community center and has calculated that a total of 33 spaces are required. For the community center portion of the building the applicant has used a generation rate of one space per 2,000 square feet, which is the requirement for Public Recreation and Community Center (Zoning Commission Order 02-15B) (Attachment 2). Public Recreation and Community Center is defined as "*An area, place, or other facility under the jurisdiction of a public agency that is used for a community recreation activities. . . . .*" The proposed recreation center is not under the jurisdiction of a District agency and therefore this requirement should not be used. The parking requirement should be assessed under the "Places of Public Assembly," which specifically lists "community center" as a use and requires "*1 space per 10 seats of occupancy for the first 10, 000 seats, plus 1 each for each 20 seats above the first 10,000; provided, that where such seats are not fixed, each seven square feet usable for seating be considered 1*

seat. The community center therefore requires 262 spaces and the total requirement for all the uses is 282 spaces (See Attachment 3 for parking calculations).

The applicant states that this requirement is excessive and believes that the proposed thirty-four spaces in conjunction with those that will be available at the Union Temple Baptist Church is sufficient.

OP believes that a reduction in parking is justified because a large number of the users of the building will be using public transportation that serves the property adequately. Additionally, some of the services providers on the site will have shuttle buses. The site is quite small for the abundance of service that will be provided to the community. If the applicant were to try and provide all the required parking on-site the space for services would be reduced for unproductive parking spaces. Secondly, additional underground parking would be costly and available financial resources could be better used to provide services.

PUD EVALUATION STANDARDS

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. Section 2400.1 states that a PUD is "designed to encourage high quality development that provide public benefits." The proposed development will be constructed on a property that is currently undeveloped and is currently an eyesore in the Anacostia community. In order to maximize the use of the site consistent with the zoning regulations and be compatible with the surrounding community, the applicant is requesting that the proposal be reviewed as a consolidated PUD.

The greater Anacostia area is beginning to experience revitalization with many new residential developments and to a lesser extent commercial development. Ward 8 has the largest unemployment rate in the City that is largely as a result of low educational achievement. The proposed job training programs will give businesses the confidence that there will be a supply of employees when businesses are brought to the area. The programs offered are not only aimed at improving the economic well-being of the residents but will also provide opportunities for improving the "whole" person through the wellness and family development center.

The proposed development will be constructed on a property that is currently undeveloped and is currently an eyesore in the community. The development will help to revitalize this portion of the community along Martin Luther King, Jr. Avenue and the uses proposed are all directed towards improving the health, safety, and welfare of residents. The center will be conveniently located because of its proximity to the Anacostia Metro Station and the many bus routes that travel and stop directly in front of the building.

PUBLIC BENEFITS AND AMENITIES

The programs offered by the community center are important assets that complement residential uses and will serve many of the needs of existing and future residents of the Anacostia area. The daycare center is a significant benefit because it will assist parents who are not able to afford or obtain daycare to leave their children in a nurturing and safe environment and go to work or enroll in the job-training program. The daycare facility will also help those persons who make use of the wellness center. Services provided by the community center will address both the financial and social needs of it users. The minimal cost to use the facility will be an incentive for community residents. The facility, and in particular the chapel area will be available to the community for events such as plays, concerts, or other appropriate functions. The location of the building close to the Anacostia Metro Station and the fact that it is served by a number of bus routes will encourage residents to use the building.

OP believes that the community benefits that this project will compensate for the additional FAR that is requested and the ability to utilize the roof area for other activities.

2403.9 Public benefits and project amenities of the proposed PUD may be exhibited and documented in any of the following or additional categories:

(a) Urban design, architecture, landscaping, or creation or preservation of open spaces;

The proposed building will have a distinctive architecture and design through the materials used (brick, metal, and glass). The brick on the façade identifies with the materials used on most buildings in the community and the glass and metal introduces a more futuristic outlook for the community. The stair tower gives a distinctive identity to the entrance into the building while the separate entrances into the retail area integrates the building into the community. The cross is subtly integrated into the building façade to represent the mission of the Salvation Army and gives the intersection a strong identity. The different materials and colors delineate parts of the building and give a feeling of openness.

The building has been set back along Morris Road to provide a sidewalk on the site for pedestrian safety. At the rear of the building the play area is landscaped to separate it from the sidewalk area and also provide a buffer and security to this area.

(b) Site planning, and efficient and economical land utilization;

The site has been efficiently used to accommodate a building that will maximize the services that could be provided. In addition to the many activities that will occur in the building, a significant amount of space has been allocated to terrace and balconies that can be used for passive recreation.

(c) Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts;

The site is served by a number of buses that travel along Martin Luther King, Jr. Avenue and Morris Road. Additionally, the site is two blocks north of the Anacostia Metro Station. The applicant anticipates that a large number (65%-70%) of its clients will use both modes of public transportation.

Pedestrian access into the building is provided from an existing sidewalk along Martin Luther King, Jr. Avenue and the applicant will provide a sidewalk on site along Morris Road for the safety of pedestrians and especially those entering the daycare center.

The applicant has provided a lay-by along Morris Road to enter the parking garage and the drop-off area for the daycare center. According to the applicant the rush hour traffic along Morris Road will not be severely impacted by traffic to and from the center. The lay-by and the driveway into the daycare and parking garage will provide adequate queuing space and there will be enough gaps in traffic for cars to safely leave the site in a timely manner.

Morris Road is a narrow, two-way roadway, and is heavily traveled by both cars and buses. Parents will be discouraged from dropping their children off along Morris Road since each parent has to sign-in and sign-out at drop-off and pick-up times.

(d) Employment and training opportunities;

The community center will provide a number of employment and job training opportunities to residents through their partnership with other non-profit organizations such as CEEP. These opportunities include entry level to management positions.

The applicant has indicated that they will participate in a First Source Agreement with the District of Columbia Department of Employment Services and a Memorandum of Understanding with the Minority Business Opportunity Commission for construction jobs. The applicant has indicated that they are currently pursuing these agreements. OP recommends that the applicant provide the signed agreements prior to the Zoning Commission's final order.

(e) Housing and affordable housing;

There will be no housing in the community center.

(f) Environmental benefits, such as stormwater runoff controls and preservation of open space or trees;

Due to the placement of the running track on the roof and the need to have activities on the roof, the applicant is unable to provide a green roof. However, the applicant has indicated in Exhibit E of their April 27, 2005 submission, that they will incorporate sustainable practices into the development.

(i) Uses of special value to the neighborhood or the District of Columbia as a whole;

The community center and the proposed services will provide many benefit to the Anacostia area and in effect the City as a whole. The wellness center and social services will attend to the client's physical and mental well-being and job training will provide more opportunities for clients and contribute to the well being of the neighborhood. The building will bring activity to the site and contribute to the revitalization of Martin Luther King, Jr. Avenue.

COMPREHENSIVE PLAN AND PUBLIC POLICIES

The Generalized Land Use Map (Attachment 4) recommends the subject site for moderate density residential with row houses and garden apartments as the predominant uses. Section 2403.4 of the Zoning Regulations requires that the application is "not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site." The property is zoned for commercial use but the majority of the uses proposed are not commercial and complement residential uses. The Comprehensive Plan states that access to cultural and educational facilities are necessary ingredients of neighborhood vitality (Section 1100.2(a)). The proposed facility will provide services which complement each other thus providing an efficient "one-stop" service center for the community.

The PUD is also consistent with other sections of the Comprehensive Plan including the following Major Themes of the Plan:

- Section 102 - Stabilizing and Improving District Neighborhoods,
- Section 103 – Increasing the Quantity and Quality of Employment Opportunities in the District
- Section 107 – Preserving and Ensuring Community Input
- Section 109 – Reaffirming and Strengthening the District's Role as the Economic Hub of the National Capital Region
- Section 111 – Providing for Diversity and Overall Social Responsibilities

The Economic Development Element of the Comprehensive Plan, outlines policies in support of Improving Labor Force Job Skills Levels and Employment Opportunities.

> *207.1 The improving labor force job skills levels and employment opportunities objective is to expand occupational skills and job opportunities for District residents, particularly the unemployed, the underemployed, the economically disadvantaged, and youth preparing to enter the labor force in the coming years.*

Policies to support the goal is to:

> *207.2(b) Seek maximum involvement of the private sector in setting policy and giving support to training and job placement programs;*

The proposal will facilitate the endeavors of a nationally known, private, non-profit organization to provide much-needed job-training programs and other services to residents of the neighborhood, as well as the entire District. The community center will provide life skills training that will increase opportunities for employment. The site location, close to the Anacostia Metro Station, is ideal as it makes the facility easily accessible to public transit.

The Urban Design Element of the Comprehensive Plan, outlines policies in support of Areas in Need of New and Improved Character.

712.1 The areas in need of new and improved character objective is to encourage new development or renovation and rehabilitation of older structures in areas with vacant or underused land or buildings to secure a strong, positive physical identity.

712.2 The policies established in support of the areas in need of new and improved character objective are as follows:

(a) Encourage well-designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities;

(b) Encourage in-fill development of attractive design quality in deteriorated areas to stabilize the physical fabric and to encourage renovation and redevelopment;

The subject property is currently vacant and does not contribute to a positive experience along Martin Luther King, Jr. Avenue. The proposed development will have a strong physical identity and will set a standard for the redevelopment of other properties along this portion of Martin Luther King, Jr. Avenue.

Specifically, the application is consistent with the Ward 8 Plan:

Section 1905.1 outlines objectives for Economic Development that include:

(b) Increase labor force job skill levels and expand job opportunities for ward residents, particularly the unemployed, the underemployed and youth preparing to enter the labor force;

Section 1920.1 outlines objectives for Urban Design that include:

(a) Maintain and enhance the physical integrity and character of the District as the National Capital, including Ward 8;
(b) Preserve and enhance the distinguishable physical qualities of Ward 8 neighborhoods;
(g) Encourage new development in areas with vacant or underused land to secure a strong, positive physical identity;

Section 1927.1 outlines actions in support of Human Services that include:

(b) Improve the availability of child care provided by child care facilities in Ward 8:

The proposed development will provide childcare facility for fifty children.

Section 1929.1 outlines objectives for Land Use/Zoning that include:

(b Promote healthy and secure residential and nonresidential environments through selective renewal, rehabilitation and neighborhood revitalization programs;
(c) Increase employment and economic development opportunities and improve the physical condition of the ward through the provision of functional, efficient and attractive commercial, residential, industrial and open space environments;
(e) Minimize existing and potential conflicts between residential uses and nonresidential uses;
(f) Locate more intensive land uses in areas of the ward which, by virtue of existing or planned infrastructure, can accommodate and support these uses;

(h) Increase the supply of child care facilities in residential and commercial areas within the ward; and

The proposed development will meet the above objectives as the development will visually improve the area, provide opportunities for job training employment at various levels, and provide opportunities for social improvement. The property is located where existing infrastructure is already in place and is easily accessible.

AGENCY COMMENTS

The proposal was reviewed by the District Department of Transportation (DDOT) and stated that they had no objections to the proposal. Their review is submitted under separate cover.

COMMUNITY COMMENTS

The applicant has had discussions and has made presentations to ANC-8A, the Ward 8 Business Council and other community organizations and they are generally in support of the community center. It is anticipated that the ANC will vote on a recommendation at their June 2005 meeting.

RECOMMENDATION

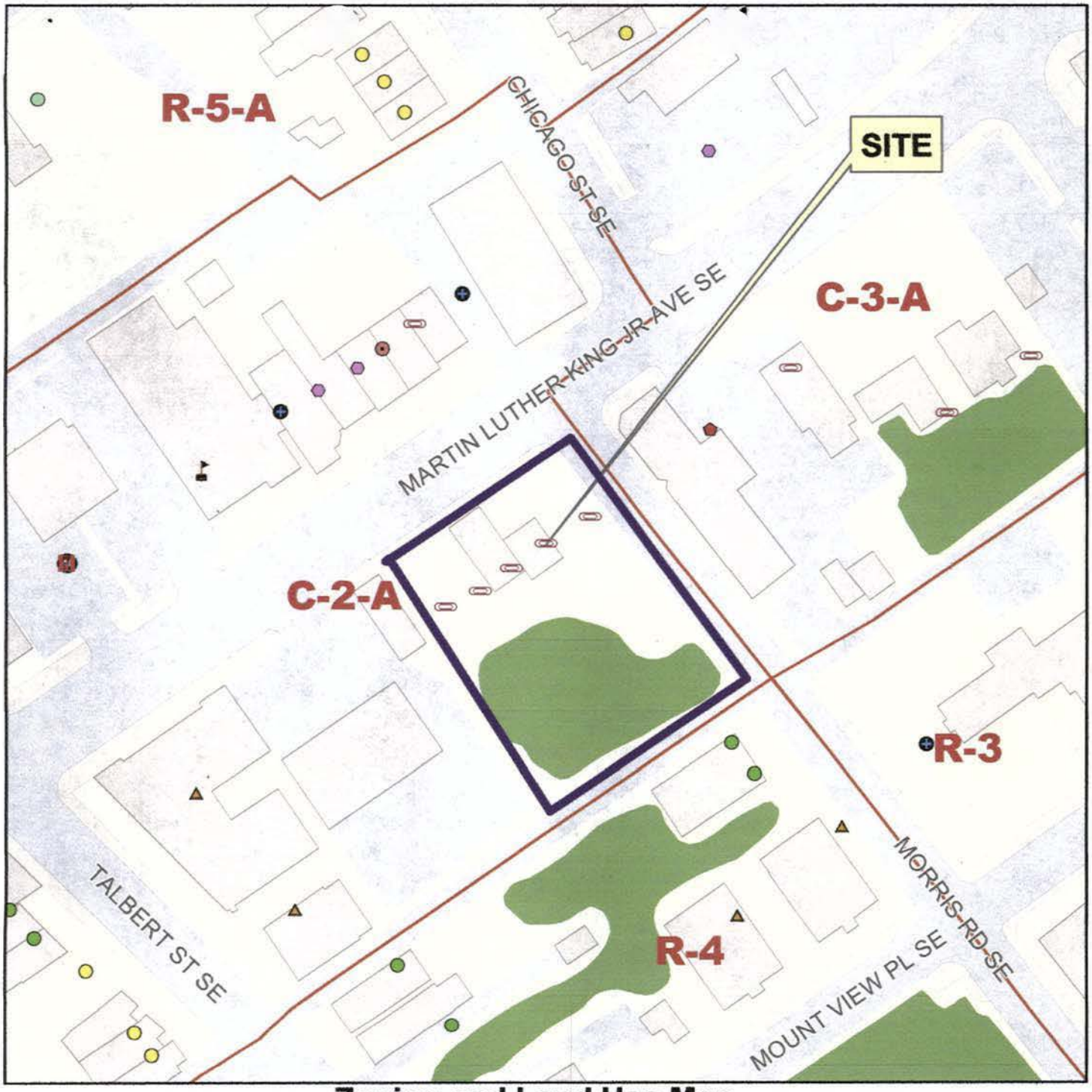
OP strongly supports the Salvation Army's vision for the proposed community center whose programs are geared towards low to moderate-income residents who live in the Anacostia area. The proposed programs will address clients' physical, mental, and economical aspects of life. The building will facilitate revitalization along Anacostia's main street.

The proposed PUD is not inconsistent with the objectives and policies of the Comprehensive Plan and in fact specifically addresses many of them. OP therefore recommends that the proposed PUD for the community center be **approved.**

ATTACHMENTS:

1. Land Use/Zoning Map
2. Zoning Commission Order 02-15B
3. Parking Calculations
4. Comprehensive Plan Map

EM/mbr AICP



Zoning and Land Use Map
ZC #04-35
2302-2310 Martin Luther King, Jr. Avenue, SE



N

Feet

0 50 100

Land Use Legend

- Non-conforming SF Use
- Rowhouse
- Single-Family Detached
- Single-Family Semi-Detached
- Resid. Garage
- Resid. Mixed Use
- Multi-family
- Multi-Resid. Garage
- Hotel - Small
- Hotel - Large
- Club
- Resid. Transient
- Store
- Restaurant
- Office
- Vehicle Service Station
- Parking - Special Purpose
- Warehouse
- Religious
- Educational
- Embassy or Chancery
- Museum, Library, Gallery
- Recreational
- Health Care Facility
- Memorial
- Special Purpose
- Vacant

Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ January 10, 2005

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Attachment 1

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 § 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 in accordance with the provisions of § 3104.1.

G. Amend Chapter 20, NONCONFORMING USES AND STRUCTURES, § 2001, NONCONFORMING STRUCTURES DEVOTED TO CONFORMING USES,

1) Subsection 2001.3, paragraph (a) is amended by inserting after the word "requirements" the phrase ", except as provided in § 2001.13".

2) By adding a new § 2001.13 to read as follows:

2001.13 A public recreation and community center in existence as of November 28, 2003 may enlarge or make an addition that causes the structure to exceed lot occupancy requirements if approved by the Board of Zoning Adjustment in accordance with the provisions of § 3104.1.

H. Amend Chapter 21, OFF-STREET PARKING REQUIREMENTS, § 2101, SCHEDULE OF REQUIREMENTS FOR PARKING SPACES, § 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 ft². 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

cultural, and arts and crafts activities, and educational classes and services. The center may include, but not be limited to, auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, playing field, and swimming pool. The center shall not include examination rooms, treatment rooms, or other facilities for regular use by members of the medical or dental professions, but may include a first aid room. Such centers may have pantry-type kitchens with limited food storage and preparation areas, but shall not have kitchen facilities that are of the size customarily used to serve meals for large numbers of persons on a regular basis.

B. Amend Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, § 201, USES AS A MATTER OF RIGHT (R-1), § 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 § 400, HEIGHT OF BUILDINGS OR STRUCTURES (R), by adding a new § 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-five feet (45 ft.).

2) Amend § 402, FLOOR AREA RATIO (R), by adding new §§ 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, except that a public recreation and community center may have a floor area ratio up to 1.8 if 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.

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

a) Amend the table in § 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 § 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 forty percent (40%), if approved by the Board of Zoning Adjustment; provided

concerns of the petitioner that it would not be able to modernize and update existing facilities under the lot occupancy limitations established by this rulemaking.

Lastly, the proposed FAR restrictions were modified to be consistent with the allowable lot and height limitations.

As noted above, ANC 4B voted in opposition to allowing these facilities in residential districts. The Commission, however, finds that access to recreation centers is an important part of any residential neighborhood, and that such centers should therefore be permitted in residential districts, but with adequate safeguards to avoid any adverse impacts.

The Commission believes that it made an adequate balance between competing concerns in this rulemaking. On one side, there were government's needs and the needs of the various communities using these centers, and on the other side there were concerns for those immediately adjacent to such centers and a general concern that large facilities will occupy a significant amount of what is now open space and parkland. The Commission believes that the lower density levels allowed for these centers are in the best overall interest of the District. While the centers serve a function similar to public schools, they do not necessarily perform a core function for the community. And without significant restraints on size, many centers could become extremely large, given the large parks and other open spaces available to the DPR for development. The Commission feels that this rulemaking will help ensure that there remains adequate open space, which offers its own recreation possibilities, while providing sufficient opportunity for indoor recreation and other community activities.

As for the language in the definition, the Commission declined to add the more expansive language advocated by the Petitioner and OP. While the Commission does not consider the definition to be a narrow one, the Commission did seek to place some limits on the range of activity that takes place in these centers. Without such limits, there is no way to adequately ensure that the centers will not have an adverse impact on the surrounding neighborhood.

The Office of the Corporation Counsel has determined that this rulemaking meets its standards of legal sufficiency.

Based on the above, the Commission finds that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia, consistent with the purpose of the Zoning Regulations and Zoning Act, and not inconsistent with the Comprehensive Plan for the National Capital.

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

A. Amend Chapter 1, § 199, DEFINITIONS, to add the following definition to the list of definitions in § 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 health and wellness,

the proposed matter-of-right and special exception density limits would require many pending projects to apply for variance relief, which may prove difficult to obtain.

The Petitioner's comments generally supported the OP comments outlined above regarding density and were consistent with the Petitioner's November 14, 2002, submission, which also included comments solicited from the community. The comments included recommending the changes proposed by OP.

The Commission believes, however, that the forty percent (40%) lot occupancy advocated by OP would have allowed too much conversion of important open space. The Commission did, however, vote to increase the allowable special exception for lot occupancy from a thirty percent (30%) maximum to a forty percent (40%) maximum.

As for building height, OP recommended that the maximum permitted matter-of-right height be increased to forty-five (45) feet, in keeping with the requirement applicable to public schools. This recommendation was adopted by the Commission. It thus became unnecessary to consider OP's alternative recommendation to allow the Zoning Administrator to exercise a two percent (2%) discretionary flexibility. Also, OP did not support any limit on gross floor area, finding that limits on lot occupancy and FAR adequately address the Commission's concerns, and that many of the feared impacts of the use can be more easily addressed by appropriate parking standards. However, the Commission concluded that such a limit was appropriate, and that large centers over 40,000 square feet, which would tend to serve a larger geographic area, should only be permitted as a special exception, to ensure that they do not adversely impact the surrounding community.

Both OP and the Petitioner also supported an addition to the definition of public recreation and community center that allowed for "health and wellness" and "social" activities, classes and services. The Petitioner stated that adding the word "health" would allow a broad range of activities but would not allow programs or activities which would require additional regulations or licenses, such as an "out-patient clinic" or "drug treatment program." The Commission therefore voted to include the word "health" in the definition, but limited the ability of the centers to offer more traditional health programs by adding a sentence to the definition that precludes a center from having "examination rooms, treatment rooms, or other facilities for regular use by members of the medical or dental professions." The addition of the word "social," the Petitioner also stated, would allow it to continue to offer a broad range of activities and programs that serve targeted neighborhood populations in a social setting. The word "social," however, was not added, due the Commission's concern that it would allow too broad a range of activity. The Commission adopted the petitioner's recommendation to include within the definition "pantry-type" kitchen, with "limited food storage and preparation areas," so as to reflect the minor food preparation activities in existing and planned centers.

The Commission voted to include an amendment to § 2001.3, which allows enlargements or additions to nonconforming structures that contain conforming uses. The amendment establishes that nonconforming buildings housing public recreation and community centers, unlike other nonconforming buildings containing conforming uses, may expand so as to exceed lot occupancy requirements if given special exception approval. This change was intended to address the

OP also stated that it opposed a maximum matter-of-right overall gross floor area for the centers. The supplemental report also recommended a schedule of parking requirements that were in accordance with those recommended by the District Department of Transportation in its report dated July 12, 2002. Lastly, the report detailed recommended thresholds for those seeking special exception relief. Thresholds were incorporated into the proposed rulemaking, but at lower levels than recommended by OP.

After taking proposed action, but prior to the publication of the notice of proposed rulemaking, the Commission received written comments from the Hillcrest Community Association Committee (January 8, 2003), Hillcrest Community Civic Association (January 18, 2003), and the Washington East Foundation (January 27, 2003).

In addition ANC 7B/Naylor Dupont, by report dated January 21, 2003, indicated that, at a scheduled meeting, with a quorum present, the ANC voted to support the text amendment, but with the higher density recommended by the other persons submitting comments.

A notice of proposed rulemaking was published in the February 14, 2003, edition of the *D.C. Register*. Under the terms of § 492 of the District of Columbia Charter, the proposed text was referred to the National Capital Planning Commission ("NCPC"). NCPC, by report dated May 30, 2003, found that the proposed text amendment will not adversely affect the federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

Following publication of the proposed rulemaking, the Zoning Commission received a report from OP, dated February 21, 2003, and a letter on behalf of the Petitioner, dated March 14, 2003. The substance of these two (2) submittals, and the Commission's actions in response, are discussed below.

Final Action

The Commission took final action on the proposed rules at its public meeting of May 12, 2003. During the deliberations that preceded final action, the Commission focused principally on the submittals made by the Office of Planning and the Petitioner after publication of the proposed rule.

The OP comments included some minor, clarifying recommended changes to the definition of public recreation and community center. OP also recommended increasing matter-of-right density, finding that the proposed levels were unduly restrictive. OP modified its earlier recommendation that the new use be allowed a maximum matter-of-right lot occupancy of forty percent (40%) in all districts. OP instead recommended matter-of-right lot occupancy of up to forty percent (40%) in residence districts and sixty percent (60%) in all other districts. In the alternative, OP supported a matter-of-right lot occupancy maximum of thirty percent (30%) with no cap on special exception relief.

OP's objections to the proposed levels are based, in part, upon its premise that the higher density recreation space would be in balance with the surrounding character of the districts, and that a

Public Hearing

At the public hearing held July 1, 2002, the petitioner testified in favor of the advertised rule, as did a number of citizens who generally supported the development and expansion of recreation centers.

Barbara Zartman, Chair of the Zoning Subcommittee, Committee of 100 on the Federal City, spoke at the hearing and submitted a written statement in opposition to the matter-of-right size proposed for the centers. The Commission also received the written statement of the Subcommittee on Parks and the Environment, Committee of 100 on the Federal City. A number of other citizens spoke in opposition to the rule, many of whom voiced objections in the context of the Turkey Thicket Regional Park Project.

After the public hearing, but prior to taking proposed action, the Commission received a number of letters. Letters in opposition to the rule were received from Ruth E. Foster and Dino Drudi (July 3, 2002), James L. Watkins (July 8, 2003), and the Committee of 100 on the Federal City, which specifically objected to matter-of-right development of park and recreation facilities (July 14, 2002). A letter in support of the proposed rule was received from Linda Mines, dated July 8, 2002. A number of persons also submitted letters during this time period that generally supported the rulemaking but were in favor of giving more density than was proposed. Specifically, these persons wanted to allow maximum matter-of-right density levels of forty percent (40%) lot occupancy, forty-five (45) foot height, and 50,000 square feet of gross floor area in R Districts.

ANC 5A by report dated July 3, 2002, indicated that, at a scheduled meeting, with a quorum present, the ANC voted to support the text amendment.

Proposed Action

The Zoning Commission voted to take proposed action at its regularly scheduled meeting held December 9, 2002. The proposed rulemaking specified density limitations more stringent than those originally advertised in the hearing notice. Because all concerned had an adequate opportunity to address the issue of density at the hearing and through the submission of comments, the Commission determined that an additional hearing on the subject matter was neither legally required nor helpful to the Commission's decision in the case.

In its vote to take proposed action, the Commission considered recommendations included in OP's supplemental report dated December 2, 2002. Included in those recommendations was a change to the definition. As a result, a revised definition for "public recreation and community center" was included in the text of the proposed rules. However, the Commission chose to limit the reach of the definition, referencing only "wellness" instead of "health and wellness" activities, classes, and services. OP's report also clarified that the existing use, "Community Service Center," referenced in § 209 of the Zoning Regulations, would not be affected by this rulemaking where such centers are operated by non-profit organizations for slightly different purposes. OP reiterated its position that a maximum matter-of-right forty percent (40%) lot occupancy and a maximum matter-of-right height of forty-five (45) feet would be appropriate.

upon the zone district. The floor area ratios may be increased beyond matter-of-right limits if approved through the special exception process. For side and rear yards, the amendment treats the use the same as public schools, which are largely exempt from such requirements. The amendment also establishes that such a center cannot exceed a gross floor area of 40,000 square feet, unless approved as a special exception. Lastly, the amendment establishes parking requirements for the use that are a function of the size and purpose of the center, as well as a loading berth requirement for larger centers.

Relationship to the Comprehensive Plan

The text amendment is consistent with neighborhood stabilization goals of the Comprehensive Plan, which state that public facilities, "add to the livability of our communities" (Chapter 1, § 102.3). The amendment is also consistent with land use policies advocated in the Comprehensive Plan, which provide that, "[a]dequate recreation opportunities and access to cultural and neighborhood educational facilities are. . . necessary ingredients of neighborhood vitality." (Chapter 11, § 1100.2(a)).

The amendment is also supported by the individual Ward Plans, as outlined in the Office of Planning report dated January 7, 2002 (see Comprehensive Plan §§ 1219, 1312, 1312.12, 1313.1, 1405.4, 1516.3, 1618.1, 1719(e) & (g), 1812(b) & (h), 1816.6, 1916, and 1925).

Set Down, Advertisement, and Pre-Hearing Comment

The Commission initiated this rulemaking in response to a petition from DPR (the "Petitioner"). DPR seeks to upgrade, remodel, and construct a number of recreation facilities throughout the District.

The Office of Planning's set down report, dated January 7, 2002, outlined the difficulties DPR faces in renovating and constructing its facilities absent an accommodating use designation in the Zoning Regulations. OP also submitted a report dated June 26, 2002, in which it set forth a proposed definition for "public recreation facilities" and "public community centers."

The version of the rules set down for hearing, as stated in the notice of hearing (published on May 10, 2002, at 49 DCR 4344), would have allowed public recreation and community centers to be treated the same as public schools in the Zoning Regulations.

Prior to the hearing date of July 1, 2002, the Commission received a letter dated June 28, 2002, from ANC 4B, which indicated that at a public meeting, at which a quorum was present, the ANC voted to oppose the adoption of amendments to allow the proposed use in residential districts. The Commission also received written comments from the Sierra Club dated June 27, 2002, which expressed concern over the height and permitted lot occupancy for the permitted structures. Plan Takoma submitted a request that final action be delayed on this matter to allow time for civic groups to discuss and understand the changes. Friends of Takoma Recreation Center, by letter dated June 25, 2002, objected to the matter-of-right provisions in the advertised rule.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
Order No. 02-15-B
Case No. 02-15
(Text Amendment – Public Recreation and Community Center Use -- 11 DCMR)
June 10, 2003

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 adoption of amendments to Chapters 1, 2, 4, 5, 6, 9, 21, 22, and 34 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations). The rule establishes provisions to allow public recreation and community centers in R-1 and less restrictive districts. As discussed below, a number of minor substantive, grammatical, and codification changes were made to the text of proposed rule published on February 14, 2003, at 50 DCR 1585. These final rules will be effective upon publication of this notice in the *D.C. Register*.

The Commission took action to adopt these final rules at a public meeting held on May 12, 2003.

Existing Zoning

The District of Columbia government, including the Department of Parks and Recreation ("DPR"), became subject to zoning as of May 23, 1990, by virtue of the Council of the District of Columbia's enactment of Section 7(a) of the District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984, effective May 23, 1990 (D.C. Law 8-129; D.C. Official Code § 1-301.68). The Zoning Regulations were never amended to authorize public recreation facilities as a matter-of-right. Unless these amendments are adopted, the District would require variances to expand its facilities.

Description of Text Amendment

The amendment establishes a new use: "public recreation and community center," which may be permitted as a matter-of-right or special exception, depending on size and location. The facility must be under the jurisdiction of a public agency.

The new rules allow for a maximum matter-of-right lot occupancy of twenty percent (20%) in R and less restrictive districts and up to 40% as a special exception. The rules also establish a height limitation of 45 feet, as well as maximum floor area ratios ("FAR") that vary depending

I. Amend Chapter 22, OFF-STREET LOADING FACILITY REQUIREMENTS, § 2201, SCHEDULE OF REQUIREMENTS FOR LOADING BERTHS, LOADING PLATFORMS, AND SERVICE/DELIVERY LOADING SPACES, by adding to the list in § 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

J. Amend Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, § 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, 408.1, 531.2, 532.3, 538.1, 632.1, 634.4, 931.3, 932.4, 937.1, and 2001.13

VOTE ON PROPOSED RULEMAKING

Vote of the Zoning Commission taken at its public meeting on December 9, 2002, to approve the proposed rulemaking: **5-0-0** (Carol J. Mitten, John G. Parsons, Anthony J. Hood, and James H. Hannaham, to approve; Peter G. May, by absentee ballot, to approve).

VOTE ON FINAL RULEMAKING

Vote on Increasing Special Exception Maximum Lot Occupancy

Vote of the Zoning Commission taken at its public meeting on June 9, 2003, to increase maximum lot occupancy allowed as a special exception: **3-0-2** (Peter G. May, John G. Parsons, James H. Hannaham, to grant, Anthony J. Hood, and Carol J. Mitten to deny).

Vote on Remainder of Final Rulemaking Text

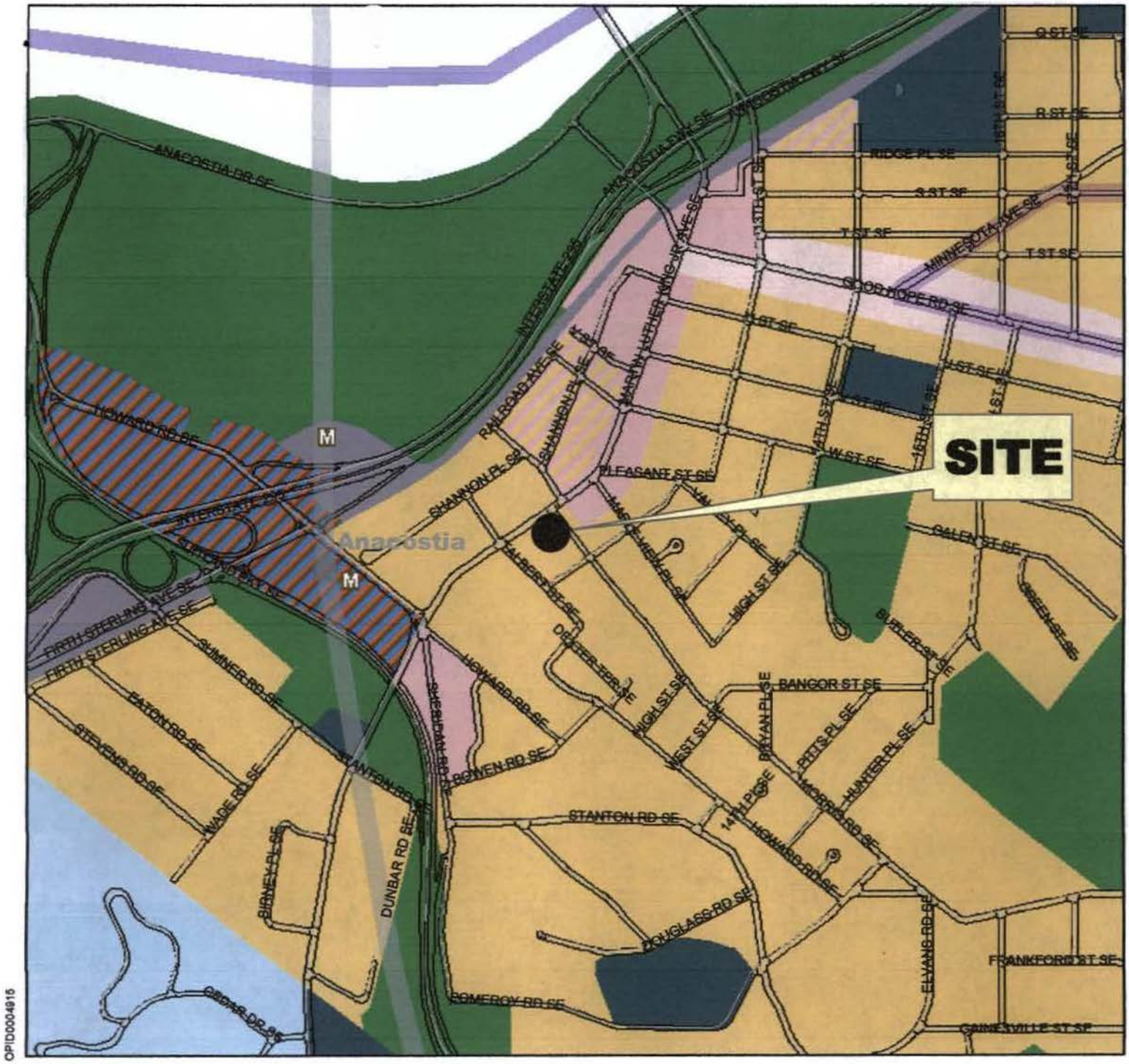
Vote of the Zoning Commission taken at its public meeting on June 9, 2003, to approve: **5-0-0** (Carol J. Mitten, Peter G. May, John G. Parsons, James H. Hannaham, and Anthony J. Hood to approve).

ATTACHMENT 3

EAST OF THE RIVER CORPS
PARKING CALCULATIONS

USE	DETERMINANT	REQUIREMENT	SPACES TO BE PROVIDED
Retail	4,100 sq. ft.	1 space/300 sq. ft. over 3,000 sq. ft.	4 spaces
Daycare	10 staff	1 space/4 teacher and staff	3 spaces
Church	127 seats	1 space/10 seats	13 spaces
Community Center	26,889 sq. ft.	1 space/10 seats for the first 10,000 sq. ft[1] 1 space/20 seats above 10,000 sq. ft.	142 spaces 120 spaces *262 spaces*
TOTAL			**282 spaces**

[1] Where there are no fixed seats in a community center, each seven square feet is considered a seat.



Comprehensive Plan Map
Zoning Commission 04-35
2302-2310 Martin Luther King, Jr. Avenue, SE

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★ ★ ★ Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ January 10, 2005

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Generalized Land Use Key

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med.-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment

Attachment 4