

COMMITTEE OF 100 ON THE FEDERAL CITY

Zoning Commission for the District of Columbia
441 Fourth Street, NW, Suite 220-South
Washington, DC 20001

Re Case No 05-02 (Text Amendment—Residential Recreation Space)

Ladies and Gentlemen.

I am Laura Richards, appearing on behalf of the Committee of 100 on the Federal City in opposition to the proposed amendments. Thank you for this opportunity to address this important issue bearing on the quality of urban residential life.

In 1974 the Zoning Commission authorized the creation of mixed commercial and residential use districts (the CR zone), and required, among other provisions, that residential uses should include "private residential space . . . suitably equipped and devoted to active or passive recreation for the residents of a particular residential building or structure." ZC Case 74-8, No. 108 (Dec. 23, 1974), slip op at 27. Such space could be "located at ground level, on or above the residential plane, on rooftops, or within the building or structure of structure, provided that 70% of the total of such space shall be open to the sky." *Id.* The regulations also mandated recreational space in residential uses in commercial zones. Over the years, decisions of the Commission and Board of Zoning Adjustment have chipped away at this mandate.

In 2001, for instance, the Commission reduced the requirement for recreational space in the C-2-C and C-3-C districts within the Downtown Development Overlay District from, respectively, 15 and 10 percent of residential use space to 5 percent. ZC Case 99-30, No. 943 (July 26, 2001). The amendment was adopted to make housing opportunities in the DD district more competitive with those in C-4, which had a 5 percent requirement. The Commission decided that recreational needs could be met through "numerous public recreation activities available downtown," and observed that the presence of downtown residents on the public streets "increases security." Slip op at 2.

In addition to grants of broadly applicable relief, the Commission in PUD applications, and the Board of Zoning Adjustment through special exception requests, have routinely allowed applicants to provide less space than the regulations contemplate. An examination of approximately 70 orders in individual applications reveals only two denials. We acknowledge that the requests for relief have met little or no opposition, and that many applications have been warmly supported by the affected community. A typical order reads:

It is impractical for a variety of reasons for the applicants to provide the required residential recreation space. First, the . . . space can only be provided at the expense of more important and desirable amenities and factors to the customers and community, including design, retail space, and off-street parking.

ZONING COMMISSION
District of Columbia
CASE NO. 0502
EXHIBIT NO. 17

Providing the required level of residential recreation space will needlessly increase costs to the customers without providing a valued or desired amenity

BZA Consolidated Cases 16141 and 16148 (Findings of Fact 24-25). (The application was supported by ANC 2F and the Logan Circle Association)

The instant case proposes to routinely allow the reduction or elimination of the recreational space requirements in CR and in lower-density commercial zones still subject to a 15 to 20 percent requirement. The proposed amendments essentially will codify the actual practice of recent years.

The Committee of 100 believes the regulation should provide that in commercial districts subject to a 15 percent or greater requirement, at least 15 percent should be provided. Recognizing that certain sites are subject to height, historic or other constraints, we would grant relief by allowing the required amount of space to be provided offsite, but within the same square. This was done in at least one case, where the residents of building were granted keycard access to the recreational facilities in a nearby building.

Why bother? Why not let the new urbanites join health clubs, jog the streets, visit the parks? Individual grants of relief from recreation space requirements raise barely a ripple. The cumulative loss of such space eventually harms the quality of life. By analogy, consider side yard encroachments. One trellis, carport or overlarge addition can be absorbed, but if everyone seeks relief from the rule, time will turn an R-1-B blockface with eight foot side yards into a rowhouse neighborhood.

The loss of recreation space at any particular building poses no great harm. But once the relief becomes habitual—when the special exception becomes the rule—it is only a matter of time before the cumulative loss of space has measurable negative impacts. The concerns of the Q Street Association, who raised this issue at least a year ago, merit close attention. They are living in a neighborhood where residential density is increasing, and relief from recreational space requirements is the norm. Their message is that the absence of adequate space may be a minor concern at the moment one signs the lease or the mortgage, but becomes a growing irritant on a day-to-day basis.

This situation will result in increasing demands on the resources of the D.C. Department of Parks and Recreation (along with providing market opportunities for sports clubs and other private facilities). The residential real estate market is shifting the responsibility to provide recreational space to the public sector. This amounts to a public subsidy without benefit of public debate.

The Zoning Regulations contemplate that public recreation facilities will be supplemented by private space associated with a particular dwelling structure. The Commission has noted

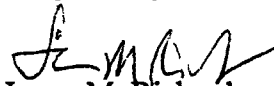
Single family dwellings and flats, regardless of their location, provide recreation space which is largely independent and self-sufficient. Lot occupancy and yards are designed to insure that such dwelling are provided with private outdoor recreation space [along with and interior spaces, i.e., dens and rec rooms]. Apartment buildings, however, can be

constructed without providing adequate recreation space even while complying with all zoning requirements *It is this situation which, the residential open space requirements were designed to correct "*

ZC Case 79-4, Order 293, slip op. at 2 (Oct. 11, 1979) (emphasis added).

The current regulations and various precedents acknowledge the importance of recreation space as an adjunct to residential property. The proposed amendments create a presumption in favor of avoiding the requirement. As stated above, the Committee supports a 15 percent requirement with nearby transfers. That proposal is not before the board. Until it is, the regulations should stay as they are

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Laura M. Richards', written in a cursive style.

Laura M. Richards
Vice-Chair