

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

DISTRICT OF COLUMBIA
OFFICE OF PLANNING

MEMORANDUM

CASE NO. 05-02
SUBJECT: RECREATION SPACE

DATE: February 14, 2005

TO: District of Columbia Zoning Commission

FROM: *ESPV*
Ellen McCarthy, Interim Director OP

SUBJECT: Zoning Commission Case No. 05-02 - Residential Recreation Space Text Amendment

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I. APPLICATION-IN-BRIEF

Applicant: District of Columbia Office of Planning

Location: All properties within the District zoned SP, C or CR, for which the zoning regulations currently require the provision of residential recreation space

Proposal: A text amendment to the Zoning Regulations to

- (a) Establish a special exception review process for the provision of relief to residential recreation space requirements in the SP, C and CR zone districts, and
- (b) Amend existing residential recreation space requirements to provide additional clarity and consistency.

This report also serves as the pre-hearing statement as required under Section 3013.

II. RECOMMENDED ACTION

In keeping with ongoing efforts to update and clarify Zoning Regulations, the DC Office of Planning recommends that the Zoning Commission set down for public hearing proposed zoning text amendments to amend the following provisions of DCMR 11:

- roof-top structure requirements of Chapter 4, Section 411 to allow incidental and accessory roof-top enclosed area for residential recreation space (at present, such uses are permitted for swimming pools only);
- residential recreation space provisions of Chapters 5 (Special Purpose District - SP), 6 (Mixed Use Commercial Residential District - CR), and 7 (Commercial District - C) to add clarity and consistency, to reduce the minimum dimension for roof-top recreation space from 25' to 8', and to establish a special exception process and review guidelines for residential recreation space requirements; and
- Board of Zoning Adjustment Rules of Practice and Procedure provisions of Chapter 31 to add a special exception process for relief from residential recreation space requirements.

III. BACKGROUND

As part of broad amendments to the zoning regulations to provide for residential or mixed-use development within the commercial (C and CR) and special purpose (SP) districts, requirements for the provision of recreation space were added to the zoning regulations in the 1970's. It appears that the

intent was to insure that residents within these higher density commercial zoned areas were provided with opportunities for both indoor and outdoor physical recreation, although it also appears that the issue did not receive much discussion at the time. The amount of such space required varies from zone to zone, ranging from 5 to 20 percent of the total gross residential floor area. There is no equivalent requirement in the residential (R) zone districts.

For many years following their adoption, these regulations rarely applied. There was limited residential or mixed-use development proposed within the commercial zones, partly because of a stronger market for office space and lack of demand for housing in commercial areas. However, in more recent years, the District has seen a strong resurgence in housing demand and there have been many residential or mixed-use projects proposed and constructed within the commercial districts

For a wide variety of reasons, the residential recreation space provisions have proven difficult in many instances. The Board of Zoning Adjustment (BZA) and the Zoning Commission have also reviewed and approved many requests for relief from the requirement (a list of recent BZA approvals is provided in Attachment V). The difficulty in providing this space was first addressed by the Zoning Commission in 2001 with amendments to reduce the requirement to 5% within the Downtown District (DD) Overlay (Zoning Commission Order 943). As noted in the Order, this was in recognition of:

- the 15% recreation space requirement within the C-2-C and C-3-C Districts within the DD Overlay District was considered unduly burdensome, particularly when compared to the 5% requirement within the C-4 and C-5 Districts of the DD;
- the numerous public recreational, cultural, entertainment, and retail opportunities available in the Downtown area,
- recreation space on the inside of buildings could reduce Downtown vibrancy and safety ("eyes on the street"), particularly if ground floor recreation space limited retail development within the building;
- the resulting reduction in number of dwelling units that could otherwise be built on a site, and
- high land costs in the Downtown, making the provision of ground level open space prohibitively expensive.

A reduction to the required amount, also to five percent, was also approved as part of the Southeast Federal Center (SEFC) Overlay District for similar reasons, as well as because of the provision of a major new waterfront park by the master developer

As a result of the difficulty in meeting these requirements, there have been requests from the Zoning Commission, the Board of Zoning Adjustment (BZA), and the public to review and amend these regulations to be more in line with current standards and expectations. The Office of Planning (OP) and the District Department of Parks and Recreation (DPR) have initiated work to address this as part of a broader initiative on the part of DPR to assess park and recreation space needs and provision throughout the District. A comprehensive review of residential recreation space requirements is anticipated following completion of this study in about one year. However, specific problems associated with certain aspects of the regulations have been identified.

OP is therefore proposing an interim measure at this time, to amend specific regulations to provide some measure of consistency and ease of use, and to provide for a special exception process for relief from current regulations. Pending completion of the DPR review, OP is not at this time proposing changes to the amount of recreation space required.

IV. CONTEXT / EXISTING REQUIRMENTS – refer also to Map Appendices I and II

As shown on the Appendix I map, SP, CR and C zones are found throughout the city, although they are concentrated in the downtown and along major traffic corridors. Each of these zones has a recreation space requirement, although it varies from zone to zone, from a low of 5% to a high of 20% of gross residential area, as shown on Appendix II map. The following chart summarizes current requirements (a more detailed zone-by-zone analysis is provided in Attachment III).

Chart I –Recreation Space Requirement (all land areas are approximate)				
applicable zone	requirement	total developable area		% of total developable area
		sq.ft.	acres	
C-1, C-2-A ¹	20%	28,475,000	653	32.0%
C-2-B, C-2-C, C-3-A, CR	15%	20,240,000	465	22.8%
C-3-B, C-3-C, SP-1, SP-2	10%	26,480,000	608	29.8%
DD/C-2-A, DD/C-2-C, DD/C-3-A, DD/C-3-C, C-4, DD/C-5, SEFC/CR	5%	13,690,000	314	15.4%
TOTAL		88,885,000	2,040	100.0%
DISTRICT (total land area):			39,296	

There is over 2,000 acres of developable land (net of roads and public parks) in these zones. Although these zones account for only about 5% of the total land area of the District, they represent many of the areas in which development is both likely and desirable. 85% is in the Commercial (C) zones, with almost 1/3 within the relatively low-density C-1 and C-2-A zones spread throughout the District along major corridors.

Much of it, particularly in the downtown core, is already developed at or close to the maximum permitted by the zoning and is not anticipated to undergo redevelopment in the near future. However, a significant amount of land, especially in the lower density commercial zones outside the downtown, is either undeveloped or underdeveloped. Additional upper story residential space is permitted and increasingly desirable, in areas where the District is encouraging improved streetscape, safety, business development, and vibrancy. The District is also experiencing some conversion of existing downtown space from commercial to residential use, for which the residential recreation space must be provided. If even only 10% of the C / CR / SP zoned land was to be redeveloped as residential to the maximum amount permitted, this would result in 50 million square feet of new residential development (about 45,000 units) of which close to 6 million square feet would be required residential recreation space (equivalent to over 5,000 residential units).

V. CONSULTATION

As a way to initiate this process, OP contacted a number of area architects, builders, and land use lawyers who have dealt with this requirement through building permit and BZA variance applications. A meeting was held October 22, 2004, at which District Staff from DPR and the Office of the Attorney General also attended, and representatives from the Architectural Institute of DC and the most impacted wards (Wards 1, 2 and 6) were also invited. This very productive meeting brought forward many of the issues and problems faced in meeting this requirement. These included:

¹ Amount includes any land that is in an overlay that does not alter residential recreation space requirements

- Development in areas zoned to require residential recreation space, such as downtown and along major corridors, often targets a demographic of single professionals, couples, and empty nesters, for whom internal recreation space is not a priority. Rather, such users tend to value proximity to a wider range of shared social and recreation opportunities, ranging from gyms and parks to restaurants and neighborhood pubs along active, urbane streetscapes;
- Meeting requirements on small or irregular sites or in small buildings is difficult, due to service core constraints,
- Meeting requirements in existing buildings being converted to residential use, especially when the building is historic or within a historic district, is particularly difficult, due to design and structural constraints;
- Mechanical penthouse requirements, roof access requirements, height limits, and zoning and code setback requirements, such as the 25' minimum width for roof-top recreation space, restrict the ability to provide roof top space;
- Cost associated with the BZA variance process to obtain relief from the regulations, in terms of both application costs and time.
- Requirements and regulations vary from zone to zone, making them more difficult to interpret

The participants made a number of general and specific recommendations for changes to make the regulations easier and more effective to implement. These included:

- Keep the regulations simple and easy to use and understand, and as certain as possible,
- Find ways to reduce the costs associated with BZA applications for relief from the regulations,
- Reduce the amount required, through such means as a cap on the maximum amount required, or reducing the requirement for smaller buildings;
- Permit credit for the provision of private recreation space (balconies, terraces, decks);
- Allow enclosed accessory space associated with the roof-top recreation space;
- Eliminate or reduce the 25' minimum width requirement; and
- Recognize neighborhood public open space and recreation opportunities as highly interrelated in terms of determining the health and welfare of all residents

VI. PLANNING AND ZONING ISSUES

Prior to the meeting with land use experts, OP reviewed recent BZA cases in which variances from this regulation were requested. OP identified 29 requests since 2001, all of which were approved by the BZA. There were no instances of a BZA request for relief being denied. As noted in the chart Appendix IV, these projects, had they fully met this requirement, would have collectively provided almost 430,000 square feet of residential recreation space (equivalent to almost 10 acres) for 2,850 residential units, an average of almost 15,000 square feet per building, or 166 square feet per unit. Put another way, at the average unit size of 1,087 square feet per unit, the recreation space would be the equivalent of almost 400 residential units. Through the variance process, the projects provided an average of about 6,400 square feet of residential recreation space per building, or 64 square feet per unit.

While the need for residents of urban, multi-unit buildings to have access to both active and passive recreational opportunities is clear, the question is whether the existing regulations provide the amount

and type of recreational opportunities valued by residents, and whether they add to or detract from broader District goals and objectives. Providing residential recreation space within the building can have many direct and indirect impacts on quality of life. If the space is extensively used, it can add to the physical and social well-being of residents and provide an improved sense of satisfaction with living conditions in the city. However, such space can also limit opportunities for neighborhood interaction and the establishment of local businesses. It can also be a financial drain on residents of the building, since construction and maintenance of this space adds to the cost of each unit – sale costs, condo fees and rental fees. A summary of rationale presented for the approval of relief from the regulation in the 29 BZA cases noted above is provided as Attachment VI.

VII. PROPOSAL IN BRIEF – refer also to Attachment VI

OP is proposing an interim measure with relatively minor amendments to the residential recreation regulations to alleviate some of the difficulties. A more comprehensive review of residential recreation space needs and regulations will be undertaken following the completion of a DPR study of existing and future park and recreation facility needs. DPR expects the study to be completed in approximately one year.

At this time, OP is proposing an option for Special Exception relief from these regulations to augment the current variance process, including a set of review criteria:

- type and location of proposed recreation space,
- provision of private outdoor space such as balconies, decks and patios (as applicable),
- compliance of the other specific overlay requirements for arts or retail space within the building,
- neighborhood park and recreation facilities for which Department of Parks and Recreation comment on potential impact of the development would be required, and
- site or building constraints such as size, ADA or code requirements, conversion, or historic factors

Other proposed changes include:

1. Reduction of the rooftop recreation dimension requirement from 25 feet to 8 feet. This regulation is particularly difficult to meet on smaller lots that have a small building footprint / roof area.
2. An amendment to Section 411.1 (Roof Structures) to permit penthouses for storage and washrooms for all forms of rooftop recreation space (whether required by zoning regulation or not), not just swimming pools as is currently the case. This is proposed to provide desired flexibility for the provision of normally anticipated and functional accessory spaces associated with rooftop leisure and recreation space. Such space would be subject to all other normally applied regulations pertaining to rooftop enclosures, including height, setback, and maximum area.
3. Currently, the CR regulation differs from those for the SP and C zones. The CR regulations were adopted separately and earlier, and permit private recreation space such as balconies and terraces to be included in the total required amount, whereas such space cannot be counted in residential recreation space requirements in the SP and C zones. OP is not proposing to change this formula at this time, but is proposing that a number of more detailed provisions currently in the SP and C zones be also incorporated into the CR zone for consistency, such as to permit a privacy screen parapet wall of 5 feet; to establish a minimum dimension for roof-top recreation space, and to make explicit that recreation space is not included in calculations to determine parking needs.

- 4 A number of wording clarifications and reordering of clauses, which do not substantively change the regulations, are proposed to add clarity and provide for more consistency between zones.

OP's suggested changes are shown incorporated into Proposed Amendments, Attachment VII, in which additions are marked in **bold, underlined text** and deletions in **~~bold, strike-through text~~**. A brief description of changes is included, and where the change is simply a reordering, the existing Section number is noted.

VIII. COMPREHENSIVE PLAN

As the proposal would not amend permitted land use patterns or permitted density, the proposal would not have a significantly impact on Comprehensive Plan goals and objectives. However, by encouraging the provision of more housing and more effective recreation space, the proposal could further the following major themes of the Comprehensive Plan, as outlined and detailed in **Chapter 1 - General Provisions Element**

- 101.1 (a) *Stabilizing and improving the District's neighborhoods* – The proposal would somewhat alleviate what can be viewed as a disincentive to develop in parts of the city where additional development would be in keeping with District goals and objectives.
- (c) *Developing a living downtown* – the proposal would further recognize the goal of providing additional housing within and adjacent to the downtown, as well as on major metro and vehicular routes which have direct access to downtown amenities
- (d) *Preserving and promoting cultural and natural amenities* – the proposal would encourage the evaluation of neighborhood park and amenity need, and allow an applicant to work with the Department of Parks and Recreation to assess neighborhood level recreation opportunities provided and needed.
- (e) *Respecting and improving the physical character of the District* – the proposal would, through the special exception criteria proposed, encourage the provision of safe and effective internal recreation space, while allowing consideration of the provision of streetscape level amenities for the residents and the broader neighborhood to be considered in the evaluation of relief requests.
- (f) *Preserving and ensuring community input* – the proposal does not remove the recreation space requirement, but establishes an alternate public special exception process for which ANC review and a public hearing are required.
- (g) *Preserving the historic character of the District* – the proposal allows the consideration of the historic status of a building and its neighborhood in evaluating relief requests,
- (i) *Promoting enhanced public safety* – the proposal, in effect, encourages the provision of alternatives to private, enclosed recreations space where warranted, to encourage more and better use of the Districts public spaces and local businesses. With more use comes more “eyes on the street” and a greater sense of ownership, belonging, and safety

The proposal also indirectly supports a number of Comprehensive Plan objectives related to the provision of housing, historic preservation, and land use.

Chapter 3 Comprehensive Plan: Housing Element

302 Housing: General

302.1 The general objectives for housing are to stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the types of housing needed at desired locations

Chapter 8 Comprehensive Plan: Preservation And Historic Features Element

801 Goals And Objectives

801 1 The new preservation and historic features goal for the District is to preserve the important historic features of the District while permitting new development that is compatible with those features.

Chapter 11 Comprehensive Plan: Land Use

1100 Declaration Of Major Policies

1100.2 District neighborhoods are the cornerstones of the District's social and physical environments.

- (a) Land use policies must ensure that all neighborhoods have adequate access to commercial services within the District and sufficient housing opportunities to accommodate a range of needs. These policies must also ensure that the historic, cultural, and design qualities that make neighborhoods unique and desirable are maintained and enhanced. Adequate recreational opportunities and access to cultural and educational facilities are also necessary ingredients of neighborhood vitality; and

IX. AGENCY REFERRALS

This application will be referred to the following District government agencies for review and comment:

1. Department of Parks and Recreation (DPR),
2. Department of Consumer and Regulatory Affairs (DCRA).
3. Department of Health (DOH),
4. Department of Public Works (DPW);
5. Department of Transportation (DDOT),
6. DC Public Schools (DCPS);
7. Fire and Emergency Medical Services Department (FEMS),
8. Metropolitan Police Department (MPD); and
9. Water and Sewer Agency (WASA)

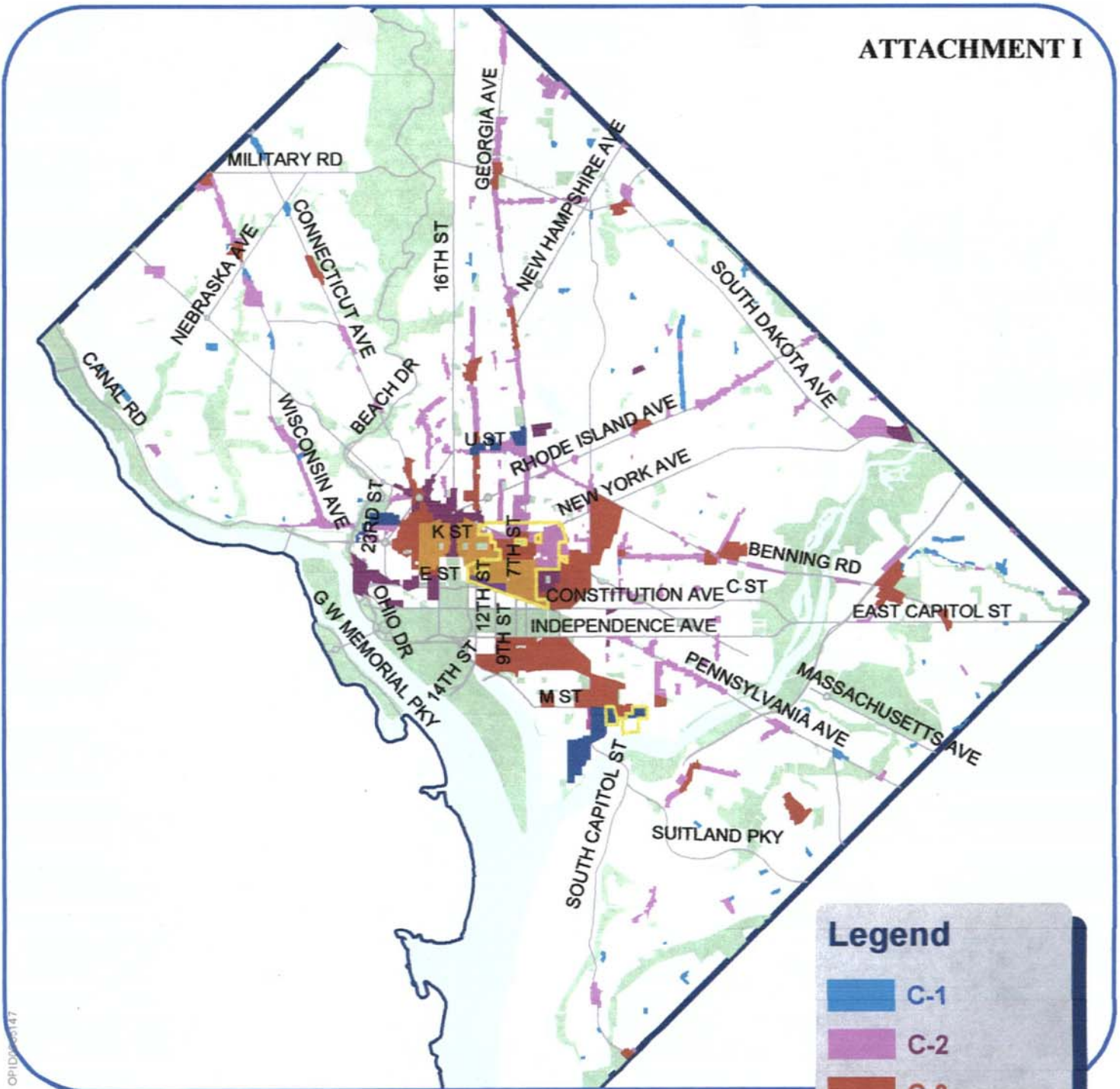
X. SUMMARY AND RECOMMENDATION

The Office of Planning recommends that the Zoning Commission set down for public hearing this proposed text amendment to the zoning regulations residential recreation space requirements

EM/jl

ATTACHMENTS:

- I Map showing SP, C and CR zone districts
- II Map showing areas where residential recreation space is required, by amount required
- III Chart showing analysis of land area and recreation space requirements by zone
- IV Chart showing data on 29 recent projects for which relief from this requirement was obtained
- V Chart showing rationale presented by applicants for relief from this requirement
- VI OP suggested amendments, for discussion



Zones with Residential Recreation Space Requirement

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District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ February, 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.

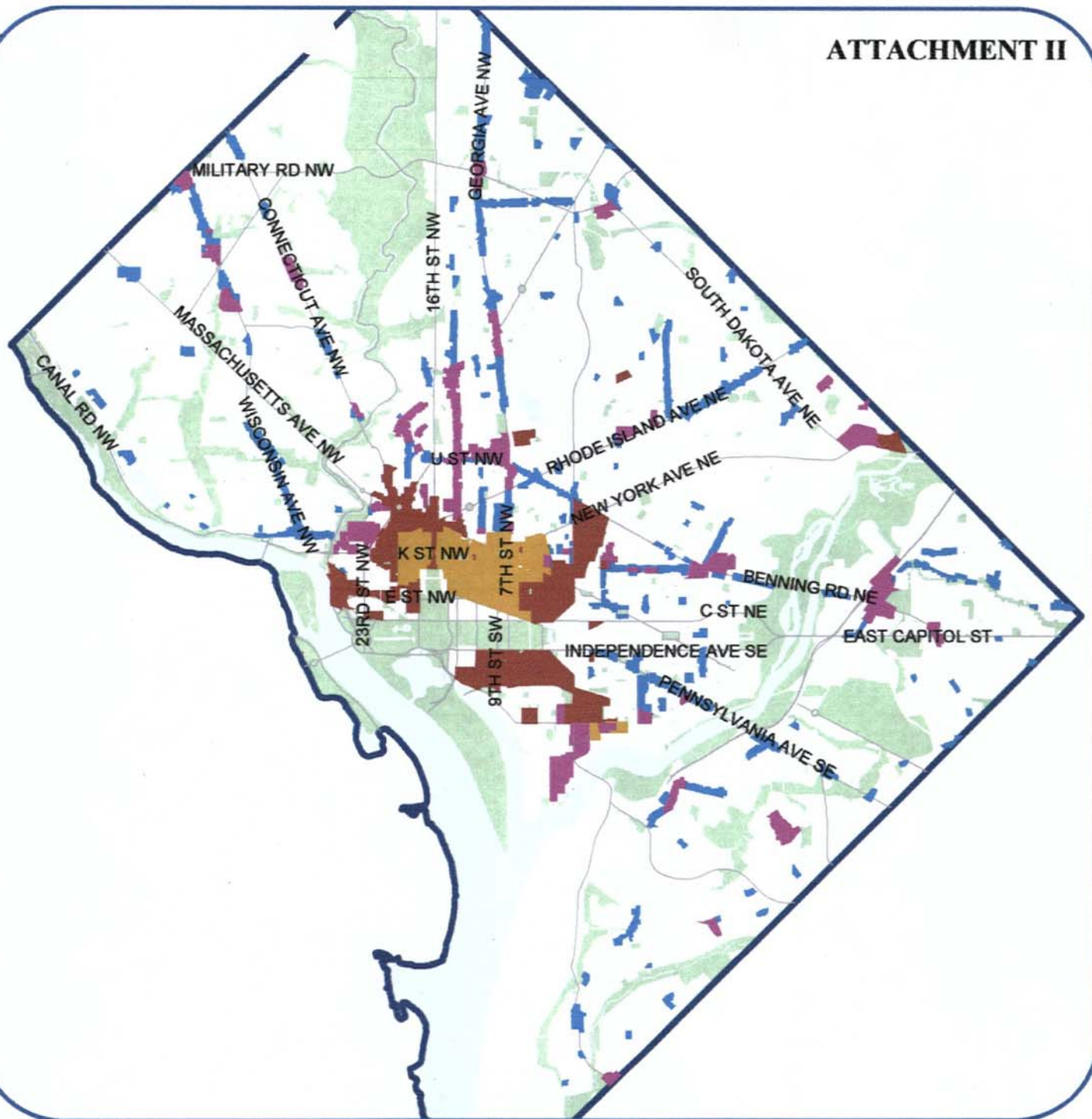


0 0.5 1 2 Miles

Legend

- C-1
- C-2
- C-3
- C-4
- C-5
- CR ZONING
- SP ZONING
- DD Overlay
- SEFC Overlay
- Parks

OPI00005143



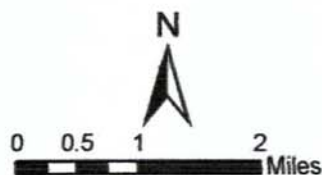
Residential Recreation Space Zone Requirements

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should be verified with them where appropriate.



Legend

- 20 Percent Required
- 15 Percent Required
- 10 Percent Required
- 5 Percent Required
- Parks
- Water

Zone	Total land area		PUD Residential; No Commercial		Recreation space required		PUD Residential Max Commercial		Rec. space sq.ft.
	sq.ft.	acres	FAR	sq.ft.	Percent	sq.ft.	FAR	sq.ft.	
C-1	5,475,000	125.7	1.0	5,475,000	20.0%	1,095,000	0.0	0	0
C-2-A	23,000,000	528.0	3.0	69,000,000	20.0%	13,800,000	1.0	23,000,000	4,600,000
DD/C-2-A	55,000	1.3	3.0	165,000	5.0%	8,250	1.0	55,000	2,750
C-2-B	5,680,000	130.4	6.0	34,080,000	15.0%	5,112,000	4.0	22,720,000	3,408,000
C-2-C	1,285,000	29.5	6.0	7,710,000	15.0%	1,156,500	3.5	4,497,500	674,625
DD/C-2-C	2,715,000	62.3	6.0	16,290,000	5.0%	814,500	3.5	9,502,500	475,125
C-3-A	9,625,000	221.0	4.5	43,312,500	15.0%	6,496,875	1.5	14,437,500	2,165,625
DD/C-3-A	30,000	0.7	4.5	135,000	5.0%	6,750	1.5	45,000	2,250
C-3-B	880,000	20.2	5.5	4,840,000	10.0%	484,000	1.0	880,000	88,000
C-3-C	17,050,000	391.4	8.0	136,400,000	10.0%	13,640,000	0.0	0	0
DD/C-3-C	1,285,000	29.5	8.0	10,280,000	5.0%	514,000	0.0	0	0
C-4; DD/C-4	8,465,000	194.3	10.5	88,882,500	5.0%	4,444,125	0.0	0	0
DD/C-5	440,000	10.1	12.0	5,280,000	5.0%	264,000	0.0	0	0
CR	3,650,000	83.8	8.0	29,200,000	15.0%	4,380,000	4.0	14,600,000	2,190,000
SEFC/CR	700,000	16.1	6.0	4,200,000	5.0%	210,000	3.0	2,100,000	105,000
SP-1	2,270,000	52.1	4.5	10,215,000	10.0%	1,021,500	1.0	2,270,000	227,000
SP-2	6,280,000	144.2	6.5	40,820,000	10.0%	4,082,000	2.0	12,560,000	1,256,000
TOTAL	88,885,000	2,040.5		506,285,000		57,529,500		106,667,500	15,194,375

Analysis:

Note that all land areas and resulting development square footages are approximate and rounded.

Collectively, zones requiring recreation space amount to almost 89 million square feet of developable land (total land zoned, minus road rights-of-way and designated park space). Of this.

- Most of the land is within the "C" zone districts (85%). 5% is within the CR and 10% is within the SP Districts
- About 1/3 is within the low density C-1 and C-2-A zones which require the highest percentage (20%) of recreation space. These zones are largely located along commercial corridors outside the downtown area,
- 15% of the land requires only 5% residential recreation space (mostly in or close to the downtown area), 30% of the land requires 10%, 23% requires 15%.
- The DD and SEFC Overlays reduce the amount of residential recreation space to 5% from the otherwise greater amount, affecting some 314 acres of land.

OP did not determine how much of this land is fully developed, under developed, vacant, or likely to be redeveloped. As such, OP was not able to determine how much additional residential development is possible or likely. In the unlikely event of all of the land within all of these zones being redeveloped.

- Maximum permitted residential development under PUD would be over 500 million square feet, requiring over 57 million square feet of residential recreation space
- By-right development, i.e. without a PUD, would amount to approximately 420 million square feet of residential space of which 47 million square feet would be required recreation space
- All of these zones permit some or all of the permitted FAR to be commercial development. If redevelopment maximized the amount of commercial space with the remainder of the permitted FAR constructed as residential, about 106 million square feet of new residential space would be possible, of which 15 million square feet would be required recreation space. By right development would result in slightly less – about 98 million square feet of new residential of which 13 million square feet would be required recreation space

Residential Recreation Space

SUMMARY CHART OF PROJECTS FOR WHICH THE BZA GRANTED RECREATION SPACE RELIEF BETWEEN 2001 AND 2004

		# of res'l units	lot area sq.ft.	resid'l sq.ft.	rec space required		roof area	other area	rec space proposed			per unit (sq.ft.)	
					%	area			total area	% res'l area	% of required	required	provided
5% Required Rec Space (5 cases):	TOTAL	338	50,668	408,025		20,401	2,272	2,924	5,196	1.3%	25.5%		
	AVERAGE	68	10,134	81,605	5.0%	4,080	454	585	1,039	1.5%	29.7%	66	21
15% Required Rec Space (22 cases):	TOTAL	2,446	624,811	2,590,025		388,504	49,868	120,699	170,567	6.6%	43.9%		
	AVERAGE	116	28,401	117,728	15.0%	17,659	2,267	5,486	7,753	6.2%	41.0%	179	68
20% Required Rec Space (2 cases):	TOTAL	74	28,071	104,774		20,955	6,092	3,846	9,938	9.5%	47.4%		
	AVERAGE	37	14,036	52,387	20.0%	10,477	3,046	1,923	4,969	10.5%	52.5%	284	132
TOTAL (29 cases):	TOTAL	2,858	703,550	3,102,824		429,860	58,232	127,469	185,701	6.0%	43.2%		
	AVERAGE	102	24,260	106,994	13.6%	14,823	2,008	4,395	6,403	5.6%	39.9%	166	64

BZA Cases for which 5% Residential Recreation Space Was Required:

16757 (910 F Street NW); 16809 (Gallery II); 16865 (918 G Street NW); 16681 (675 E Street SW); 16897 (717 6th Street NW)

BZA Cases for which 15% Residential Recreation Space Was Required:

16596 (770 5th Street NW); 16641 (12th & Mass. Ave. NW); 16687 (25th and M St. NW); 16700 (Sq 529, south of H St. NW); 16726 (13th and U Streets NW); 16737 (525 & 575 Mass Ave NW); 16832 (2045 14th Street NW); 16841 (1440 Church Street NW); 16848 (1425 P Street NW); 16907 (1522 14th Street NW); 16914 (1444 Church St. NW); 16999 (14th & Church St. NW); 17001 (14th & Irving St. NW); 17009 (1700 Kalorama Road NW); 17029 (14th and Irving Streets NW); 17115 (1445 Church Street NW); 17137 (1515 15th Street NW); 17183 (1529 14th Street NW); 17191 (1648 14th Street NW); 17197 (1401 Q Street NW); 17207 (1515 14th Street NW); 17224 (Pennsylvania & Potomac SE)

BZA Cases for which 20% Residential Recreation Space Was Required:

17156 (1414 22nd Street NW); 17198 (701 Lamont Street NW)

Note - There Were NO BZA Cases for which 10% Residential Recreation Space Was Required.

All BZA Cases Studies Were Approved Between 2001 and 2004.

MAJOR RATIONALE FOR REQUESTS FOR RELIEF

Rationale:	Percentage of cases:
Neighborhood Amenities	66.7%
Small / Oddly Shaped Lot	63.0%
Existing Building / Adaptive Reuse	55.6%
Private Outdoor Area Provided	48.1%
Roof Egress / Height Limits	48.1%
Historic Design Constraints	48.1%
Residential Space Loss	44.4%
Providing Appropriate Amount	40.7%
Roof Size / Layout Constraints	37.0%
Code / Structural	37.0%
Ground Floor Retail	33.3%
User Demographic Change	22.2%
Streetscape / Promote Vitality	22.2%
Lot Occupancy - No Outdoor Area	22.2%
Easement / Infrastructure Create Limits	22.2%
Parking Space Loss	22.2%
Maintenance Costs / Fees	18.5%
In Line With DD	18.5%
Would Be In Unsafe / Undesirable Area	14.8%
Arts / Cultural Space	11.1%
Water Table	11.1%
Storage Space Loss	7.4%

Regulation	Current #	Change
CHAPTER 1 DEFINITIONS		
Residential recreation space - an area on the lot or within the building or other structure that is equipped or landscaped for recreational use by the residents of the building or other structure and is freely accessible to the residents (24 DCR 10787)	199 1	Unchanged
CHAPTER 4 RESIDENCE DISTRICTS: HEIGHT, AREA, AND DENSITY REGULATIONS		
411 ROOF STRUCTURES (R)		
411 1 To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses, and, when not in conflict with An Act To Regulate the Height of Buildings in the District of Columbia, approved June 10, 1910 (36 Stat. 452, as amended, D C Code, 2001 Ed §§ 6-601 01 to 6-601 09 (formerly codified at D C Code §§ 5-401 to 5-409 (1994 Repl & 1999 Supp.))), penthouses for storage and toilets incidental and accessory to roof swimming pools <u>or recreation space</u> shall be subject to conditions and variable floor area ratio credit specified in this section	411 1	To allow incidental and accessory enclosed space associated with rooftop recreation space
CHAPTER 5 SPECIAL PURPOSE (SP)		
533 RESIDENTIAL RECREATION SPACE (SP)		
533.1 When all or a portion of a building in an SP District is devoted to a residential use other than a <u>one-family dwelling, flat, or hotel, residential</u> recreation space shall be provided	533.1	Clarify that it is not required for a SFD or flat; make wording consistent
533.2 An area equal to not less than ten percent (10%) of the gross floor area devoted to residential use shall be provided as residential recreation space, in accordance with the provisions of. §§ 533 3 through 533 10	533 3 and 533.4	Amount unchanged; moved and numbering corrected
533 3 Residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within a building or ~~other~~ structure	533 5	Minor wording change for consistency
533 4 No less than fifty percent (50%) of the total residential recreation space shall be outdoors	533 9	Unchanged
533.5 The recreation space shall be safe, secure, and equipped or landscaped for the active or passive recreation use of the residents	533 2	Unchanged
533 6 The area of a balcony shall not be counted to satisfy the residential recreation space requirement of a building where the balcony, or portion of it, adjoins an individual residential unit and is accessible only from that unit	533 6	Unchanged
533 7 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft) in height.	533 7	Unchanged

Regulation	Current #	Change
533.8 ~~If a~~ Any portion of a roof is to be used for residential recreation space, ~~the roof area~~ shall have no dimension less than ~~twenty-five eight (8) feet (25 ft.)~~ .	533 8	Reworded for clarity, and reduce width from 25 to 8 feet minimum
533.9 Residential recreation space shall be physically accessible to all residents of the building served by that space	533 10	Unchanged
533 10 The floor area devoted to residential recreation space shall not be counted in determining the amount of off-street parking spaces or loading berths	533.11	Unchanged
<u>533.11 The Board of Zoning Adjustment is hereby authorized in accordance with the requirements of § 3104 for special exceptions to reduce or eliminate the amount of residential recreation space required; provided that the provisions of §§ 533.12-533.13 are satisfied.</u>	New	New special expectation provision
<u>533.12 The Board shall give consideration to the following.</u>	New	BZA considerations
(a) <u>Nature and location of residential recreation space being provided on-site;</u>	New	Allows consideration of nature of space itself
(b) <u>Presence of private outdoor space within the project, such as balconies, decks, or patios;</u>	New	Allows consideration of provision of private space
(c) <u>Nature and location of park and recreation opportunities in the immediate neighborhood. The impact of the project on neighborhood park and recreation facilities shall be found to be acceptable or capable of being mitigated;</u>	New	Allows consideration of neighborhood amenity levels
(d) <u>Compliance of the residential recreation space being provided with other regulations of this section;</u>	New	Compliance with 533.3-533.10
(e) <u>Overlap requirements for retail or arts space within the building; and</u>	New	Allows consider public use requirements of applicable overlays
(f) <u>Constraints associated with the building or site that limit the ability to provide residential recreation space within the building or on the site, including ADA or building code restrictions, the conversion of an existing building from another use, and historic structure or small or irregular lot constraints.</u>	New	Allows BZA to consider special site or building constraints
<u>533.13 Prior to taking final action on an application, the Board shall refer the application to the Office of Planning and the D.C. Department of Parks and Recreation for assessment of the impact of the proposal on park and recreation facilities within a half-mile radius of the project site.</u>	New	Required DPR review and assessment to assess potential impact and proposed mitigation

Regulation	Current #	Change
CHAPTER 6 MIXED USE COMMERCIAL RESIDENTIAL (CR)		
635 RESIDENTIAL RECREATION SPACE (CR)		
635.1 ~~For the purposes of this section, the phrase “residential purposes” shall include~~ <u>When all or a portion of a building in a CR District is devoted to a residential use, including dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities, private residential recreation space¹ shall be provided.</u>	635.4	Reworded for consistency
635.2 <u>An area equal to not less than fifteen percent (15%) of the gross floor area devoted to residential purposes use shall be provided as private residential recreation space, in accordance with the provisions of. §§ 635.3 through 635.8</u>	635.3	Amount unchanged, reworded for consistency and clarity
635.3 <u>Private residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within the building or structure.</u>	635.2	Split into two provisions for consistency
635.4 <u>No less than</u> seventy percent (70%) of the total of this space <u>residential recreation space</u> shall be ~~open to the sky outdoors~~ ²	635.2	Amount unchanged; reworded for consistency and clarity
635.5 <u>The private residential recreation space shall be that space suitably safe, secure, and equipped and devoted to or landscaped for the active or passive recreation for use of the residents of a particular building or structure</u>	635.1	Reworded for consistency
635.6 <u>Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height.</u>	New	Added for consistency
635.7 <u>Any portion of a roof to be used for residential recreation space shall have no dimension less than eight (8) feet.</u>	New	Added for consistency
635.8 <u>The floor area devoted to residential recreation space shall not be counted in determining the amount of off-street parking spaces or loading berths.</u>	New	Added for consistency
635.9 <u>The Board of Zoning Adjustment is hereby authorized in accordance with the requirements of § 3104 for special exceptions to reduce or eliminate the amount of residential recreation space required; provided that the provisions of §§ 635.10-635.11 are satisfied.</u>	New	New special expectation provision
635.10 <u>The Board shall give consideration to the following.</u>	New	BZA considerations
(a) <u>Nature and location of residential recreation space being provided on-site;</u>	New	Allows consideration of nature of space itself

¹ Note that in CR the term used is “private residential recreation space”, rather than “residential recreation space” as used in the other zones.

² The term “open to the sky” in this zone could be defined as more restrictive than the term “outdoors” used in other regulations.

Regulation	Current #	Change										
(b) <u>Nature and location of park and recreation opportunities in the immediate neighborhood. The impact of the project on neighborhood park and recreation facilities shall be found to be acceptable or capable of being mitigated;</u>	New	Allows consideration of neighborhood amenity levels										
(c) <u>Compliance of the residential recreation space being provided with other regulations of this section; and</u>	New	Compliance with 533 3-533 10										
(d) <u>Overlay requirements for retail or arts space within the building; and</u>	New	Allows consideration of public use requirements of applicable overlays										
(e) <u>Constraints associated with the building or site that limit the ability to provide residential recreation space within the building or on the site, including ADA or building code restrictions, the conversion of an existing building from another use, and historic structure or small or irregular lot constraints.</u>	New	Allows BZA to consider special site or building constraints										
<u>635.11 Prior to taking final action on an application, the Board shall refer the application to the Office of Planning and the D.C. Department of Parks and Recreation for assessment of the impact of the proposal on park and recreation facilities within a half-mile radius of the project site.</u>	New	Required DPR review and assessment to assess potential impact and proposed mitigation										
CHAPTER 7 COMMERCIAL (C)												
773 RESIDENTIAL RECREATION SPACE (C)												
773 1 When all or a portion of a building in a C-1, C-2, C-3, C-4, or C-5 (PAD) District is devoted to a residential use other than a one-family dwelling, flat, or hotel, recreation space shall be provided.	773 1	Last clause separated and moved to 773 5 for consistency										
773.2 An area equal to not less than the following percentage of the gross floor area devoted to residential use shall be provided as residential recreation space <u>in accordance with the provisions of §§ 773.3 through 773.10</u>	773 2 and 773.3	Combined for consistency, amount unchanged										
<table><tr><th>ZONE DISTRICT</th><th>MAXIMUM PERCENTAGE OF GROSS FLOOR AREA</th></tr><tr><td>C-1, C-2-A</td><td>20%</td></tr><tr><td>C-2-B, C-2-C, C-3-A</td><td>15%</td></tr><tr><td>C-3-B, C-3-C</td><td>10%</td></tr><tr><td>C-4, C-5 (PAD)</td><td>5%</td></tr></table>	ZONE DISTRICT	MAXIMUM PERCENTAGE OF GROSS FLOOR AREA	C-1, C-2-A	20%	C-2-B, C-2-C, C-3-A	15%	C-3-B, C-3-C	10%	C-4, C-5 (PAD)	5%		
ZONE DISTRICT	MAXIMUM PERCENTAGE OF GROSS FLOOR AREA											
C-1, C-2-A	20%											
C-2-B, C-2-C, C-3-A	15%											
C-3-B, C-3-C	10%											
C-4, C-5 (PAD)	5%											
773.3 Residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within a building or other structure	773 4	Unchanged										
773 4 No less than fifty percent (50%) of the total residential recreation space shall be outdoors.	773 8	Unchanged										

Regulation	Current #	Change
773.5 <u>The recreation space shall be safe, secure, and equipped or landscaped for the active or passive recreation use of the residents.</u>	773.1	Unchanged
773.6 The area of a balcony shall not be counted to satisfy the residential recreation space requirement of a building where the balcony or a portion of it adjoins an individual residential unit and is accessible only from that unit	773.5	Unchanged
773.7 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height	773.6	Unchanged
773.8 ~~If~~ Any portion of a roof is to be used for residential recreation space, ~~the roof area~~ shall have no dimension less than ~~twenty-five~~ <u>eight (8)</u> feet ~~(25 ft.)~~ .	773.7	Rewording for clarity and consistency, and reduce width from 25 to 8 feet minimum.
773.9 Residential recreation space shall be physically accessible to all residents of the building served by that space	773.9	Unchanged
773.10 The floor area devoted to residential recreation space shall not be counted in determining the number of off-street parking spaces or loading berths	773.10	Unchanged
<u>773.11 The Board of Zoning Adjustment is hereby authorized in accordance with the requirements of § 3104 for special exceptions to reduce or eliminate the amount of residential recreation space required; provided that the provisions of §§ 773.12-773.13 are satisfied.</u>	New	New special expectation provision
<u>773.12 The Board shall give consideration to the following.</u>	New	BZA considerations
(a) <u>Nature and location of residential recreation space being provided on-site;</u>	New	Allows consideration of nature of space itself
(b) <u>Presence of private outdoor space within the project, such as balconies, decks, or patios;</u>	New	Allows consideration of provision of private space
(c) <u>Nature and location of park and recreation opportunities in the immediate neighborhood. The impact of the project on neighborhood park and recreation facilities shall be found to be acceptable or capable of being mitigated;;</u>	New	Allows consideration of neighborhood amenity levels
(d) <u>Compliance of the residential recreation space being provided with other regulations of this section; and</u>	New	Compliance with 533.3-533.10
(e) <u>Overlay requirements for retail or arts space within the building; and</u>	New	Allows consider public use requirements of applicable overlays