

TRANSMITTAL

To: **Zoning Commission of the District of Columbia**
From: **Lindsley Williams (as a "private person")**
Subject: **Amendments to Requirements for Residential Recreation Space (RRS): ZC Case 05-02**
Date: **July 27, 2005**

Lindsley Williams

D.C. Zoning Commission
2005 JUL 27 PM 12:11

The pages that follow present, in columnar form, for your consideration:

- Existing regulations pertinent to the issue of residential recreation space ("RRS") on which your case 05-02 centered.
- Text amendments recommended by the Office of Planning ("OP") as set forth in Attachment 3 of their report dated June 17, 2005: OP's suggested additions highlighted in **bold red underscored text, deletions identical crossed-out text.**
- My commentary on the present regulations and changes OP recommends.
- Further text amendments addressing my comments: my suggested additions highlighted in **bold underscored blue text; deletions in bold black underscored crossed-out text.**

As noted in my testimony at your hearing of June 27, I recommend:

- **As to basic RRS requirements:**
 - Elimination of all requirements for RRS, on the basis that it effectively applies to new construction and renovation type projects wherein "the market" will induce developers to provide on-site amenities that will effectively address the need. Further evidence of this may be found in review of new construction plans for projects located in R-5-B and more permissive Residence districts and the various Waterfront districts, where apartments are allowed but where there is no RRS requirement at this time.
 - As less drastic alternative, reducing all present requirements to a level that can typically be provided in any event, namely five percent (5.0 %).
 - As an even less drastic alternative, eliminating or reducing all present requirements to a modest level such as five percent (5.0 %) for projects that are part of an **historic landmark** or are within a **building that is deemed to be contributing within an historic district** – this idea paralleling the waiver granted to such properties for parking and loading requirements or that are in one of any number of **overlay zone districts**. (Supplement to testimony: Since five (5.0 %) percent can typically be accommodated in any event, the basis to fully eliminate the requirement if you deem it to be needed universally is not compelling, but consistency would then argue to establish a modest requirement for apartment buildings in Waterfront districts in any event.
- **Make the rules consistent across all sections**
 - Develop consistent language about the uses to which the requirement applies or exclusions. Clarify issue of "inns" as well as "fraternity houses", "sorority houses" and "dormitories" in some fashion (I have provided suggestions)
 - Within provisions for CR, make them parallel other rules fully or as much as possible:
 - Eliminate or rework the "outside balcony" rules for CR and use the word "private" only where it makes sense.
 - Establish appropriate explicit balcony rule for CR (the one I have drafted assumes retention of such areas being allowed in that zone)
 - Add appropriate accessibility requirement to CR
- **Take steps to foster development of rooftop space that residents can use.** In this regard, note my comments as to the current mechanical penthouse rules that work at cross-purposes to this objective since penthouses including stairs and elevator cores must be removed 1:1 from the sides to the building. I suggest language that could address this, although amendments to the 1:1 setback rules in the various zones may be a better route to follow over the long run.

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- **Take further steps to foster development of rooftop and other outdoor spaces.** The zoning rules need not require themselves that every square foot of RRS be fully accessible. My interpretation of Federal rules and guidelines is that they require that a “reasonable” amount of each type of space be accessible, with the two types to my mind being “indoor” and “outdoor.” I propose language that adds accessibility rules to CR (where there is no such requirement now, nor was one suggested by OP) but in a way that focuses on compliance with Federal and District standards instead of having it apply to each square foot of RRS as such.
- **Change proposed rooftop “toilets” to “bathrooms” and consider adding “showering facilities.”**
- **Give more visibility to “Height Act of 1910” whose provisions could limit existing and proposed provisions for those not familiar with that Act’s terms.**
- **Establish a Special Exception process that would allow relief against specific standards instead of triggering a variance review as is now the case.**
- **Adjust the Special Exception criteria language OP proposed in all cases to:**
 - **In the three criteria sections’ proposed paragraphs (b), substitute “nature and amount of” for “presence of” private outdoor space.**
 - **In the three criteria sections’ proposed paragraphs (c), have the applicant show that the impact of the proposed reduction in RRS on area recreation facilities is minimal or acceptable instead of looking at the impact of the overall development on such facilities. The question is not one of adequacy of public facilities for projects of the overall scale proposed, that being the province of the Large Tract Review process, not the Board of Zoning Adjustment.**
 - **In the three criteria sections’ proposed paragraphs (e), spell out “ADA” and add Federal Fair Housing Act.**
- **Adjust the Special Exception criteria language OP proposed in the referral sections to focus review by the Department of Parks and Recreation to the impact of the proposed reduction in RRS, not the overall project (which they could examine under Large Tract Review) and scale back the radius of impact analysis from one-half mile to “at least one-quarter mile, thereby allowing them to expand it if they feel such an expansion is warranted in specific cases.**

Conclusion:

While the rationale of the Office of Planning was to retain the core of the present regulations and study the question further once a survey of needs and resources is completed by the Department of Parks and Recreation, retaining the now quite demanding requirements only serves to add costs to development of apartment units in the District that puts it at a disadvantage to surrounding jurisdictions.

I have faith that the market is the best captain of this topic but agree with others that a five percent floor would not be too much to ask (some zones now demand as much as twenty percent (20 %)). Consider the cases of properties in overlay zones as well as those that are landmarks or contributing buildings in historic districts.

If you take only a modest course “for the moment,” at least

- Take steps to establish a suitable special exception clause as summarized above and detailed in the attachment.
- Ensure that the topic of elimination of RRS or other broad review does not disappear by setting down a future case to be heard in a year’s time, at which the results of the survey from the Department of Parks and Recreation could be presented.

Thank you for considering my thoughts.

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
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 shall be subject to conditions and variable floor area ratio credit specified in this section.	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 other recreation space</u> shall be subject to conditions and variable floor area ratio credit specified in this section.	• Highly appropriate; long overdue. • "Toilets" may be too limiting if the term inadvertently excludes washbasins. • <i>Consider if <u>showers</u> should be allowed as well, as this could be a plus if the rooftop accommodates areas for active sports or a swimming pool</i>	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 <u>toilets bathrooms [and showering facilities?]</u> incidental and accessory to roof swimming pools <u>or other recreation space</u> shall be subject to conditions and variable floor area ratio credit specified in this section.

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
<i>No comparable provision now in effect.</i>	<i>No comparable provision proposed.</i>	- Narrow buildings often cannot provide RSS since the elevator and stair cores must be removed 1:1 from the edge of the building (see §§ 400.7(b), 530.4(b), 630.4(b), 770.6(b) and 930.3(b) when this could be allowed many times without harming adjacent properties or the overall "skyline." - The language proposed might better be crafted as amendments to each of the sections cited above; it is crafted to illustrate the point. It would not allow stair towers or elevator cores to be located flush along sides of buildings facing public streets. Similar terms might be crafted to allow these elements to be flush along the rear of a building, whether separated by a public alley or not – but should not apply to the rear of a building on a through lot when the rear would face a second public street (and likely be at risk of inconsistency with the Height Act of 1910).	411.12 For the purposes of this section, the rules or interpretation provided in §§ 411.13 through 411.~~17~~ 18 shall be applicable. <u>411.18 Where not inconsistent with the Height Act of 1910, an elevator core or stairway providing access to rooftop residential recreation space may be located along any side of a building that abuts another property if the abutting property may be developed to the same or greater height than is allowed on the site of the building where the rooftop residential recreation space is being provided.</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
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 hotel, recreation space shall be provided.	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</u> hotel, <u>residential</u> recreation space shall be provided.	• Does not expressly consider applicability to rooming and boarding houses, inns or other transient accommodations, and dormitories (be these part of a campus plan or independent and freestanding) • Should and would have RRS apply to community-based residential facilities • Under an approved campus plan, college and university dormitories, fraternity and sorority houses should not need to provide RRS within each such building since the campus plan should assure adequate recreation resources within each independent campus.	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</u> hotel <u>or other transient accommodation, or any fraternity or sorority house or dormitory that is located within and is a part of a campus plan of a college or university approved by the Board of Zoning Adjustment,</u> <u>residential</u> recreation space shall be provided.

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
533.3 The recreation space shall be provided as specified in 533.4 through 533.11.			
533.4 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.	<u>533.2</u> 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 <i>in accordance with the provisions of §§ 533.3 through 533.10.</i>	• Note: OP proposes a re-ordering and consolidation, along with minor, but appropriate, non-substantive rewording. • Total space required, if any, should not exceed five percent (5.0 %) • <i>If overall RSS requirement is not eliminated or reduced to five percent, then such a limit should be established if the property is</i> ○ <i>located in any of the following overlay districts (just as now provided within the DD rules when the underlying zone's RSS exceeds 5.0 %): CAP, NC, RC, DC, FB, CHC, and ARTS</i> ○ <i>a historic landmark; or</i> ○ <i>a contributing building within an historic district</i>	<u>533.2</u> An area equal to not less than ~~ten percent (10%)~~ five percent (5%) 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; <u>provided that the area shall not be less than five percent (5.0 %) if the building is a historic landmark, is located in an historic district and is certified by the State Historic Preservation Officer as contributing to the character of that historic district, or is located within any of the following overlay zone districts: CAP, NC (WP, CP, MW and ES), RC, DC, FB, CHC, DD or ARTS.</u> <i>(As a drafting matter, it may be preferable to insert supplanting language in each overlay zone district's own rules: c.f., DD's exceptions for just two of its underlying zone districts (§§ 1706.4(f), 1706.5(f)).</i>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
533.5 Residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within a building or other structure.	533.3 Residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within a building or ~~other~~ structure.	• Note that OP proposes a re-ordering • An outdoor courtyard below the residential plane should qualify	533.3 Residential recreation space may be located at ground level, <u>below</u> , on or above the residential plane, on rooftops, or within a building or ~~other~~ structure.
533.9 No less than fifty percent (50%) of the total residential recreation space shall be outdoors.	533.4 No less than fifty percent (50%) of the total residential recreation space shall be outdoors.	• Note: OP proposes a re-ordering • <i>If desirable, could reinforce prior paragraph by clarifying that outdoor areas less than 8' in any direction, such as walkways, do not count.</i>	533.4 No less than fifty percent (50%) of the total residential recreation space shall be outdoors <u>and no outdoor area with any horizontal dimension less than eight feet (8.0 ft.), such as walkways, in all directions shall be considered in meeting this requirement.</u>
533.2 The recreation space shall be safe, secure, and equipped or landscaped for the active or passive recreation use of the residents.	533.5 The recreation space shall be ~~safe, secure, and~~ equipped or landscaped for the active or passive recreation use of the residents.	• Note: OP proposes a re-ordering	533.5 The recreation space shall be ~~safe, secure, and~~ equipped or landscaped for the active or passive recreation use of the residents.
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 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	• No changes proposed by OP; provision should be retained, as OP recommends, with minor clarifications (<i>c.f., definition of "gross floor area" and its exclusion of the first 6 feet of area of an outside balcony</i>).	533.6 ~~No The~~ area of <u>an outside</u> 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.
533.7 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height.	533.7 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height.	• <i>Should, perhaps, indicate that the extra height cannot be inconsistent with the Height Act of 1910</i>	533.7 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height <u>if also allowed by the provisions of the Height Act of 1910 [?].</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
533.8 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 feet (25 ft.).	533.8 ~~If any~~ Any portion of a roof is to be used for residential recreation space, ~~the roof area~~ shall have no dimension less than ~~twenty-five feet (25 ft.)~~ <u>eight feet (8 ft.)</u> .	• Wording changes suggested by OP remain complex • Existing provision should, but does not, deal with ○ maximum "pitch" – such as 1:50 ○ Potential for a raised platforms (to cover a gently sloping roof below and minor protrusions a platform might span) ○ Width of walkways leading to and from recreation space	533.8 ~~If any~~ No portion of a roof ~~is or~~ <u>raised platform situated above a roof</u> to be used for residential recreation space, ~~the roof area~~ shall have ~~no any horizontal~~ dimension less than ~~twenty-five feet (25 ft.)~~ <u>eight feet (8 ft.) or a pitch of more than 1:50; provided that areas traversed leading to and from rooftop residential recreation space need only meet the standard for maximum pitch and be sufficiently wide to provide the access needed.</u>
533.10 Residential recreation space shall be physically accessible to all residents of the building served by that space.	<u>533.9</u> Residential recreation space shall be physically accessible to all residents of the building served by that space.	• Note: OP proposes a re-ordering • Existing provision can be interpreted as exceeding requirements of Americans with Disabilities Act and Fair Housing Act as to accessibility requirements that could have the effect of reducing residential recreation space. Language suggested cures this. See cover letter.	<u>533.9</u> Residential recreation space shall be physically accessible to all residents of the building served by that space <u>to the extent required by any applicable provisions of the Americans with Disabilities Act ("ADA"), the Fair Housing Act ("FHA"), applicable provisions of building codes adopted by the District of Columbia, and any implementing regulations or guidelines of these Acts or codes; Provided, that areas of private balconies or terraces considered as residential recreation space need only be so accessible from units that themselves are designed for occupancy by persons with mobility restrictions</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
533.11 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>533.10</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.	• Note: OP proposes a re-ordering • The provision is hardly needed since most residential parking and loading requirements are based on number of apartment units, beds, or persons housed.	<u>533.10</u> ~~The No outdoor area or indoor~~ floor area devoted to residential recreation space shall ~~not~~ be counted in determining the amount of off-street parking spaces, or loading berths.
<i>No comparable provision now in effect.</i>	<u>533.11 Reduction or elimination of the required residential recreation space shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, provided that the provisions of §§ 533.12 – 533.13 are satisfied.</u>	• If RRS provisions are not repealed altogether or are not reduced to five percent (5.0 %) or less, conversion to special exception is essential.	<u>533.11 Reduction or elimination of the required residential recreation space shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, provided that the provisions of §§ 533.12 – 533.13 are satisfied.</u>
<i>No comparable provision now in effect.</i>	<u>533.12 The Board shall give consideration to the following.</u>		<u>533.12 The Board shall give consideration to the following.</u>
<i>No comparable provision now in effect.</i>	<u>(a) Nature and location of residential recreation space being provided on-site;</u>		<u>(a) Nature and location of residential recreation space being provided on-site;</u>
<i>No comparable provision now in effect.</i>	<u>(b) Presence of private outdoor space within the project, such as balconies, decks, or patios;</u>	• Mere presence is incomplete; substitute "Nature and location" as in prior and subsequent paragraphs. • "Private" is appropriate, here.	<u>(b) Presence Nature and location of private outdoor space within the project, such as balconies, decks, or patios;</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
<i>No comparable provision now in effect.</i>	<u>(c) 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>	Since the special exception is about a reduction of a requirement, the Board should <u>not</u> focus on the project as a whole. Rather, it should focus on the nature and amount of the reduction sought and the impact such a reduction might have on recreation opportunities in the immediate neighborhood.	<u>(c) Nature and location of park and recreation opportunities in the immediate neighborhood. The impact of the project the nature, amount and percentage of the proposed reduction on neighborhood park and recreation facilities shall be found to be acceptable or capable of being mitigated;</u>
<i>No comparable provision now in effect.</i>	<u>(d) Overlay requirements for retail or arts space within the building; and</u>		<u>(d) Overlay requirements for retail or arts space within the building; and</u>
<i>No comparable provision now in effect.</i>	<u>(e) 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>	- ADA should be spelled out - A second Federal Act, the Fair Housing Act, should be added "Constraints associated with the building" should be understood to include any the use for which any existing building was designed, if built prior to the establishment of RSS requirements, or if first built and occupied in a zone district not requiring RSS when built.	<u>(e) 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~~ the Americans with Disabilities Act and the Fair Housing Act or building code restrictions, the conversion of an existing building from another use, and historic structure or small or irregular lot constraints.</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
<i>No comparable provision now in effect.</i>	<u>533.13 Prior to taking hearing 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>	- As in OP's proposed § 1512(b), the focus should not be on the project as a whole but on the nature, degree, and amount of reduction proposed. - The half mile standard reaches too far; one quarter mile is fully adequate, but language suggested allows Parks and Recreation to expand if they deem this appropriate.	<u>533.13 Prior to taking hearing 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~~ the nature, amount and percentage of the proposed reduction on park and recreation facilities within at least a half-mile quarter mile radius of the project site.</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	Office of Planning's Recommendations	Lindsley Williams' Analysis / Comment	Lindsley Williams' Recommendations
CHAPTER 6 MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS			
635 RESIDENTIAL RECREATION SPACE (CR)			
635.4 For the purposes of this section, the phrase "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities.	635.1 <u>For the purposes of this section, the phrase "residential use" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities. When all or a portion of a building in a CR District is devoted to a residential use, private residential recreation space shall be provided.</u>	• <u>Note: OP proposes a reordering, along with minor editing and clarifications.</u> • The wording is awkward in comparison to that proposed by OP for SP or the refinement of that set out above which I recommend here. • The word "private" is misleading throughout most of existing CR and should be removed from all provisions in which OP recommends that term, but used in the two places that OP may have overlooked. • Should apply to same uses as in SP and C zone districts.	635.1 <u>When all or a portion of a building in a CR District is devoted to a residential use other than a one-family dwelling, flat, or hotel or other transient accommodation, or any fraternity or sorority house or dormitory that is located within and is a part of a campus plan of a college or university approved by the Board of Zoning Adjustment, residential recreation space shall be provided</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
635.3 An area equal to fifteen percent (15%) of the gross floor area devoted to residential purposes shall be provided as private residential recreation space.	<u>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, <u>in accordance with the provisions of. §§ 635.3 through 635.8.</u>	• Note: OP proposes a reordering • Conform to language adopted for SP, including possible clarifications appearing above in the SP provisions • Obviously, if the Zoning Commission is prepared to reduce the overall requirement to five percent, then the clause added to establish that percentage for historic landmarks and contributing buildings in historic districts would be superfluous.	<u>635.2</u> An area equal to not less than ~~ten percent (10%)~~ five percent (5%) of the gross floor area devoted to purposes use shall be provided as private residential recreation space, <u>in accordance with the provisions of. §§ 635.3 through 635.8 635.10; provided that the area shall not be less than five percent (5.0 %) if the building is a historic landmark, is located in an historic district and is certified by the State Historic Preservation Officer as contributing to the character of that historic district, or is located within any of the following overlay zone districts: CAP, NC (WP, CP, MW and ES)), RC, DC, FB, CHC, DD or ARTS.</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	Office of Planning's Recommendations	Lindsley Williams' Analysis / Comment	Lindsley Williams' Recommendations
635.2 Private residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within the building or structure; provided, that seventy percent (70%) of the total of this space shall be open to the sky.	635.3 Private residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within the building or structure.	- Note: OP proposes a reordering and separation into two sub-sections, of which this is the first. - Be consistent with SP provisions as they come to be amended.	635.3 ~~Private residential~~ Residential recreation space may be located at ground level, <u>below</u> , on or above the residential plane, on rooftops, or within the building or structure.
	635.4 ~~No less than~~ seventy percent (70%) of the total ~~of this space residential recreation space~~ shall be ~~open-to-the sky outdoors~~ .	- Note: OP proposes a reordering and separation into two sub-sections, of which this is the second. - Be consistent with SP provisions <u>as they come to be amended</u> - OP would retain CR's allowance for some private space to count and that zone's higher outdoor percentage. - Since "outside balconies" only become part of gross floor area after they project more than six feet (6 ft.), few will really qualify. Either change the percentage (preferred) or enable all areas of outside balconies to count.	635.4 ~~No less than seventy percent (70%)~~ <u>fifty percent (50 %)</u> of the total ~~of this space residential recreation space~~ shall be ~~open-to-the sky outdoors~~ <u>provided that no outdoor area open to all residents with any horizontal dimension less than eight feet (8.0 ft.), such as walkways, in all directions shall be considered in meeting this requirement.</u>
635.1 Private residential recreation space shall be that space suitably equipped and devoted to active or passive recreation for the residents of a particular residential building or structure.	635.5 ~~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.~~	- Note: OP proposes a reordering and minor rewording "safe, secure and" do not appear in current CR RSS provisions "Private" makes no sense here.	635.5 ~~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.~~

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
<i>No comparable provision now in effect.</i>	<i>No comparable provision proposed.</i>	Clearly set out "balcony rule" for CR zones, if percentage requirement for outdoors is retained at any percentage above fifty percent (currently 70 %).	635.6 <u>The area of an outside balcony may 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.</u>
<i>No comparable provision now in effect.</i>	<u>635.6 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height.</u>	- Note: OP proposes additional terms to make the provisions consistent within the three chapters. - Conform to language adopted for SP at § 533.7, including possible clarifications appearing above in the SP provisions.	635.7 <u>Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height if also allowed by the provisions of the Height Act of 1910 [?].</u>
<i>No comparable provision now in effect.</i>	<u>635.7 Any portion of a roof to be used for residential recreation space shall have no dimension less than eight (8) feet.</u>	- Note: OP proposes additional terms to make the provisions consistent within the three chapters (SP, CR, and C). - Conform to language adopted for SP at § 533.8, including suggestions appearing above described within the SP language.	<u>635.8 If any No portion of a roof is or raised platform situated above a roof to be used for residential recreation space, the roof area shall have no any horizontal dimension less than twenty-five feet (25 ft.) eight feet (8 ft.) or a pitch of more than 1:50; provided that areas traversed leading to and from rooftop residential recreation space need only meet the standard for maximum pitch and be sufficiently wide to provide the access needed.</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
<i>No comparable provision now in effect.</i>	<i>No comparable provision proposed for CR, although corresponding exists and would continue for SP and C zones in some form.</i>	<u>Add accessibility standard, consistent with that adopted for SP and C zone districts.</u>	635.9 <u>Other than areas of private outdoor balconies or terraces, residential recreation space shall be physically accessible to all residents of the building served by that space to the extent required by any applicable provisions of the Americans with Disabilities Act ("ADA"), the Fair Housing Act ("FHA"), applicable provisions of building codes adopted by the District of Columbia, and any implementing regulations or guidelines of these Acts or codes.</u>
<i>No comparable provision now in effect.</i>	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>	<u>Note: OP proposes additional terms to make the provisions consistent within the three chapters.</u> - Conform to language adopted for SP at § 533.8, including suggestions appearing above described within the SP language.	635.10 <u>The No outdoor area or indoor floor area devoted to residential recreation space shall not be counted in determining the amount of off-street parking spaces, or loading berths.</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
<i>No comparable provision now in effect.</i>	<u>635.9 Reduction or elimination of the required private residential recreation space shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, provided that the provisions of §§ 635.10 – 635.11 are satisfied.</u>	- If RRS provisions are not repealed altogether or are not reduced to five percent (5.0 %) or less, conversion to special exception is essential. "Private" makes no sense here.	<u>635.11 Reduction or elimination of the required private residential recreation space shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, provided that the provisions of §§ 635.12 – 635.13 are satisfied.</u>
<i>No comparable provision now in effect.</i>	<u>635.10 The Board shall give consideration to the following,</u>		<u>635.12 The Board shall give consideration to the following,</u>
<i>No comparable provision now in effect.</i>	<u>(a) Nature and location of residential recreation space being provided on-site;</u>		<u>(a) Nature and location of residential recreation space being provided on-site;</u>
<i>No comparable provision now in effect.</i>	<i>No comparable provision proposed for CR, although corresponding exists and would continue for SP and C zones in some form.</i>	Here is where "private" makes sense; so do not omit where needed.	<u>(b) Nature and location for "presence" if retained for SP of private outdoor space within the project, such as balconies, decks, or patios;</u>
<i>No comparable provision now in effect.</i>	<u>(b) 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>	Conform to SP rules	<u>(c) Nature and location of park and recreation opportunities in the immediate neighborhood. The impact of the project the nature, amount and percentage of the proposed reduction on neighborhood park and recreation facilities shall be found to be acceptable or capable of being mitigated;</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
<i>No comparable provision now in effect.</i>	<u>(c) Overlay requirements for retail or arts space within the building; and</u>		<u>(d) Overlay requirements for retail or arts space within the building; and</u>
<i>No comparable provision now in effect.</i>	<u>(d) 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>		<u>(e) 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~~ the Americans with Disabilities Act and the Fair Housing Act or building code restrictions, the conversion of an existing building from another use, and historic structure or small or irregular lot constraints.</u>
<i>No comparable provision now in effect.</i>	<u>635.11 Prior to taking hearing 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>		<u>635.13 Prior to taking hearing 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~~ the nature, amount and percentage of the proposed reduction on park and recreation facilities within at least a half-mile quarter mile radius of the project site.</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
CHAPTER 7 COMMERCIAL DISTRICTS			
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 that is safe, secure, and suitably equipped for the active or passive recreation use of the residents.	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, residential recreation space shall be provided ~~that is safe, secure, and suitably equipped for the active or passive recreation use of the~~ residents.	• <u>OP's language clarifies scope and relocates last clause to a later provision</u> • <u>Conform style and applicability to that adopted for SP and CR, above.</u>	773.1 <u>When all or a portion of a building in a C-1, cC2, C-3, C-4 or C-5 (PAD) District is devoted to a residential use other than a one-family dwelling, flat, or hotel or other transient accommodation, or any fraternity or sorority house or dormitory that is located within and is a part of a campus plan of a college or university approved by the Board of Zoning Adjustment, residential recreation space shall be provided</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	Office of Planning's Recommendations	Lindsley Williams' Analysis / Comment	Lindsley Williams' Recommendations																														
773.2 The residential recreation space required in § 773.1 shall be provided as specified in §§ 773.3 through 773.10																																	
773.3 An area not less than the following percentage of the gross floor area devoted to residential use shall be provided as residential recreation space: <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%	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> <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%	• <u>OP consolidates two subsections and would leave requirements unchanged.</u> • <u>Conform to changes adopted for SP and CR districts.</u>	<u>Preferably:</u> 773.2 An area equal to not less than <u>five percent (5%)</u> 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> <u>Alternatively (Better Than Nothing)</u> 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> <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> <u>provided that the area shall not be less than five percent (5.0 %) if the building is a historic landmark, is located in an historic district and is certified by the State Historic Preservation Officer as contributing to the character of that historic district, or is located within any of the following overlay zone districts: CAP, NC (WP, CP, MW and ES)), RC, DC, FB, CHC, DD or ARTS</u>	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%																																
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Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
773.4 Residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within a building or other structure.	773.3 Residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within a building or other structure.	• Note: OP proposes a reordering • Conform to standard adopted for SP and CR	773.3 Residential recreation space may be located at ground level, <u>below</u> , on or above the residential plane, on rooftops, or within a building or other structure.
773.8 No less than fifty percent (50%) of the total residential recreation space shall be outdoors	773.4 No less than fifty percent (50%) of the total residential recreation space shall be outdoors.	• Note: OP proposes a reordering • Conform to standard adopted for SP (but not CR if its current "balcony" rules remain in effect).	773.4 No less than fifty percent (50%) of the total residential recreation space shall be outdoors <u>and no outdoor area with any horizontal dimension less than eight feet (8.0 ft.), such as walkways, in all directions shall be considered in meeting this requirement.</u>
	773.5 The residential recreation space shall be equipped or landscaped for the active or passive recreation use of the residents.	• Note: OP proposes this provision be separated from that currently in § 773.1 • Conform to standard adopted for SP and CR	773.5 The residential recreation space shall be equipped or landscaped for the active or passive recreation use of the residents.
773.5 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.	773.6 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.	• Note: OP proposes a reordering • Conform to standard adopted for SP and CR	773.6 ~~No The~~ area of <u>an outside</u> 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.

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
773.6 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height.	773.7 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height.	• Note: OP proposes a reordering • Conform to standard adopted for SP and CR	773.7 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height <u>if also allowed by the provisions of the Height Act of 1910 [?]</u> .
773.7 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 feet (25 ft.).	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.)~~ .	• Note: OP proposes a reordering • Conform to standard adopted for SP and CR	773.8 ~~If any~~ <u>No</u> portion of a roof ~~is or~~ <u>raised platform situated above a roof</u> to be used for residential recreation space, ~~the roof area~~ shall have ~~no any horizontal~~ dimension less than ~~twenty-five feet (25 ft.)~~ <u>eight feet (8 ft.) or a pitch of more than 1:50; provided that areas traversed leading to and from rooftop residential recreation space need only meet the standard for maximum pitch and be sufficiently wide to provide the access needed.</u>
773.9 Residential recreation space shall be physically accessible to all residents of the building served by that space.	773.9 Residential recreation space shall be physically accessible to all residents of the building served by that space.	• Conform to standard adopted for SP and CR	773.9 Residential recreation space shall be physically accessible to all residents of the building served by that space <u>to the extent required by any applicable provisions of the Americans with Disabilities Act ("ADA"), the Fair Housing Act ("FHA"), applicable provisions of building codes adopted by the District of Columbia, and any implementing regulations or guidelines of these Acts or codes.</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
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 The floor area devoted to residential recreation space shall not be counted in determining the number of off-street parking spaces or loading berths.	Conform to standard adopted for SP and CR	773.10 ~~The~~ <u>No outdoor area or indoor</u> floor area devoted to residential recreation space shall ~~not~~ be counted in determining the amount of off-street parking spaces, or loading berths.
<i>No comparable provision now in effect.</i>	<u>773.11 Reduction or elimination of the required residential recreation space shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, provided that the provisions of §§ 773.12 – 773.13 are satisfied.</u>	If RRS provisions are not repealed altogether or are not reduced to five percent (5.0 %) or less, conversion to special exception is essential.	
<i>No comparable provision now in effect.</i>	<u>773.12 The Board shall give consideration to the following:</u>		<u>773.12 The Board shall give consideration to the following:</u>
<i>No comparable provision now in effect.</i>	(a) <u>Nature and location of residential recreation space being provided on-site;</u>	<u>Conform to rules adopted for SP and CR</u>	(a) <u>Nature and location of residential recreation space being provided on-site;</u>
<i>No comparable provision now in effect.</i>	(b) <u>Presence of private outdoor space within the project, such as balconies, decks, or patios;</u>	<u>Conform to rules adopted for SP and CR</u>	(b) <u>Presenee Nature and location of private outdoor space within the project, such as balconies, decks, or patios;</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
<i>No comparable provision now in effect.</i>	(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>	<u>Conform to rules adopted for SP and CR</u>	(c) <u>Nature and location of park and recreation opportunities in the immediate neighborhood. The impact of ~~the project~~ the nature, amount and percentage of the proposed reduction on neighborhood park and recreation facilities shall be found to be acceptable or capable of being mitigated;</u>
<i>No comparable provision now in effect.</i>	(d) <u>Overlay requirements for retail or arts space within the building; and</u>	<u>Conform to rules adopted for SP and CR</u>	(d) <u>Overlay requirements for retail or arts space within the building; and</u>
<i>No comparable provision now in effect.</i>	(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>	<u>Conform to rules adopted for SP and CR</u>	(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~~ the Americans with Disabilities Act and the Fair Housing Act or building code restrictions, the conversion of an existing building from another use, and historic structure or small or irregular lot constraints.</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	<u>Office of Planning's Recommendations</u>	Lindsley Williams' Analysis / Comment	<u>Lindsley Williams' Recommendations</u>
<i>No comparable provision now in effect.</i>	<u>773.13 Prior to taking hearing 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>	<u>Conform to rules adopted for SP and CR</u>	<u>773.13 Prior to taking hearing 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 the nature, amount and percentage of the proposed reduction on park and recreation facilities within at least a half-mile quarter mile radius of the project site</u>

Analysis of Existing and Proposed Regulations Relating to Residential Recreation Space under the Zoning Regulations of the District of Columbia (ZC Case 05-02):

Existing Regulations	Office of Planning's Recommendations		Lindsley Williams' Analysis / Comment	Lindsley Williams' Recommendations			
CHAPTER 31 – BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE							
3104 SPECIAL EXCEPTIONS							
3104.1 The Board is authorized under § 8 of the Zoning Act, D.C. Code, 2001 Ed. § 6-641.07(g)(2) (formerly codified at D.C. Code § 5-424(g)(2) (1994 Repl.)), to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map subject in each case to the special conditions specified in this title, as follows:	3104.1 The Board is authorized under § 8 of the Zoning Act, D.C. Code, 2001 Ed. § 6-641.07(g)(2) (formerly codified at D.C. Code § 5-424(g)(2) (1994 Repl.)), to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map subject in each case to the special conditions specified in this title, as follows:		No change; shown for context	3104.1 The Board is authorized under § 8 of the Zoning Act, D.C. Code, 2001 Ed. § 6-641.07(g)(2) (formerly codified at D.C. Code § 5-424(g)(2) (1994 Repl.)), to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map subject in each case to the special conditions specified in this title, as follows:			
No comparable provision now in effect	TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED	Conform to changes adopted for SP, CR, and C zone districts	TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
	Residential Recreation Space	CR and any SP or C District	§§ 533.11, 635.9, 773.11		Residential Recreation Space	CR, and any SP or C District	§§ 533.11, 635.9 12, 773.11 12

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