

Government of the District of Columbia
Office of Zoning

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MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Jerrily R. Kress, FAIA *JRK*
Director

DATE: March 30, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D C Register* on April 8, 2005

- 1 Z.C Notice of Filing (Z C Case No 05-12),
- 2 Z C Notice of Rescheduled Public Hearing (Z.C Case No 03-30),
- 3 Z C Notice of Public Hearing (Z C Case No 04-24),
- 4 Z C Notice of Public Hearing (Z.C Case No. 04-30);
5. Z.C Notice of Public Hearing (Z C Case No 05-02),
- 6 Z C Notice of Public Hearing (Z C Case No 05-09),
- 7 Z C Notice of Proposed Rulemaking (Z C Case No 04-28), and
- 8 Z C Notice of Proposed Rulemaking (Z C Case No 04-29)

~~MAILED 05-02-05~~
District of Columbia

CASE NO. 05-02
2

Received By _____

Date _____

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

**TIME AND PLACE: Monday, June 27, 2005, 6:30 P.M.
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 05-02 (Text Amendment – Residential Recreation Space)

THIS CASE IS OF INTEREST TO ALL ANC s

On March 4, 2005, the Office of Planning petitioned, through a set down report, for a text amendment to amend the requirements pertaining to Residential Recreation Space requirements in the C (Commercial), CR (Mixed Use Commercial Residential) and SP (Special Purpose) zone districts. The Zoning Commission set down the case for public hearing at its meeting of March 14, 2005. The Office of Planning set down report also served as the pre-hearing statement for this case.

In addition to the following listed changes, the Zoning Commission will discuss whether to further amend the text with regards to the inclusion of private recreation space in calculations for required recreation space. Private recreation space (such as a balcony or patio, accessible to the owner of only one unit) is currently permitted to be included in required residential recreation space calculations in the CR zone only, not in the C or SP zones. The Commission will discuss making the regulations more consistent, which could be accomplished by either allowing the inclusion of private recreation space in total area calculations in all zones, or removing this provision from the CR zone

The proposed text amendment is as follows

Title 11 DCMR (Zoning) is proposed to be amended as follows

- A Chapter 4 RESIDENCE DISTRICTS HEIGHT, AREA, AND DENSITY REGULATIONS, Section 411 ROOF STRUCTURES, subsection 411.1 is amended to insert after “swimming pools” the following
- “or other recreation space”
- B Chapter 5, SPECIAL PURPOSE (SP), Section 533 RESIDENTIAL RECREATION SPACE, is amended as follows

1. In subsection 533.1, by replacing the existing clause with the following:
“533.1 When all or a portion of a building in an SP District is devoted to a residential use other than a one-family dwelling, flat, or hotel, residential recreation space shall be provided.”
- 2 In subsection 533 3, by deleting the word “other”.
- 3 In subsection 533 5, by deleting the words “safe, secure, and”.
- 4 In subsection 533.8, by replacing the existing clause with the following:
“533 8 Any portion of a roof to be used for residential recreation space, shall have no dimension less than eight (8) feet.”
5. By adding new subsections 533.11 – 533 13, as follows
“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.
533.12 The Board shall give consideration to the following
 - (a) Nature and location of residential recreation space being provided on-site;
 - (b) Presence of private outdoor space within the project, such as balconies, decks, or patios,
 - (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,
 - (d) Overlay requirements for retail or arts space within the building, and
 - (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
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 ”

- C Chapter 6, MIXED USE COMMERCIAL RESIDENTIAL (CR), Section 635 RESIDENTIAL RECREATION SPACE, is amended by replacing the existing section in its entirety with a new Section 635 as follows:

“635 RESIDENTIAL RECREATION SPACE (CR)

- 635.1 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.
- 635.2 An area equal to not less than fifteen percent (15%) of the gross floor area devoted to residential use shall be provided as private residential recreation space, in accordance with the provisions of §§ 635.3 through 635.8.
- 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
- 635.4 No less than seventy percent (70%) of the total residential recreation space shall be outdoors.
- 635.5 The private residential recreation space shall be equipped or landscaped for the active or passive recreation for use of the residents.
- 635.6 Rooftops that contain residential recreation space may have a parapet wall not to exceed five feet (5 ft.) in height.
- 635.7 Any portion of a roof to be used for residential recreation space shall have no dimension less than eight (8) feet.
- 635.8 The floor area devoted to residential recreation space shall not be counted in determining the amount of off-street parking spaces or loading berths
- 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.
- 635.10 The Board shall give consideration to the following

- (a) Nature and location of residential recreation space being provided on-site;
- (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;
- (c) Overlay requirements for retail or arts space within the building; and
- (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.

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.”

C. Chapter 7, COMMERCIAL (C), Section 773 RESIDENTIAL RECREATION SPACE, is amended as follows.

- 1 In subsection 773 1, by adding the word “residential” before the phrase “recreation space.”
- 2 In subsection 773.2, by adding at the end of the subsection the following.
“in accordance with the provisions of §§ 773.3 through 773.10.”
- 3. In subsection 773.5, by replacing the existing subsection with the following:
“773.5 The recreation space shall be equipped or landscaped for the active or passive recreation use of the residents.”
- 3 In subsection 773 8, by replacing the existing subsection with the following.
“773.8 Any portion of a roof to be used for residential recreation space shall have no dimension less than eight (8) feet.”
- 4 By adding new subsections 773 11 – 773.13, as follows
“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

773.12 The Board shall give consideration to the following

- (a) Nature and location of residential recreation space being provided on-site;
- (b) Presence of private outdoor space within the project, such as balconies, decks, or patios,
- (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,,
- (d) Overlay requirements for retail or arts space within the building, and
- (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.

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.”

- C. Chapter 31 BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, Section 3104 SPECIAL EXCEPTIONS, subsection 3104.1 is amended to add within the table in the appropriate alphabetical order the following:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
<u>“Residential Recreation Space</u>	<u>CR and any SP or C District</u>	<u>§§ 533.11, 635.9, 773.11”</u>

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, D.C. Official Code § 6-641.01 *et seq*) (2001 Ed)

**NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 05-02
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The public hearing on this case will be conducted in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning Pursuant to § 3020, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY JEFFRIES, JOHN G. PARSONS, AND KEVIN HILDEBRAND, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY CLIFFORD MOY, ACTING SECRETARY TO THE ZONING COMMISSION.