

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

ZONING COMMISSION
District of Columbia



CASE NO. 05-02

EXHIBIT NO. 36

Office of the Director

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SUPPLEMENTAL REPORT

DATE: October 23, 2006
TO: *JLS* District of Columbia Zoning Commission
FROM: *JLS per* Ellen McCarthy, Director

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

Given the more advanced status of the District's Inclusionary Zoning (IZ) affordable housing program, OP is not opposed to the Zoning Commission's proposal to eliminate the residential recreation space requirements. This elimination represents a potentially very significant benefit to developers and builders – essentially marketable interior space of as much as 10% of the total permitted square footage (FAR) on the site, as well as a potential reduction in sometimes costly outdoor recreation space

OP recommends the following

- A proportionate reduction is residential recreation space as a matter-of-right when used for IZ purposes, and
- Roof-top structure requirements of Chapter 4, Section 411. allow incidental and accessory roof-top enclosed areas for residential recreation space (at present, such uses are permitted for swimming pools only)

II. BACKGROUND

As a result of the many requests for relief from residential recreation space requirements, the Zoning Commission, the Board of Zoning Adjustment (BZA), and the public have requested review an possible amendments to the Residential Recreation Space regulations to be more in line with current standards and expectations. At its March 14, 2005 public meeting, the Zoning Commission set down a series of amendments to the recreation space zoning requirements, to establish a special exception process for review of relief requests and to clarify and simplify requirements. A public hearing was held June 27, 2005, at which some limited support for the changes were expressed as being better than existing, but representatives of the development community indicated a strong preference for the elimination of the regulation, or the standardization and reduction of the requirements

In November, 2005, the Commission decided to not take proposed action on the OP proposed amendment, and discussed holding a new public hearing to consider eliminating the recreation space requirement. The Office of Planning requested that the Commission postpone setting down such

action, pending receipt of an additional report from the OP examining the reallocation of some of this space towards the affordable housing provision of inclusionary zoning. The elimination or reduction of recreation space requirement would not result in smaller buildings, but rather the space would become additional residential square footage within the building – some of this space could be reallocated to affordable units, which in combination with the bonus density provided through the Inclusionary Zoning program would expand the options for off-setting and meeting the affordability requirements.

At its March 13, 2006 meeting, the Zoning Commission set down for a Public Hearing the proposal to eliminate the Residential Recreation Space requirements, and, in the alternative, OP's proposal.

III. EXISTING RECREATION SPACE REQUIREMENTS

Recreation space is currently required in the SP, CR and C Districts, which are found throughout the city, although concentrated in the downtown and along major transportation corridors. The recreation space requirement varies from zone to zone, from 5% to 20% of gross residential area, as shown on the chart below.

Chart I –Recreation Space Requirement (all land areas are approximate)				
applicable zone	requirement	total developable area		% of total developable area
		sq.ft. ¹	acres	
C-1, C-2-A	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	

Each zone requires that a portion of the required recreation space (varying from 50% to 70%) be located outside and accessible to all residents of the building as external recreation space, such as on a rooftop or at grade. Attachments from the OP Report dated February 14, 2005 regarding a more detailed and comprehensive review of existing recreation space regulations and the locations of lands included in zones which require this space is found are attached as background.

IV. ADDITIONAL ANALYSIS OF ADVERTISED OPTIONS

1. ELIMINATION

The Commission elected to advertise a complete abolition of the recreation space requirements. Interior space otherwise devoted to recreation space could be devoted to other uses, presumably the provision of larger units and/or a greater number of units for sale or rent. Exterior recreation space would not be required, so this space could also be devoted to other uses, such as parking, mechanical equipment, or green space not intended for recreation purposes.

¹ Includes any land in an overlay that does not alter residential recreation space requirements

Summarizing analysis, provided in the February 14, 2005 OP report, of recreation space required / proposed as part of 29 BZA cases heard in the 2001-2004 time period, these 29 projects would normally have required an average of almost 15,000 sq ft of residential recreation space each². Of this, generally half is required to be external, resulting in an average requirement for about 7,500 sq.ft. of internal recreation space – space that under the proposed changes could be devoted to other marketable uses. If all of this space was devoted to housing units, this would translate into an average of about 7 additional units per project, increasing the average number of units in the projects from 102 to 109. On a project by project basis, the number is relatively small but represents a significant benefit to the owners (as verified by the number of projects that seek relief from the requirement). Collectively, though, for even just the 29 project examined, this would result in an extra 200 dwelling units, spread throughout the District. This is in keeping with District goals and objectives pertaining to the provision of housing throughout the District, although none of these units would be required to be affordable, and for promoting active and vibrant community retail / service areas which tend to be concentrated in areas zoned for mixed-use development – zones which also require residential recreation space.

Although elimination of the requirement would result in some increase in the number of dwelling units being provided, OP does not expect this to have a significant impact on services, traffic, or neighborhood character:

- elimination of the requirement would not result in additional square footage – just a reallocation of building area, so there would be minimal or no impact on building form, bulk, or height;
- residential recreation space is not required in Residential (R) zones, so its elimination would have no direct impact on strictly residential neighborhoods;
- most land devoted to zones which currently require recreation space is located in the downtown area or along major transportation corridors which are typically well served by metrorail and metrobus so the small number of additional units per development would have minimal impact on traffic or transportation,
- developers have indicated that it is likely that some developments will continue to provide some recreation space to improve marketability of developments, and
- remaining zoning regulations pertaining to parking location (such as preventing parking in front of buildings), lot occupancy, and yard setbacks should limit the conversion of recreation space at ground level to other uses in undesirable locations;
- if used in combination with the IZ off-set the recreation space could help in the C-3-C and C-4 zones to keep the balance between residential and office use.

However, it is logical that the increase in units combined with the decrease in on-site recreation space would result in somewhat greater demands on public recreation space.

² Varying from a low of less than 3,000 sq ft to a high of more than 45,000 sq ft

2. OP Proposal to Tie Elimination to the IZ Program³

OP proposed the following amendments to the Zoning Regulations as they pertain to the C, SP, and CR Zone districts:

1. Eliminate the residential recreation space requirement for developments which are both within one of the applicable C, SP or CR districts, and which are subject to the Inclusionary Zoning (IZ) program. This is intended to help insure a successful IZ program in mixed use zoned areas. Some developers raised concerns that the bonus density provided through the IZ program was not enough to balance the construction costs or pressure of office development, and permitting the residential recreation space to be used alternatively to meet the IZ program would help maintain and strengthen that balance.
2. Permit the reduction of the residential recreation space in developments which are within one of the applicable C, SP or CR districts, but are not subject to the IZ requirements, if affordable housing is provided in an amount equivalent to 25% of the total amount of recreation space proposed to be converted to residential use, and in conformance to the IZ regulations and guidelines.

Overall, the impact of the OP proposed amendment would be to reduce the amount of required on-site recreation space and to possibly increase the amount of housing – market rate within IZ areas, and a combination of affordable and market rate in areas not subject to IZ requirements. For areas not subject to IZ, a developer would have the option of providing some or all of the required residential recreation space instead of the combination of market and affordable housing.

Should a developer wish to construct neither the recreation space nor the affordable housing, a variance would be needed from the Board of Zoning Adjustment, similar to the existing situation.

While OP feels that this may be a reasonable solution, we acknowledge that it would not, in the end, result in a significant number of affordable units. For example, again using the aforementioned 29 BZA cases analyzed in earlier OP reports, if all 29 developers decided to provide housing instead of recreation space, of the approximately 15,000 square feet of area required to be devoted to residential use, 3,750 square feet would be devoted to affordable housing.⁴

However, OP also notes that a detailed economic cost / benefit analysis comparing the options of providing the recreation space, or providing the housing (including affordable housing) has not been completed – it may be that, under this option, some developers would prefer to provide the recreation space rather than the affordable housing.

³ The Zoning Commission has approved the IZ program, and is currently in the public hearing stage of establishing where in the District the program should be applied. Throughout this option, OP assumes the adoption of mapping for the IZ program. For a detailed description of the IZ program, refer to Zoning Commission Order 04-33 (May 18, 2006), which created a new zoning regulation Chapter 26, Inclusionary Zoning. Also refer to the OP report regarding the proposed mapping of the IZ program, dated October 5, 2006.

⁴ On average, the 29 projects required the provision of 15,000 sq.ft. of recreation space. Of this, about ½ is required to be external, although the regulations allow all of it to be external. Assuming that about ½ of the required space is internal and provided as housing instead of recreation space, the total internal area is 7,500 sq ft., of which half would be affordable, or 3,750 sq ft.

3. Accessory Roof-top Enclosed Areas for Residential Recreation Space

The OP proposal includes a recommendation for a minor amendment to the roof-top structure requirements of Chapter 4, Section 411, to permit incidental and accessory roof-top enclosed areas for residential recreation space, as currently permitted for swimming pools.

If the Commission decides to further consider the option to eliminate the requirement, OP would propose that this one element of the OP proposal be adopted. Although recreation space would not be required, rooftop recreation space is often desirable and of benefit to building residents. The District is somewhat unique in that the relatively level skyline and the relatively low building heights allow for meaningful and desirable rooftop space. The proposed minor amendment would not significantly encourage the provision of such space, but if provided, would make such space more usable and enjoyable.

V. SUMMARY AND RECOMMENDATION

OP recognizes that the existing residential recreation space requirements are, in many ways, problematic and in need of updating to current standards and expectations. Internal (and even external) recreation space is often considered an expensive luxury contributing to the cost of housing, sometimes contrary to District objectives to encourage greater use of public space; and not seen as a significant benefit to the residents. Many developers have indicated that some recreation space, appropriate to the specific area and the target market, is likely to be provided in many developments, but that the market should decide the amount and type, not zoning regulations.

OP's original proposal was for minor amendments to residential recreation space, pending completion of a broader study involving OP, the Department of Parks and Recreation, and the National Capitol Planning Commission study to assess park and recreation space needs and provision throughout the District. It was thought that this study may lead to proposal for the establishment of an impact fee program, whereby new developments would contribute towards the provision of new parks and open space. Many concerns with this course of action were raised, and the Commission decided to not proceed with this proposal, and to re-advertise a proposal to eliminate the requirement. Developers would, instead, be able to devote space currently required to be recreation space to such uses as additional marketable residential space. OP requested that the Zoning Commission advertise, in the alternative, a proposal that would tie recreation space reduction to the provision of some amount of units set aside as affordable.

OP recommends the following

- A proportionate reduction in residential recreation space as a matter-of-right when used for IZ purposes, and
- Roof-top structure requirements of Chapter 4, Section 411: allow incidental and accessory roof-top enclosed areas for residential recreation space (at present, such uses are permitted for swimming pools only)

EM/jl