

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

TO: Zoning Commission for the District of Columbia
FROM: *HSF*
Ellen M. McCarthy
Director
DATE: May 1, 2006
SUBJECT: Final Report for Emergency Text Amendments to change public school regulations, initiated by the Office of Planning. *2C 06-06*

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RECOMMENDATION

The Office of Planning recommends the approval of the following text amendments:

- a. The amended definition of public school,
- b. Amendment to the matter-of-right public school standards,
- c. Amendments to §§ 400, 401, & 403,
- d. Amendment to §206 to include public schools;
- e. Inclusion of public schools as a matter-of-right in the SP, CR, & W districts;
- f. Expansion of FAR for schools in commercial districts, and
- g. Amendments to the parking requirements for pre-elementary schools.

The Office of Planning has coordinated this proposal with the District of Columbia Public Schools

BACKGROUND

Approval of traditional public schools involves both the City Council and School Board and have therefore an creates an opportunity for public input and comments. They are typically static uses that, once approved, do not change location without further Council or school board approval. Conversely, charter schools require only a charter from one of the two chartering bodies and no public hearing. Further, once a charter school has received its charter, it is not tied to a particular site and may move to any building in any zone district in the city where public schools are allowed. This can cause friction with small sites in residential neighborhoods where access is limited or the affects of a school would be more acute.

This text amendment is designed to address several aspects of public/charter schools in the zoning regulations.

1. It defines public schools to include public charter schools.

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CASE NO. 06-06

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EXHIBIT NO. 16

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2. It allows collocation of school uses with other uses and sharing of recreational facilities
- 3 It amends the lot area, lot width, FAR, and lot occupancy of public schools in residential zones to provide consistent standards that ensure neighborhood compatibility
- 4 Any schools in residential zones not meeting the requirements are proposed to be allowed as special exceptions
- 5 It amends the regulations to allow public schools in the SP, CR, and W zones
- 6 It expands the amount of FAR usable for public schools in the commercial zones.
- 7 This text amendment creates parking standards for preschools where none currently exist

MODIFICATIONS FROM SETDOWN

There are several changes in the proposal from what was presented at setdown. First, Section 401.9 is recommended to clarify the lot width requirement. Since this requirement stems from a need for student drop-off and pick-up space, OP recommends the language be modified to allow school lots to count all frontage on corner or through lots toward the 120 foot requirement. The second change was presented in a supplemental report and adds Section 401.10. This section clarifies that any split-zoned lot existing prior to the new text will be able to use the lot area and lot width standards of the less restrictive zone.

Through meetings with FOCUS and other charter school affiliates, other changes have also been included in this report. The lot area requirement has been removed from the R-5-C, R-5-D, and R-5-E zones. Currently, there are no minimum lot areas for any permitted use in the R-5 zones. These are higher density zones designed for larger scale residential buildings and the impacts from public schools will be felt less clearly than in lower density zones. The lot width requirement has been lowered to 80' in all R-5 zones. While still providing loading space for four vehicles, the lower requirement in these zones reflects the higher density and the higher threshold for impacts on surrounding properties. Finally, of the purposes of FAR calculation in commercial zones, it is recommended that public schools be counted as residential floor area. This would allow a public school to utilize the entire building envelope in a mixed-use zone rather than just that allowed for commercial uses.

One other area of change was examined by OP and not included as recommended changes. The Commission requested OP to look into the possibility of removing public schools as a matter-of-right use in the C-M and M zones. OP notes that the Commission is in the process of reviewing the recently completed industrial land study. Any recommendation on school in these districts has been left out of this text amendment as it would be more appropriately incorporated in changes resulting from the industrial land use study.

PROPOSED TEXT

1. Amend first sentence of definition of "Public School" §199.1 as follows:

A building or use within a building operated ~~and maintained~~ or chartered by the District of Columbia Board of Education or the District of Columbia Public Charter School Board for educational purposes and other such community uses as deemed necessary and desirable.

2. Amend §201.1(k) to change matter of right uses in R-1 as follows:

- (k) Public school, subject to the provisions of chapter 21 of this title, Public schools may collocate with other permitted schools or uses provided all applicable requirements of this title are met. Public schools may share common on-site recreation space including gymnasiums, playgrounds, and fields, and these shared recreational spaces may count toward the minimum lot area. On-site office use must be ancillary and necessary to the operation of the particular school.

3. Amend §§ 400, 401 and 403 as noted below as "Proposed" for Public Schools¹

Res Zone	Minimum Lot Area (§ 401) ²		Minimum Lot Width (§401)		Maximum FAR (§402)– no change proposed	Maximum Lot Occupancy (§403)		Maximum Height (§400.10-11) ³	
	Existing	Proposed	Existing	Proposed		Existing	Proposed	Existing (res max)	Proposed
R-1-A	7,500 sf	15,000 sf	75'	120'	0.9	60% *	60% *	60' (40')	60'
R-1-B	5,000 sf	15,000 sf	50'	120'	0.9	60%*	60%*	60' (40')	60'
R-2	4,000 sf	9,000 sf	40'	120'	0.9	60%*	70% max	60' (40')	60'
R-3	4,000 sf	9,000 sf	40'	120'	1.8	60%*	70% max	90' (40')	60'
R-4	4,000 sf	9,000 sf	40'	120'	1.8	60%*	70% max	90' (40')	60'
R-5-A	None	9,000 sf	None	80'	1.8	60%*	60%*	90' (40')	90'
R-5-B	None	9,000 sf	None	80'	1.8	60%*	60%*	90' (50')	90'
R-5-C	None	None	None	80'	3.0	75% *	75% *	90' (60')	90'
R-5-D/E	None	None	None	80'	3.0	75% *	75% *	90' (90')	90'

* Currently §403 3 allows for public schools to exceed lot occupancy subject to limitations on height and pedestrian access. Proposed there would be a maximum of 70% in the R-2, R-3 and R-4 zones

1 = Any public school that does not meet the proposed limitations of 401, 402 or 403 may request relief through the special exception process

2 = Minimum lot area may include adjacent parcels that are separated only by a public alley

3 = (res max) = the maximum height permitted for a residential structure in these residential zones

Amendments include

400 10 In an R-1, R-2, R-3, and R-4 District, a public school building or structure may be erected to a height not exceeding sixty feet (60 ft).

400 11 In an ~~R-3, R-4~~, R-5-A, R-5-B, and R-5-C District, a public school building or structure may be erected to a height not exceeding ninety feet (90 ft)

The table in 401.3 would be amended to add a public school category to every residential zone district with the above noted lot area and lot width

401 8 For public schools, minimum lot area may include adjacent parcels under the same ownership that are separated only by a public alley

401 9 For public schools on a corner or through lot, minimum lot width may include the measurement of all street frontages.

401.10 For public schools on split-zoned lots, the minimum lot width and minimum lot area requirements, if any, of the less restrictive zone shall apply to the entire lot as long as the lot was in existence as of February 13, 2006

403 1 A public school building may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in §403 2; provided, that the portion of the building excluding closed courts exceeding the lot coverage shall not exceed twenty feet (20 ft) in height or two (2) stories, and provided further, that direct pedestrian access not less than ten feet (10 ft) in width from at least two (2) public rights-of-way shall be provided to each roof area used for these purposes. The roof area shall be used only for open space, recreation areas, or other athletic and field equipment areas in lieu of similarly used space normally located at ground level In the R-2, R-3, and R-4 zones, the total lot occupancy should not exceed 70 percent

4. Amend §206 to include Public Schools as a Special Exception in the R Districts as follows:

206 PUBLIC AND PRIVATE SCHOOLS AND STAFF RESIDENCES (R-1)

206 1 Use as a public school that does not meet the requirements of chapter 4 of this title or as a private school, but not including a trade school, and

residences for teachers and staff of a private school, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section

206.2 The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.

206.3 Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

5. Add §771.10 to allow for public school use in the C-1 zone up to a maximum FAR of 1.8

771.10 In a C-1 District, the maximum floor area ratio requirements may be increased for specific public school buildings or structures, but shall not exceed the floor area ratio 1.8

6. Add §501.1(i) to matter of right uses in SP-1 as follows:

(i) Public School, subject to the provisions of chapter 21 of this title.

7. Add §601.1(u) to matter of right uses in CR as follows:

(u) Public School, subject to the provisions of chapter 21 of this title

8. Add §901.1(v) to matter of right uses in W districts as follows:

(v) Public School, subject to the provisions of chapter 21 of this title.

9. Amend 2101.1 "Parking for Schools" to add a standard for pre-elementary and pre-kindergarten schools as follows:

SCHOOLS	
<u>Pre-elementary schools and pre-kindergarten schools or facilities.</u>	<u>2 for each 3 teachers and other employees</u>

10. Add §771.11 to allow schools to utilize all FAR in mixed-use zones:

771.11 For the purposes of this section, a public school shall be charged against the floor area ratio for "apartment house or other residential use," as specified in §§ 771.1 through 771.3

ANALYSIS

1. Amend first sentence of definition of "Public School" §199.1

This amendment accomplishes two purposes. It expands the definition of public school to include D.C. charter schools and to include schools collocated with other uses. This language is necessary to ensure that charter schools are considered public schools in terms of the Zoning Regulations. The collocation of schools with other uses, such as churches, allows for a more efficient use of land and allows the opportunity to locate schools with other large uses in residential zones where adequately sized lots might not otherwise be available.

2. Amend §201.1(k) to change matter of right uses in R-1

This language further addresses the collocation issue, specifically permitting it. It also addresses sharing of recreation space including gymnasiums, playgrounds, and fields. This provision allows opportunities for efficiency in land use where there are existing recreational facilities that may be underutilized. Finally, this change includes language that would limit office space in the school to offices ancillary to the school use.

3. Amend §§ 400(Height), 401(Lot Dimension) and 403(Lot Occupancy) for Public Schools

Lot Area (§ 401)

This section proposes minimum limits for lot area and lot width as well as maximum limits for height and lot occupancy. The proposal is for a minimum lot area of 15,000 square feet in the R-1 districts and 9,000 square feet in the R-2 through R-5-B districts. R-1 districts allow only single family detached homes as residential uses. The larger lot size in these districts should help to maintain the open, detached character of existing residential neighborhoods and provides space for the activity and impacts associated with schools. The R-2 through R-5 districts all allow some type of attached residential structures on various lot sizes. The 9,000 square foot minimum lot size in these districts recognizes the smaller lot sizes and greater densities in these zones while still requiring adequate space for a public school use.

The attached charts show land area for D.C. public schools and current D.C. public charter schools. Significantly, the proposed lot areas are greatly exceeded by every existing D.C. public school and all but one existing D.C. charter school.

Lot Width (§ 401)

This section also calls for minimum lot width of 120' for public schools in residential districts up to R-4 and 80' in the R-5 zones. This regulation is an

attempt to address the need of public schools for areas to load and unload children from buses or cars. While it would be generally preferable for this activity to be located on the site rather than in the street, the survey of existing schools showed that a large percentage of schools would be made non-conforming by a requirement for onsite student drop-off and pick-up. The compromise solution requires 120' of lot width, or street frontage to allow space that would ideally be marked for loading during school hours. 120' offers room for five to six cars to stop at once for drop-off/pick up. This estimate of 20+ feet of space per vehicle is based on discussion with DDOT. DDOT regularly uses a minimum of 20 feet per vehicle when calculating space for queuing. Observation of school loading zones shows that drivers neither queue through in a line as they would through a driveway, nor back in to parking spaces, but rather pull forward into wide spaces or double park.

Building Height (§ 400)

The proposed text would also lower the maximum allowable height for schools in the R-3 and R-4 zones from 90 feet to 60 feet. In the R-1 through R-4 zones the maximum height for any structure other than a public school is 40 feet. The proposed change would ensure closer compatibility of future school buildings with the surrounding area and provide a more consistent change between the R-5 zones and lower zones in terms of height.

Lot Occupancy (§ 403)

Currently, Section 403.3 allows public schools to exceed lot occupancy subject to limitations on height and pedestrian access. The proposed text amendment would amend Section 403.3 to limit that additional lot occupancy in the R-2, R-3, and R-4 zones to 70%. This is the same maximum allowed for single family homes in zones R-3 and above that go through the Section 223 special exception process.

4 Amend §206 to include Public Schools as a Special Exception in the R Districts

This amendment would simply add "a public school that does not meet the requirements of chapter four of this title" to the current special exception standards for private schools. This amendment allows the option to develop schools that do not meet the new or existing requirements through a special exception, rather than a variance.

5 Add §771.10 to allow for public school use in the C-1 zone up to a maximum FAR of 1.8

C-1 sites in the District tend to be individual properties or small areas in residential neighborhoods. Currently, the C-1 zone limits all development to an FAR of 1.0. This tends to be lower than the allowed FAR of surrounding zoning districts which for schools is usually 1.8. Raising the maximum FAR in the C-1 zone for public schools would allow use of these sites at a similar density to what would be allowed in the surrounding neighborhood.

6. *Add §501 1(i) to matter of right uses in SP districts*

7. *Add §601 1(u) to matter of right uses in CR district*

8. *Add §901 1(v) to matter of right uses in W districts*

Public schools are not currently permitted in the SP, CR, or W zone districts. These amendments would clean up what appears to be an oversight and effectively allow public schools to locate in any zone district in the city.

9. *Amend 2101 1 "Parking for Schools" to add a standard for pre-elementary and pre-kindergarten schools*

The existing parking regulations of chapter 21 do not specifically address pre-elementary schools. Since schools of this type would have similar parking needs as elementary schools, the parking standards for elementary schools have been used as the suggested standard for preschool uses. The requirement would be two parking spaces for every three teachers or other employees.

10. *Add §771 11 to allow schools to utilize all FAR in mixed-use zones*

This change recognizes that rising prices may push more schools to contemplate commercially zoned land. Since schools are deemed generally appropriate uses in residential zones, it follows that they would not be out of place in the residentially designated portion of mixed-use lots. Amending the commercial FAR standards to allow public schools to utilize this FAR would increase the number of possible school locations and lessen the pressure on areas less able to deal with the impacts.

COMPREHENSIVE PLAN

The text amendment is not inconsistent with any of the Comprehensive Plan themes, goals, objectives and policies. No policies specifically address the placement or impacts of public schools. The major themes of the Plan tend to promote maintaining or improving the character of neighborhoods as well as enhancing public safety. The proposed changes further the goals of both of these themes and are not inconsistent with any specific areas of the Plan.

AGENCY COMMENT

OP has been in contact with DCPS throughout the process. DCPS has provided attached information regarding the lot areas and enrollment of existing schools. They have also reviewed the proposed changes. While no written report has been submitted, verbal discussions have indicated no objections to the proposals.

COMMUNITY COMMENT

OP has worked closely with charter school groups including FOCUS and interested stakeholders. Comments were solicited throughout the month of January. We have tried to address a multitude of issues and ideas in this proposal and believe that we have reached a proposal that accomplishes the city's goals for public schools while offering the widest possible latitude for matter-of-right public school uses and balance impacts on adjoining residential neighbors.

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CONCLUSION

The proposed text amendments are not inconsistent with the Comprehensive Plan goals and objectives and will serve an important function in allowing charter schools the same opportunities as public schools in our city. The Office of Planning recommends approval of the proposed amendments to 11 DCMR (ZONING).

Attachments

EM/tp