

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance

From: Sharon S Schellin ¹³
Secretary to the Zoning Commission

Date: January 23, 2007

Re: Publication for the Office of Zoning

Please publish the following in the *D C Register* on February 2, 2007

- 1 Z C 12-Month Schedule of Monthly Meeting Dates,
- 2 Z C Notice of Public Hearing (Case No 06-45), and
- 3 Z C Notice of Final Rulemaking & Order No 06-20 (Case No 06-20).

The Final Rulemaking is also provided on the attached diskette

Attachment

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1 5 7 9
ZONING COMMISSION
District of Columbia
CASE NO. 06-20
EXHIBIT NO. 10

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ZONING COMMISSION
District of Columbia
CASE NO.06-20
EXHIBIT NO.10

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES
☒ FINAL RULES ☐ PROPOSED RULES ☐ COMBINED

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: MS SHARON SCHELLIN

DATE AND TIME RECEIVED

Office of Documents use only

ADDRESS: 441 4th Street, N W., Suite 210 South

TELEPHONE (202) 728-0340

TITLE AND DESCRIPTION OF RULES: Z.C. Case No. 06-20 Text Amendment to Permit Temporary Accessory Bus Parking Lot for Washington Metropolitan Area Transit Authority

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Chapter 6, Mixed Use (Commercial Residential) Districts, a new § 601 7 will be added

FINAL RULES ONLY Give the D C REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: 53 DCR 9309 DATE November 17, 2006

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules. Section 1 of the Zoning Act of 1938, approved June 20, 1938, 52 Stat. 797, 799, D.C. Official Code § 6-641 01 and D C Official Code § 2-505(c).

LEGAL CERTIFICATION: I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient

DATE JANUARY 23, 2007

SIGNED: *Alan Zylstra for*

PHONE (202) 442-9777

☒ FINAL

☐ CONDITIONAL

NAME: LINDA SINGER

TITLE: ACTING ATTORNEY GENERAL

PROMULGATOR: Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)

Zoning Commission For The District Of Columbia

Title

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules. Section 1 of the Zoning Act of 1938, approved June 20, 1938, 52 Stat 797, 799, D C Official Code § 6-641 01 and D C Official Code § 2-505(c).

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE:

1-8-07

APPROVAL OF ATTEST

Sharon J. Schellin
~~Acting Secretary to the Zoning~~

TITLE

Commission

PHONE

(202) 727-0340

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THIS NOTICE PUBLISHED AT:

VOL

DCR

DATE:

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z.C. ORDER NO. 06-20
Z.C. Case No. 06-20
(Text Amendment - 11 DCMR)
(Temporary Accessory Metrobus Parking Lot - Square 661, Lot 805)
January 8, 2007

The Zoning Commission for the District of Columbia (the "Commission"), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, as amended, D C Official Code § 6-641 01), having held a public hearing as required by § 3 of the Act (D C. Official Code § 6-641 03), and having referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to § 492 of the Charter of the District of Columbia, hereby gives notice of the adoption of the following amendment to Chapter 6 of the Zoning Regulations (Title 11 DCMR) The amendment adds a new § 601 7 to allow an accessory parking lot for the use of the Washington Metropolitan Area Transit Authority ("WMATA") as a temporary use (five [5] years maximum) on property located at Square 661, Lot 805

A Notice of Proposed Rulemaking was published in the *D C Register* ("DCR") on November 17, 2006, at 53 DCR 9309 The Commission took final action to adopt the amendments at a public meeting on January 8, 2007 No change was made to the text as proposed.

Set Down Proceedings

The Office of Planning ("OP") initiated this rulemaking at the request of the Office of Property Management and WMATA by filing a report with the Zoning Commission The OP report requested a text amendment to the Zoning Regulations allow the relocation of the existing WMATA bus parking lot from Square 703 to Square 661, for a temporary period not to exceed 5 years

At its April 20, 2006 special public meeting, the Zoning Commission agreed to set down the case for a public hearing

Existing Regulations

WMATA bus parking associated with the WMATA bus garage located at M and Half Streets S E was, until recently, located on the site of the new baseball stadium, at 60 O Street S E , and pre-dated the rezoning of the area from industrial to CR zoning and the establishment of the Capitol Gateway ("CG") Overlay District

The Office of Property Management identified an existing vacant parking lot at 98 R Street S W within Square 661, which is of a size and in a location suitable for this use for a temporary period of time, during which time the WMATA bus garage on M Street is anticipated to be relocated.

The proposed site is zoned CG/CR. The CR zone district permits accessory parking uses as a matter of right, 11 DCMR § 601 3, however § 2116 7 of the Zoning Regulations states that any off-site parking lots are to be located on an adjacent lot or a lot separated from the principal use by only an alley. In this case, the proposed parking lot is separated from the principal use (the WMATA bus garage) by a considerable distance and a number of public streets

Description of the Text Amendment

This rulemaking will permit the temporary relocation of the WMATA bus parking facility to Square 661, for a period of a maximum of five (5) years. Specifically, the following text is added to Chapter 6, Mixed Use (Commercial Residential) Districts, § 601 (Uses as a Matter of Right) as follows

"601 7 Notwithstanding § 602 1, and not subject to any otherwise applicable proximity requirement, a surface parking lot accessory to the Washington Metropolitan Area Transit Authority garage facility located on Square 700, Lot 857, is permitted as a temporary use for a period of five (5) years maximum on Square 661, Lot 805, from the date of issuance of the certificate of occupancy for such use "

In a separate proceeding, Z C Case No 06-44, the Commission is considering permitting Square 700, Lot 46 to also temporarily serve as an accessory parking lot for the WMATA garage, except that the maximum term for that use is proposed to be three (3) years

Relationship to the Comprehensive Plan

The amendment would not be inconsistent with the Comprehensive Plan or the Comprehensive Plan Generalized Land Use Map

Public Hearing and Proposed Action

The Zoning Commission held a public hearing on this case on July 24, 2006. At the Public Hearing, OP summarized the need for the proposed text amendment. There were no other government agencies, persons or parties speaking in favor or in opposition to the proposed text amendment

A Notice of Proposed Rulemaking was published in the D C Register on November 17, 2006, at 52 DCR 10721, for a 30-day notice and comment period

The proposed rulemaking was referred to the National Capital Planning Commission ("NCPC") under the terms of § 492 of the District of Columbia Charter. No report was received within the 30-day review period provided for in that section.

No other comments were received.

The Office of the Attorney General has determined that this rulemaking meets its standards of legal sufficiency.

Final Action

At its properly noticed January 8, 2007 public meeting, the Commission took final action to adopt the proposed text amendment. No substantive changes were made to the proposed text.

Based on the above, the Commission finds that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia and consistent with the purpose of the Zoning Regulations and the Zoning Act.

In consideration of the reasons set forth herein, the Commission hereby **APPROVES** the following amendments to Chapter 8 of the Zoning Regulations, Title 11 DCMR:

Title 11 DCMR (Zoning), Chapter 6, Mixed Use (Commercial Residential) Districts, § 601 (Uses as a Matter of Right), is amended by adding a new § 601.7 to read as follows.

"601.7 Notwithstanding § 602.1, and not subject to any otherwise applicable proximity requirement, a surface parking lot accessory to the Washington Metropolitan Area Transit Authority garage facility located on Square 700, Lot 857, is permitted as a temporary use for a period of five (5) years maximum on Square 661, Lot 805, from the date of issuance of the certificate of occupancy for such use."

Vote of the Zoning Commission taken at its public meeting on July 24, 2006, to **APPROVE** the proposed rulemaking by a vote of **4-0-1** (Anthony J. Hood, John G. Parsons, Gregory N. Jeffries, and Michael G. Turnbull to approve, Carol J. Mitten, not present, not voting).

This Order was **ADOPTED** by the Zoning Commission at its public meeting on January 8, 2007, by a vote of **5-0-0** (Carol J. Mitten, Anthony J. Hood, John G. Parsons, Gregory N. Jeffries, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the D C Register, that is, on _____.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING**

and

Z.C. ORDER NO. 06-20

Z.C. Case No. 06-20

(Text Amendment - 11 DCMR)

(Temporary Accessory Metrobus Parking Lot)

January 8, 2007

The full text of this Zoning Commission order is published in the "Final Rulemaking" section of this edition of the *D C Register*