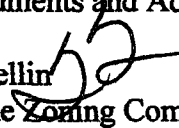


Government of the District of Columbia
OFFICE OF ZONING



MEMORANDUM

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

FROM: Sharon S. Schellin 
Secretary to the Zoning Commission

DATE: May 30, 2006

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on June 9, 2006:

- 1 Z.C. Notice of Filing (Case No. 88-34A);
- 2 Z.C. Notice of Emergency Rulemaking (Case No. 06-20), and
- 3 Z.C. Notice of Public Hearing (06-20)

Attachments

Office of
Documents and
Administrative
Issuance
JUN 13 11 31 AM '06

**ZONING COMMISSION
District of Columbia**

CASE NO. 06-20

EXHIBIT NO. 4

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: 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If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Chapter 6, Mixed Use (Commercial Residential) Districts, a new § 601.7 will be added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: DCR DATE:

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: MAY 30, 2006

SIGNED:

Robert J. Spagnoletti

PHONE. (202) 442-9777

☒ FINAL	☐ CONDITIONAL	NAME: ROBERT J SPAGNOLETTI	TITLE: ATTORNEY GENERAL
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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

4/20/06

APPROVAL OF ATTEST

Sharon J. Schellin

~~Acting~~ Secretary to the Zoning Commission

PHONE (202) 727-0340

Office of Documents use only

THIS NOTICE PUBLISHED AT

VOL.

DCR.

DATE

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

Z.C. Case No. 06-20

**(Text Amendment to Permit Temporary Accessory Bus Parking Lot for Washington
Metropolitan Area Transit Authority)**

April 20, 2006

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938, (52 Stat. 797, 799; D.C. Official Code § 6-641-01 (2001)), and the authority set forth in D.C. Official Code § 2-505(c) (2001), hereby gives notice of the adoption, on an emergency basis, of an amendment to Title 11 of the District of Columbia Municipal Regulations ("DCMR") to permit a temporary accessory bus parking lot for the Washington Metropolitan Area Transit Authority ("WMATA").

The circumstances justifying emergency action are as follows: WMATA currently maintains a bus garage housing approximately 76 buses at M and Half Streets, S.E. Bus parking associated with this garage is located on the future site of the major league baseball stadium to be built in the District of Columbia. Other than the site set forth in the emergency rulemaking, there are few or no other suitable sites available to be used as a temporary bus parking lot. Construction of the stadium is imminent and therefore WMATA immediately needs a new location to park its buses. Delaying the effective date of the rulemaking would seriously hinder WMATA operations and the ability of the District of Columbia Office of Property Management to find another suitable site.

The emergency rulemaking took effect immediately upon its adoption on April 20, 2006¹ and will expire 120 days thereafter, *i.e.*, on August 18, 2006, or upon the publication of a notice of the final adoption of this rule in the *D.C. Register*, whichever occurs first.

Title 11 (DCMR) is amended as follows:

Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, is amended by adding new section 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 703, Lot 53, from the date of the issuance of the certificate of occupancy for such use.

¹ A Notice of Public Hearing for this amendment is published elsewhere in this edition of the *D.C. Register*.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Monday, July 24, 2006, at 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. 06-20 - Text Amendment – DCMR Title 11 Chapter 6 Mixed Use Commercial Residential (CR) District

THIS CASE IS OF INTEREST TO ANC 6D

On April 20, 2006, the Office of Zoning received a petition from the District of Columbia Office of Planning (“OP”), filed on behalf of the Office of Property Management (“OPM”) and the Washington Metropolitan Area Transit Authority (collectively, “Petitioner”), for a text amendment to the zoning regulations to permit the use of a surface parking lot on Square 703, Lot 53 (98 R Street SW) by Washington Metropolitan Area Transit Authority buses, for a maximum period of five (5) years. This text amendment would provide for a suitable temporary WMATA bus parking lot necessary immediately to replace the current one located on the site of the future major league baseball stadium, pending a long term resolution of WMATA’s bus parking needs.

The proposed site is currently developed as a parking lot and is of a size and in a location suitable for the proposed use - parking of approximately 76 WMATA buses currently using parking associated with the WMATA bus garage located at M and Half Streets SE - and no further improvements to the lot are anticipated.

At its April 20, 2006 meeting, the Zoning Commission adopted the rule on an emergency basis¹ and set it down for a hearing at a later date. The Commission also waived § 3013.1 of its rules of procedure, which would have required a twenty-day waiting period before publication.

The proposed text amendment is as shown below.

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

Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, is amended by adding new section 601.7, to read as follows:

¹ A Notice of Emergency Rulemaking appears elsewhere in this volume of the *D.C. Register*.

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 703, Lot 53, from the date of the issuance of the certificate of occupancy for such use ”

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat 797), an amended, D C Official Code § 6-641 *et seq* (2001)

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning Pursuant to that section, 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 in writing their intention to testify Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 200-S, 441 4th Street, N.W , Washington, D C 20001 Please include the number of this particular case and your daytime phone number **FOR RURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY N. JEFFRIES, JOHN G. PARSONS, AND MICHAEL G. TURNBULL, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.