

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

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[REDACTED]
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MEMORANDUM

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin ²³
Secretary to the Zoning Commission
Date: August 14, 2007
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on August 24, 2007:

1. Z.C. Notice of Amended Emergency Rulemaking (Case No. 07-08).

Attachment

Office of
Documents and
Administrative
Issuances
2007 AUG 14 PM 3:50

ZONING COMMISSION
District of Columbia

CASE NO. 07-08

EXHIBIT NO. 23

Telephone: (202) 727-6311

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ZONING COMMISSION

District of Columbia

CASE NO. 07-08

EXHIBIT NO. 23

RULEMAKING TRANSMITTAL FORM

2007 AUG 14 PM 3:49

TYPE OF RULEMAKING ACTION: ☒ EMERGENCY RULES

☐ FINAL RULES

☐ PROPOSED RULES

☐ COMBINED

DATE AND TIME RECEIVED

Office of Documents use only

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: SHARON SCHELLIN

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

TELEPHONE: 727-0340

TITLE AND DESCRIPTION OF RULES: Zoning Commission Case No. 07-08 (Text Amendments – Temporary Ballpark accessory surface parking lots)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: This rulemaking amends Title 11 (Zoning) Sections §§ 601, 741, and 2110.

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: Sections 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Official Code § 6-641.01 and 641.07).

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: AUGUST 13, 2007

SIGNED: 

PHONE: (202) 442-9777

☒ FINAL

☐ CONDITIONAL

NAME: LINDA SINGER

TITLE: 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:

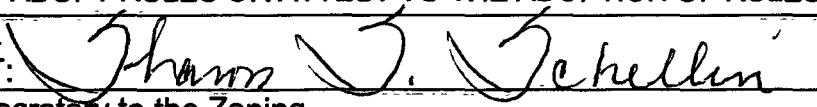
COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules. Sections 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Official Code § 6-641.01 and 641.07).

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

**DATE OF
APPROVAL
OF VOTE:**

7-30-07

**APPROVAL
OF ATTEST:**


Secretary to the Zoning

TITLE: 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 AMENDED EMERGENCY RULEMAKING
Z.C. Case No. 07-08
(Text Amendments – Temporary Ballpark Accessory Surface Parking Lots)
July 30, 2007

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in sections 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Official Code §§ 6-641.01 and 641.07) and the authority set forth in section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505 (c)), hereby gives notice of the adoption, on an emergency basis, of amendments to §§ 601, 741, and 2110 of the Zoning Regulations (DCMR, Title 11).

These amendments modify provisions that the Commission adopted on an emergency basis on May 21, 2007. On that same date, the Commission authorized the publication of the proposed rules for a thirty-day period of public comment. A Notice of Proposed and Emergency Rulemaking was published in the *D.C. Register* on June 8, 2007 at 54 DCR 5633. The emergency rules permit temporary parking lots to serve patrons attending events at the ballpark authorized by Zoning Commission Order 06-22 and were taken on an emergency basis to ensure that there would be adequate off-street parking available by the time the ballpark opens.

On July 30, 2007, the Commission took final rulemaking action to adopt the proposed rules. The Commission adopted the proposed text, except that the Commission:

- Excluded the lots to be occupied by the future site of Canal Blocks Park from the properties eligible to serve as temporary ballpark parking lots;
- Eliminated the requirement for an approved traffic management plan for the Ballpark as a prerequisite to the issuance of any certificate of occupancy for the use, and instead required a DDOT approved traffic routing plan for each proposed lot; and
- Reduced the time that a lot must be reserved for the exclusive use of attendees at ballpark public events was from three hours to 1.5 hours before the event begins.

After taking final action, the Commission recognized that if it did not amend the emergency text adopted on May 21, 2007 to include the three changes described above, it would be possible for the temporary lots to be allowed in places and under circumstances that would not be consistent with the public welfare. The Commission, therefore, took emergency action to adopt the amendments set forth below.

The Zoning Commission adopted this amended emergency rule on July 30, 2007, and it became effective on that date. The emergency rule will expire on September 18, 2007, which is the 120th day after the Commission adopted the original emergency rule, or upon the publication of a Notice of Final Rulemaking in the *Register*, whichever occurs first.

NOTICE OF AMENDED EMERGENCY ACTION
Z.C. CASE NO. 07-08
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Title 11 (DCMR) is amended as follows (additions to the existing text are **bold and underlined**, deletions are ~~struck through~~):

A. Chapter 6, MIXED USE (CR) DISTRICTS, § 601.1(dd), is amended to read as follows:

601.1 (dd) Notwithstanding § 602.1, temporary surface parking lot accessory to the Ballpark shall be permitted on Squares 660, 665, 700, 701, ~~767, 768, 769, or 882;~~ **and on Square 767, Lots 44 – 47; Square 768, Lots 19- 22; and Square 769, Lot 19 and those portions of Lots 18 and 20 within the CR District;** in accordance with § 2110. In the event that the cumulative parking limit established in § 2110.1 (a) is met, additional temporary surface parking spaces accessory to the Ballpark on Squares 660, 665, 700, 701, ~~767, 768, 769, or 882;~~ **and on Square 767, Lots 44 - 47, Square 768, Lots 19- 22, and Square 769, Lot 19, and those portions of Lots 18 and 20 within the CR District;** shall be permitted as a special exception if approved by the Board of Zoning Adjustment pursuant to § 2110.2.

B. Chapter 7, COMMERCIAL (C) DISTRICTS, § 741.5(d), is amended to read as follows:

741.5 (d) Temporary surface parking lot accessory to the Ballpark shall be permitted on Square 769, **Lot 21 and those portions of Lots 18 and 20 within the C-3-C District,** in accordance with § 2110.1 (a). In the event that the cumulative parking limit established in § 2110.1 (b) is met, additional temporary surface parking spaces accessory to the Ballpark on Square 769, **Lot 21 and those portions of Lots 18 and 20 within the C-3-C District,** shall be permitted as a special exception if approved by the Board of Zoning Adjustment pursuant to § 2110.2.

C. Chapter 21, OFF STREET PARKING REQUIREMENTS, §§ 2110.1 and 2110.3, are amended to read as follows:

2110.1 Permitted Use - Notwithstanding §§ 602.1 and 902.1 and not subject to any otherwise applicable proximity requirement, a temporary surface parking lot accessory to the Ballpark shall be permitted as a temporary use on Squares 660, 665, 700, 701, 707, 708, 708E, 708S, 744S, ~~767, 768, 769, and 882;~~ **and Square 767, Lots 44 – 47; Square 768, Lots 19 – 22; and Square 769, Lots 18 - 21** (“the subject squares”) in accordance with §§ 2110.3 through 2110.5 and the following provisions:

- (a) The cumulative total of all temporary surface parking spaces for which a valid Building Permit has been issued pursuant to this section shall not exceed 3,775 parking spaces.

- (b) Any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2013.
- (c) The application for a building permit for matter of right construction shall include a detailed accounting demonstrating that the circumstances described in § 2110.2 do not apply.
- (d) No certificates of occupancy for this use shall be issued until the District Department of Transportation has approved a traffic routing plan **for the lot, which shall include the impact of other proposed lots if required by DDOT.**
- (e) The traffic routing plan described in § 2110.1(d) shall not direct traffic through I St., SW, P St., SW, or 4th St., SW.

...

- 2110.3 Any parking lot authorized shall be available for exclusive use of attendees at any baseball game or other public event described in §1612.3 for a time period extending from **one and a half (1.5)** 3-hours prior to the scheduled start time of the event, to 3 hours after the event. At all other times, the parking lot may be used for:
- (a) Parking on a general basis for “non-commercial motor vehicles” as that term is defined by 18 DCMR § 13.12.3 (c), except vehicles equipped to serve as temporary or permanent living quarters; or
 - (b) A seasonal or occasional market for produce, arts or crafts with non-permanent structures.