

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 07-08

APR 19 2007

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|---|--|
| 1. D.C. Register | 6. Councilmember Tommy Wells |
| 2. Robert Moffatt, Chair ANC 6D 25 M Street, SW Washington, DC 20024 | 7. Office of Planning (Harriet Tregoning) |
| 3. Commissioner Rhonda N. Hamilton ANC/SMD 6D06 44 O Street SW # 12 Washington, DC 20024 | 8. DDOT (Ken Laden) |
| 4. Commissioner Robert Siegel ANC/SMD 6D07 919 5th St SE Washington, DC 20003 | 9. Zoning Administrator (Bill Crews) |
| 5. Gottlieb Simon ANC 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004 | 10. Jill Stern, Esq. General Counsel - DCRA 941 North Capitol Street, N.E. Suite 9400 Washington, D.C. 20002 |
| | 11. Office of the Attorney General (Alan Bergstein) |
| | 12. MLK Library (30 Copies) |

ATTESTED BY:

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia

CASE NO. 07-08

EXHIBIT NO. 3

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ZONING COMMISSION
District of Columbia
CASE NO. 07-08
EXHIBIT NO. 3

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

TIME AND PLACE: **Monday, May 21, 2007, 6:30 p.m. (2nd Case)**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 07-08 - Text Amendments – DCMR Title 11 Chapter 1 Definitions, Chapter 3, R-2, R-3, R-4, and R-5 Residential District; Chapter 7, Commercial (C) Districts; Chapter, 9 Waterfront (W) Districts; and Chapter 21, Off Street Parking Requirements, to permit and regulate temporary surface parking spaces on specified lots.

THIS CASE IS OF INTEREST TO ANC 6D

On March 30, 2007, the Office of Zoning received an application from the District of Columbia Office of Planning for a text amendment to the Zoning Regulations to permit temporary surface parking lots on Squares 660, 665, 700, 701, 707, 708, 708E, 708S, 744S, 767, 768, 769, and 882. In summary, this text amendment would:

- Allow matter of right temporary surface parking lots on the above names squares for which any certificate of occupancy will expire no later than April 1, 2013.
- Establish a matter of right maximum number of 3,775 surface parking spaces to be provided on these lots. Special exception approval by the BZA of parking spaces in excess of this maximum would be permitted in accordance with § 3104, subject to the applicant providing a traffic study assessing potential impacts.
- Establish that, when not in use for Ballpark event parking purposes, the parking lots could be used for the parking of non-commercial motor vehicles or for occasional or seasonal markets or craft fairs.
- Establish times of the day when the spaces would have to be available for exclusive use by patrons attending events at the new stadium for the Washington Nationals (“Ballpark”).
- Establish minimum parking space and driveway aisle sizes; maximum grades; surface materials; landscaping, screening, and lighting regulations.

At its regular public meeting held April 9, 2007, the Zoning Commission setdown this case for a public hearing and authorized a thirty-day notice period. The Commission also indicated that it would consider taking emergency action to adopt the amendment after the hearing concluded.

The proposed amendments to the Zoning Regulations are as follows, with addition to existing provisions shown in **bold and underlined** text:

A. Chapter 1 amendment is amended by adding the following new definition:

199.1 **Ballpark** – the building and use authorized by Zoning Commission Order 06-22.

B. Chapter 3, R-2, R-3, R-4, and R-5 Residential District Use Regulations §350 R-5 Districts: General Provisions is amended by adding the following new provision:

“350.4 (h) Temporary surface parking lot accessory to the Ballpark shall be permitted on Square 882 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 Square 882 shall be permitted as a special exception use if approved by the Board of Zoning Adjustment pursuant to § 2110.2.”

C. Chapter 6, Mixed Use (CR) Districts § 601 Permitted Uses is amended by adding the following new provision:

“601.1 (u) 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 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 shall be permitted as a special exception if approved by the Board of Zoning Adjustment pursuant to § 2110.2.”

D. Chapter 6, Mixed Use (CR) Districts § 602 Prohibited Uses is amended by adding the following new text:

“602.1 (j) **Parking lot, except a temporary surface parking lot permitted pursuant to § 601.1(u).**”

E. Chapter 7, Commercial (C) Districts § 741 Uses as a Matter of Right (C-3) is amended by adding the following new provision:

“741.5 (d) Temporary surface parking lot accessory to the Ballpark shall be permitted on Square 769 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 shall be permitted as a special exception if approved by the Board of Zoning Adjustment pursuant to § 2110.2.”

- F. Chapter, 9 Waterfront (W) Districts § 901 Uses as A Matter of Right is amended by adding the following new provision:

“901.1 (v) Notwithstanding 352.3, temporary surface parking lot accessory to the Ballpark shall be permitted on Squares 707, 708, 708E, 708S, or 744S, 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 707, 708, 708E, 708S, or 744S shall be permitted as a special exception in a W-2 District if approved by the Board of Zoning Adjustment pursuant to § 2110.2.”

- G. Chapter 9, Waterfront (W) Districts § 902 Prohibited Uses is amended by adding the following new text:

“902.1 (l) Parking Lot, **except a temporary surface parking lot permitted pursuant to § 901.1 (v);**”

- H. Chapter 21, Off Street Parking Requirements is amended by adding the following new section:

“2110 Temporary Surface Parking Lots and Spaces for the Ballpark

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 (“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;

2110.2 **Special Exception** - If and when valid building permits issued pursuant to § 2110.1 authorize an aggregate of 3,775 or more

parking spaces, the construction and use of additional temporary spaces on any of the subject squares shall require approval of the Board of Zoning Adjustment pursuant to § 3104, and in accordance with §§ 2110.3 through 2110.5 and the following provisions:

- (a) Any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2013 and
- (b) The BZA application shall include a detailed accounting of the number and locations of temporary parking spaces provided pursuant to § 2110.1; and shall also include a traffic study assessing the impacts of the proposed additional parking spaces on local traffic patterns for referral to and comment by the District Department of Transportation;

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 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:

- i. 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
- ii. A seasonal or occasional market for produce, arts or crafts with non-permanent structures.

2110.4 No use, other than permitted in this section shall be conducted from or upon the premises, and no structure other than an attendant's shelter shall be erected or used upon the premises unless the use or structure is otherwise permitted in the District in which the parking lot is located; and

2110.5 A temporary surface parking lot provided in accordance with this section shall comply with the following standards:

- (a) A full size automobile parking space shall be a minimum of nine feet (9 ft.) in width and nineteen feet (19 ft.) in length, exclusive of access drives or aisles. A compact car parking space shall be a minimum of eight feet (8 ft.) in width and sixteen feet (16 ft.) in length exclusive of access drives or

aisles, and shall be visibly marked as a "compact car" or "small car" parking space.

- (b) Parking shall be designed so that no vehicle or any part thereof shall project over any lot line or building line. All parking areas and spaces shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space.
- (c) When parking spaces are so arranged that an aisle is required for accessibility or maneuvering space between rows of 2 or more parking spaces, or between a row of 2 or more parking spaces and the perimeter of the area devoted to parking spaces, the aisle shall have a clear width of not less than twenty feet (20 ft.) or ninety degree (90°) angle parking, and not less than seventeen feet (17 ft.) for angle parking that is sixty degrees (60°) or less as measured from the center line of the aisle.
- (d) Aisle widths serving compact car spaces exclusively shall have a clear width of not less than twenty feet (20 ft.) for ninety degree (90°) angle parking and not less than sixteen feet (16 ft.) for angle parking that is sixty degrees (60°) or less as measured from the center line of the aisle.
- (e) Compliance with the requirements of §§ 2110.3 (c) and (d) is not required if the parking is managed during a specified twelve (12) hour peak period to be determined by the District Department of Transportation by employed attendants who park the vehicles using the parking facility; in which case a permanent sign shall be posted at each entrance in full view of the public that states: "Attendant assisted parking is required by the District of Columbia Zoning Regulations." The sign shall also state the hours during which attendant parking is required. The sign shall have a white background, with black lettering that is no less than two inches (2 in.) in height.
- (f) A driveway that provides access to required parking spaces shall:
 - i. Have a maximum grade of not more than twelve percent (12%) with a vertical transition at the property line;

- ii. Be not less than twenty-five feet (25 ft.) from a street intersection as measured from the intersection of the curb line extended;
 - iii. Be not less than twelve feet (12 ft.) in width if designed for one-way circulation or fourteen feet (14 ft.) if designed for two-way circulation; and
 - iv. Be not more than twenty-five feet (25 ft.) in width.
- (g) All parking spaces, including access aisles, driveways, and ramp areas shall be surfaced and maintained with an all-weather surface. In addition to traditional impervious surfaces, allowable all weather surfaces include porous (or pervious) concrete, porous asphalt, and/or mechanically-reinforced grass, excluding grass or gravel.
- (h) The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. Landscaping with trees and shrubs shall cover a minimum of five percent (5%) of the total area of the parking lot, or an area as determined by the Board of Zoning Adjustment for a parking lot requiring Board approval.
- (i) Any lighting used to illuminate a parking lot or its accessory building shall be so arranged that all direct rays of lighting are confined to the surface of the paved area devoted to parking.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony is described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:**

- (a) The person's name, address, and daytime telephone number;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf;
- (f) A summary of the testimony of each witness;
- (g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and
- (i) A written statement setting forth why the person should be granted party status, including reference to the following:
 - (1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;
 - (2) The legal interest the person has in said property, such as owner, tenant, trustee, or mortgagee;
 - (3) The distance between the person's property and the property that is the subject of the application before the Commission;

- (4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and
- (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The applicant shall also provide the information indicated in (e) through (h) to the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1. The information shall be filed no later than fourteen (14) days before the date of the hearing.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall also contain the information indicated in (e) through (h) above.

Time limits.

The following time limits for oral testimony shall be adhered to unless changed by the Commission, and no time may be ceded:

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|----|----------------------------------|---|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 15 minutes each (60 minutes collectively) |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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