

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

2007 DEC 11 AM 9:39
Office of
Documents and
Administrative
Issuance

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin
Secretary to the Zoning Commission
Date: December 3, 2007
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on December 21, 2007:

1. Z.C. Notice of Proposed Rulemaking (Case No. 07-214A5);
2. Z.C. Notice of Public Hearing (05-15A);
3. Z.C. Notice of Emergency & Proposed Rulemaking (Case No. 07-08A); and
4. Z.C. Notice of Public Hearing (07-08A).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 07-08A
EXHIBIT NO. 4

2007 DEC 11 AM 9:29

RULEMAKING TRANSMITTAL FORM

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

DATE AND TIME RECEIVED
Office of Documents use only

ADDRESS: 441 4th Street, N.W., Suite 210 South **TELEPHONE:** 727-0340

TITLE AND DESCRIPTION OF RULES: Z.C. Case No. 07-08A: 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If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections 601.1(dd), 901.1(dd), 2110.1, 2110.5(j)

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).

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: DECEMBER 10, 2007 SIGNED: *An S* for 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. Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

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

DATE OF APPROVAL *10-15-07* APPROVAL OF ATTEST: *Sharon S. Schellin*
OF VOTE: TITLE: Secretary to the Zoning Commission PHONE: (202) 727-0340

Office of Documents THIS NOTICE VOL: DCR: DATE:
use only: PUBLISHED AT:

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

Z.C. Case No. 07-08A

**(Text Amendments – Temporary Ballpark Accessory Surface Parking Lots)
October 15, 2007**

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in §§ 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 § 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, 901, and 2110 of the Zoning Regulations (DCMR, Title 11).

These amendments follow a previously approved amendment (Zoning Commission Order No. 07-08) which permits temporary parking lots on 11 separate squares in the vicinity of the ballpark.

These proposed text amendments allow temporary parking lots to also be located on Squares 603, 605, 657, 658, 661, 662, 662E, 664, 664E, and Square 658, Lot 7. These parking lots would be subject to all conditions and regulations adopted for temporary parking lots in Z.C. Order No. 07-08 noted above, including the overall cap of 3,775 spaces.

It is anticipated that the Washington Nationals' ballpark will begin operation in time for the opening day of the 2008 Major League Baseball season. This action is being taken on an emergency basis because, absent immediate action by the Zoning Commission, it is likely that adequate parking facilities will not be ready by that date. The ballpark is expected to generate a parking demand far in excess of the parking provided on the ballpark site. If additional facilities are not available to handle this short-fall in time for the opening, the Zoning Commission believes the resulting traffic problems pose a threat to public safety.

This emergency rule was adopted on October 15, 2007, and became effective on that date.

The Zoning Commission also gives notice of its intent to take final rulemaking action to adopt the following amendments to the Zoning Regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register* or thirty days following referral of this amendment to the National Capital Planning Commission, whichever occurs last.

The emergency rule will expire on February 12, 2008, which is the 120th day after the adoption of the rule, or upon the publication of a Notice of Final Rulemaking in the *Register*, whichever occurs first.

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The proposed amendments to the Zoning Regulations are as follows:

A. Chapter 6, MIXED USE (CR) DISTRICTS, § 601 is amended by adding the following new text (additions to the existing text are **bold** and underlined):

601.1 (dd) Notwithstanding § 602.1, temporary surface parking lot accessory to the Ballpark shall be permitted on Squares 603, 605, 657, 660, 661, 662, 662E, 664, 665, 700, 701, 882; and on Square 658, Lot 7, 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 603, 605, 657, 658, 660, 661, 662, 662E, 664, 665, 700, 701, 882; and on Square 658, Lot 7, 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 9, WATERFRONT (W) DISTRICTS, § 901 is amended by adding the following new text (additions to the existing text are **bold** and underlined):

901.1 (dd) Notwithstanding § 352.3, temporary surface parking lot accessory to the Ballpark shall be permitted on Squares 664E, 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 664E, 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.

C. Chapter 21, OFF STREET PARKING REQUIREMENTS, is amended by adding the following new text (additions to the existing text are **bold** and underlined):

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 603, 605, 657, 658, 660, 661, 662, 662E, 664, 664E, 665, 700, 701, 707, 708, 708E, 708S, 744S, and 882; and Square 658, Lot 7, Square 767, Lots 44 – 47; Square 768, Lots 19 – 22; and Square 769, Lots 18 - 21

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(“the subject squares”) in accordance with §§ 2110.3 through 2110.5 and the following provisions:

D. Chapter 21, OFF STREET PARKING REQUIREMENTS §2110.5 is amended by adding the following new subsection:

2110.5 (j) A minimum of 5% of parking spaces shall be reserved for a registered and recognized, publicly accessible car/ride-share program with a significant District user base and a mandate that is not commuter-oriented, such as GoLoco. These car/ride share spaces shall be located in premium, visible, bannered locations and will be available, for a fee, exclusively for this use until the start of the event on that day.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.