

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Zoning

2008 FEB 12 AM 9:17



MEMORANDUM

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**To:** Office of Documents and Administrative Issuance

**From:** Sharon S. Schellin *SS*  
Secretary to the Zoning Commission

**Date:** <sup>12</sup>February 11, 2008

**Re:** Publication for the Office of Zoning

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Please publish the following in the *D.C. Register* on February 22, 2008:

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

Attachment

ZONING COMMISSION  
District of Columbia

CASE NO. 07-08A

EXHIBIT NO. 9

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ZONING COMMISSION  
District of Columbia  
CASE NO. 07-08A  
EXHIBIT NO. 8

# RULEMAKING TRANSMITTAL FORM

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 4<sup>th</sup> Street, N.W., Suite 210 South

TELEPHONE: 727-0340

TITLE AND DESCRIPTION OF RULES: Notice of Emergency Rulemaking: Z.C. Case No. 7-08A (Text Amendments – 11 DCMR 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If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections 601, 901, 2110.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) and 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)).

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: FEBRUARY 4, 2008

SIGNED: *Alexa Boyden for*

PHONE: (202) 442-9777

☒ FINAL

☐ CONDITIONAL

NAME: PETER J. NICKLES

TITLE: INTERIM 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) and 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)).

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

DATE OF APPROVAL  
OF VOTE:

*2-11-08*

APPROVAL  
OF ATTEST:

*Sharon J. Schellin*  
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 EMERGENCY RULEMAKING**

**Z.C. Case No. 07-08A**

**(Text Amendments – 11 DCMR**

**Temporary ballpark accessory surface parking lots)**

**February 11, 2008**

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 re-adoption, on an emergency basis, of amendments to §§ 601, 901, 2110 of the Zoning Regulations (DCMR, Title 11).

These 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.

This emergency rule is identical to the one adopted on October 15, 2007, and published in the D.C. Register (“*DCR*”) on December 21, 2007 at 54 *DCR* 12388. Re-adoption of the rule on an emergency basis is necessary because the emergency conditions identified in the December 21, 2007 notice continue to exist, but the Zoning Commission’s consideration of a permanent rule is not yet completed.

The initial emergency rule was adopted because the Washington Nationals’ ballpark will begin operation on March 29, 2008, and absent immediate action by the Zoning Commission it was 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 Commission believes the resulting traffic problems pose a threat to public safety.

This emergency rule was adopted on February 11, 2008, and became effective on that date.

The emergency rule will expire on June 10, 2008, which is the 120<sup>th</sup> day after the adoption of the rule, or upon the publication of a Notice of Final Rulemaking in the *Register*, whichever occurs first.

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 (“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.