

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z.C. ORDER NO. 06-20
Z.C. Case No. 06-20
(Text Amendment - 11 DCMR)
(Temporary Accessory Metrobus Parking Lot - Square 661, Lot 805)
January 8, 2007**

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01); having held a public hearing as required by § 3 of the Act (D.C. Official Code § 6-641.03); and having referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to § 492 of the Charter of the District of Columbia; hereby gives notice of the adoption of the following amendment to Chapter 6 of the Zoning Regulations (Title 11 DCMR). The amendment adds a new § 601.7 to allow an accessory parking lot for the use of the Washington Metropolitan Area Transit Authority (“WMATA”) as a temporary use (five [5] years maximum) on property located at Square 661, Lot 805.

A Notice of Proposed Rulemaking was published in the *D.C. Register* (“DCR”) on November 17, 2006, at 53 DCR 9309. The Commission took final action to adopt the amendments at a public meeting on January 8, 2007. No change was made to the text as proposed.

Set Down Proceedings

The Office of Planning (“OP”) initiated this rulemaking at the request of the Office of Property Management and WMATA by filing a report with the Zoning Commission. The OP report requested a text amendment to the Zoning Regulations allow the relocation of the existing WMATA bus parking lot from Square 703 to Square 661, for a temporary period not to exceed 5 years.

At its April 20, 2006 special public meeting, the Zoning Commission agreed to set down the case for a public hearing.

Existing Regulations

WMATA bus parking associated with the WMATA bus garage located at M and Half Streets S.E. was, until recently, located on the site of the new baseball stadium, at 60 O Street S.E., and pre-dated the rezoning of the area from industrial to CR zoning and the establishment of the Capitol Gateway (“CG”) Overlay District.

The Office of Property Management identified an existing vacant parking lot at 98 R Street S.W. within Square 661, which is of a size and in a location suitable for this use for a temporary period of time, during which time the WMATA bus garage on M Street is anticipated to be relocated.

The proposed site is zoned CG/CR. The CR zone district permits accessory parking uses as a matter of right, 11 DCMR § 601.3, however § 2116.7 of the Zoning Regulations states that any off-site parking lots are to be located on an adjacent lot or a lot separated from the principal use by only an alley. In this case, the proposed parking lot is separated from the principal use (the WMATA bus garage) by a considerable distance and a number of public streets.

Description of the Text Amendment

This rulemaking will permit the temporary relocation of the WMATA bus parking facility to Square 661, for a period of a maximum of five (5) years. Specifically, the following text is added to Chapter 6, Mixed Use (Commercial Residential) Districts, § 601 (Uses as a Matter of Right) 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 661, Lot 805, from the date of issuance of the certificate of occupancy for such use.”

In a separate proceeding, Z.C. Case No. 06-44, the Commission is considering permitting Square 700, Lot 46 to also temporarily serve as an accessory parking lot for the WMATA garage, except that the maximum term for that use is proposed to be three (3) years.

Relationship to the Comprehensive Plan

The amendment would not be inconsistent with the Comprehensive Plan or the Comprehensive Plan Generalized Land Use Map.

Public Hearing and Proposed Action

The Zoning Commission held a public hearing on this case on July 24, 2006. At the Public Hearing, OP summarized the need for the proposed text amendment. There were no other government agencies, persons or parties speaking in favor or in opposition to the proposed text amendment.

A Notice of Proposed Rulemaking was published in the D.C. Register on November 17, 2006, at 52 DCR 10721, for a 30-day notice and comment period.

The proposed rulemaking was referred to the National Capital Planning Commission (“NCPC”) under the terms of § 492 of the District of Columbia Charter. No report was received within the 30-day review period provided for in that section.

No other comments were received.

The Office of the Attorney General has determined that this rulemaking meets its standards of legal sufficiency.

Final Action

At its properly noticed January 8, 2007 public meeting, the Commission took final action to adopt the proposed text amendment. No substantive changes were made to the proposed text.

Based on the above, the Commission finds that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia and consistent with the purpose of the Zoning Regulations and the Zoning Act.

In consideration of the reasons set forth herein, the Commission hereby **APPROVES** the following amendments to Chapter 8 of the Zoning Regulations, Title 11 DCMR:

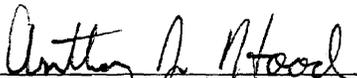
Title 11 DCMR (Zoning), Chapter 6, Mixed Use (Commercial Residential) Districts, § 601 (Uses as a Matter of Right), is amended by adding a new § 601.7 to read as follows:

“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 661, Lot 805, from the date of issuance of the certificate of occupancy for such use.”

Vote of the Zoning Commission taken at its public meeting on July 24, 2006, to **APPROVE** the proposed rulemaking by a vote of **4-0-1** (Anthony J. Hood, John G. Parsons, Gregory N. Jeffries, and Michael G. Turnbull to approve; Carol J. Mitten, not present, not voting).

This Order was **ADOPTED** by the Zoning Commission at its public meeting on January 8, 2007, by a vote of **5-0-0** (Carol J. Mitten, Anthony J. Hood, John G. Parsons, Gregory N. Jeffries, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is, on FEB - 2 2007.



ANTHONY J. HOOD
VICE CHAIRMAN
ZONING COMMISSION



JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF ZONING

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The full text of this Zoning Commission order is published in the "Final Rulemaking" section of this edition of the *D.C. Register*.

Government of the District of Columbia
OFFICE OF ZONING



Z.C. CASE NO.: 06-20

As Secretary to the Commission, I hereby certify that on FEB - 1 2007 copies of this Z.C. Order No. 06-20 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*
2. Director
Office of Property Management
441 4th Street, N.W.
11th Floor
Washington, DC 20001
3. Andy Litsky, Chair
ANC 6D
65 I. Street, SW
Washington, DC 20024
4. Commissioner Robert Siegel
ANC/SMD 6D07
1352 South Capitol St., SE
Washington, DC 20003
5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
6. Councilmember Tommy Wells
7. Office of Planning (Ellen
McCarthy)
8. Ken Laden, DDOT
9. Bill Crews, Zoning Administrator
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)

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Sharon S. Schellin", is written over a horizontal line.

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