

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING**

AND

Z.C. ORDER NO. 07-08B

Z.C. Case No. 07-08B

(Text Amendment – 11 DCMR)

**(Amendment to Extend the permission for temporary Surface Parking Spaces on Specified
Lots and Squares from April 1, 2013 to April 1, 2018)
December 10, 2012**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)); hereby gives notice of adoption of the following text amendments to § 2110 of the Zoning Regulations of the District of Columbia (11 DCMR). A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 26, 2012, at 59 DCR 12385. The amendments shall become effective upon the publication of this notice in the *D.C. Register*.

Description of Amendments

The amendment to the Zoning Regulations extends the previously approved permission for temporary surface parking lots on specified squares and portions of squares in the Southwest neighborhood from April 1, 2013 to April 1, 2018 (five (5) years).

Procedures Leading to Adoption of Amendments

On June 29, 2012, the District of Columbia Office of Planning filed a memorandum that served as a petition requesting the amendments. The Commission voted to set down the proposal for hearing at its July 9, 2012 public meeting.

In response to notice give pursuant to § 13 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000, effective June 27, 2000 (D.C. Law 13-135, D.C. Official Code § 1-309.10, Ron McBee, Advisory Neighborhood Commission (ANC) 6D03 Single Member District Commissioner, filed a report with the Commission stating that at a regularly scheduled, properly noticed meeting with a quorum present, held on September 10, 2012, ANC 6D, which includes Nationals Park, had voted unanimously to support the petition. (Exhibit 8.) As indicated by its adoption of these amendments, the Commission found this advice to be persuasive.

A public hearing was scheduled for and held on October 4, 2012, after which the Commission authorized the referral of the proposed text to the National Capital Planning Commission (NCPC) and the publication of a notice of proposed rulemaking in the *DC Register*.

NCPC, through a delegated action dated November 6, 2012, found that the proposed text amendments would not adversely affect the identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital. (Exhibit 13.)

A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 26, 2012, at 59 DCR 12385. No comments were received.

At a properly noticed public meeting held on December 10, 2012, the Commission took final action to adopt the text amendments, making no changes to the text as proposed.

Title 11 DCMR, Chapter 21, **OFF-STREET PARKING REQUIREMENTS**, § 2110, **TEMPORARY SURFACE PARKING LOTS AND SPACES FOR THE BALLPARK**, § 2110.1 (b) and 2110.2 (a) are amended by replacing the date “April 1, 2013” with the date “April 1, 2018” so that the § 2110.1 and 2110.2 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 603, 605, 657, 658, 660, 661, 662, 662E, 664, 664E, 665, 700, 701, 707, 708, 708E, 708S, 744S, and 882; Square 658, Lot 7; 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 three thousand seven hundred seventy-five (3,775) parking spaces;
 - (b) Any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2018;
 - (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 (DDOT) has approved a traffic routing plan for the lot, which shall include the impact of other proposed lots if required by DDOT; and

- (e) The traffic routing plan described in § 2110.1(d) shall not direct traffic through I Street, S.W., P Street, S.W., or 4th Street, S.W.

2110.2 Special Exception - If and when valid building permits issued pursuant to § 2110.1 authorize an aggregate of three thousand seven hundred seventy-five (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 (BZA) 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, 2018; 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 DDOT.

On October 4, 2012, upon the motion of Commissioner Miller, as seconded by Chairman Hood, the Zoning Commission **APPROVED** this petition at the conclusion of the public hearing by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Marcie I. Cohen, abstaining).

On December 10, 2012, upon the motion of Commissioner Turnbull, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt; Marcie I. Cohen, not present, not voting).

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 December 28, 2012.



ANTHONY J. HOOD
Chairman
Zoning Commission



SARA A. BARDIN
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*.