

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**

**NOTICE OF FINAL RULEMAKING**

**AND Z.C. ORDER NO. 10-22**

**Z.C. Case No. 10-22**

**(Map and Text Amendments to Allow the Expansion of an Ice Rink and Construction of a Youth Baseball Academy in Fort Dupont Park)  
March 14, 2011**

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; D.C. Official Code § 6-641.01 (2008 Repl.)), hereby gives notice of adoption of the following amendments to the Zoning Map and to the text of the Zoning Regulations of the District of Columbia, Title 11 DCMR. A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 4, 2011, at 58 DCR 1133. The amendments shall become effective upon the publication of this notice in the *D.C. Register*.

**Description of Amendments**

The amendments accommodate development of an ice rink and a baseball academy on a currently unplatted site in Fort Dupont Park. The map amendment rezones from unzoned to the R-5-A Zone District a 15-acre parcel within Fort Dupont Park (U.S. Reservation 405), which was approved for jurisdictional transfer from the National Park Service to the District of Columbia Government in May 2010. The site is within the northern portion of Fort Dupont Park, roughly bounded by Ely Place to the north, Minnesota Avenue, S.E. to the west, and Ridge Road to the east. The text amendment adds a new paragraph to § 350 of the Zoning Regulations to permit this type of use as a matter of right in the R-5 and less restrictive Zone District subject to certain limitations.

**Description of Project Rationale & Land Use Impact**

The requested map and text amendments would facilitate the expansion and improvement of recreational facilities for residents of Ward 7 and the District overall. The request would allow for the construction of the Washington Nationals Youth Baseball Academy. The youth baseball academy is a community benefit the Nationals offered to provide as a condition of a lease agreement with the District in 2006. The goal of the academy is to teach D.C. youth about the fundamentals of baseball as well as provide after-school programs and other enrichment activities. The project site was chosen due to its location and availability of land. The site is accessible to major roads and public transportation networks, is in close proximity to two public

schools, and is adjacent to a residential area east of the River that is currently underserved by recreational programs and facilities.

The proposed amendments are limited in their impact and would generally support policy objectives of the Parks, Recreation, and Open Space and Far Northeast and Southeast elements of the 2006 Comprehensive Plan. These include encouraging new recreational amenities on National Park Service lands, improving access to Fort Dupont Park, and increasing facilities for children and youth in this part of the District.

### **Procedures Leading to Adoption of Amendments**

The District of Columbia Office of Planning (OP) initiated this case by filing a report dated September 17, 2010, that served as a petition requesting the amendments. The Commission voted to set down the proposal for hearing at its September 27, 2010, public meeting.

The Commission gave ANC 7A notice pursuant to § 13 of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10 (2006 Repl.; 2011 Supp.)). No written report was received.

A public hearing was scheduled for and held on January 6, 2011, 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 February 3, 2011, 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 No. 13.)

The Notice of Proposed Rulemaking was published in the *D.C. Register* on February 4, 2011, at 58 DCR 1133 for a 30-day notice and comment period. No comments were received.

At its properly noticed public meeting held March 14, 2011, the Commission took final action to adopt the following amendments to the Zoning Map and Text:

The Zoning Map is amended by including the unzoned portion of U.S. Reservation 405 depicted in the Surveyor's plat attached as Exhibit 4 to the report submitted by OP dated December 27, 2010 and marked as Exhibit 4 of the official record in Z.C. Case No. 10-22 in the R-5-A Zone District.

Title 11 DCMR, ZONING, Chapter 3, **R-2, R-3, R-4, AND R-5 RESIDENCE DISTRICT USE REGULATIONS**, § 350, R-5 DISTRICTS: GENERAL PROVISIONS, § 350.4 is amended by inserting, in alphabetical order, a new use entitled "Recreation building, park, playground, swimming pool, athletic field, ice rink, or other similar athletic facility, public or private, operated on and using local or federal land and approved by a joint federal-local

jurisdictional transfer agreement”, so that the entire provision will read as follows (the text of the proposed new use is codified as paragraph (g)):

350.4 The following uses shall be permitted as a matter of right in an R-5 District:

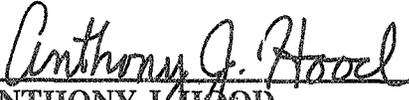
- (a) Any use permitted in the R-4 District subject to the requirements of § 353;
- (b) Child/Elderly development center or adult day treatment facility in R-5-D and R-5-E Districts; provided, that the center shall be limited to no more than twenty-five (25) individuals;
- (c) Fire Department Support Facility, communications services only;
- (d) Greenhouse or horticultural nursery;
- (e) Hotel, only in R-5-B, R-5-C, R-5-D, or R-5-E Districts, in existence as of May 16, 1980, with a valid Certificate of Occupancy or a valid application for a building permit; provided, that the gross floor area of the hotel may not be increased and the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts may not be increased. An existing hotel may be repaired, renovated, remodeled, or structurally altered;
- (f) Multiple dwellings, subject to the requirements of § 353; provided, that in an apartment house, accommodations may be provided only to residents who stay at the premises a minimum of one (1) month;
- (g) Recreation building, park, playground, swimming pool, athletic field, ice rink, or other similar athletic facility, public or private, operated on and using local or federal land and approved by a joint federal-local jurisdictional transfer agreement; subject to the following:
  - (1) No part of any use is nearer than seventy feet (70 ft.) to the nearest residential structure;
  - (2) The uses shall not be organized for profit;
  - (3) All parking areas shall be shared by all uses on a lot;
  - (4) Scoreboards shall be installed such that the highest point is no taller than twenty-five feet (25 ft.) above grade; and

- (5) Any lighting used to illuminate a park, playground, athletic field, trail or other outdoor space, shall be so arranged that all direct rays of lighting are confined to the boundaries of the lot;
- (h) Residence for teachers or staff of private schools;
- (i) 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; and
- (j) Youth residential care home, community residence facility, or health care facility for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families; provided, that there is no property containing an existing community-based residential facility for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the subject property.

On January 6, 2011, upon the motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **APPROVED** this petition at the close of its public hearing public by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to approve).

On March 14, 2011, upon the motion of Commissioner May, as seconded by Commissioner Selfridge, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Greg M. Selfridge to adopt; Michael G. Turnbull to adopt by absentee ballot).

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 September 2, 2011.

  
\_\_\_\_\_  
ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION

  
\_\_\_\_\_  
RICHARD S. NERO, JR.  
ACTING DIRECTOR  
OFFICE OF ZONING

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING AND  
Z.C. ORDER NO. 10-22**

**Z.C. Case No. 10-22**

**(Map and Text Amendments to Allow the Expansion of an Ice Rink and Construction of a  
Youth Baseball Academy in Fort Dupont Park)**

**March 14, 2011**

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.: 10-22

AUG 31 2011

As Secretary to the Commission, I hereby certify that on \_\_\_\_\_ copies of this Z.C. Order No. 10-22 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- |    |   |    |  |
|----|---|----|--|
| 1. | <i>D.C. Register</i>  | 4. | Gottlieb Simon<br>ANC<br>1350 Pennsylvania Avenue, N.W.<br>Washington, D.C. 20004                              |
| 2. | ANC 7A<br>c/o Vilareal Johnson, Chair<br>2934 Nelson Place, S.E.<br>Washington, D.C. 20019    | 5. | Councilmember Yvette Alexander   |
| 3. | Commissioner Latese Gilbert<br>ANC/SMD 7A04<br>3600 Ely Place, S.E.<br>Washington, D.C. 20019 | 6. | DDOT (Martin Parker)   |
|    |   | 7. | Melinda Bolling, Acting General Counsel<br>DCRA<br>1100 4 <sup>th</sup> Street, S.W.<br>Washington, D.C. 20024 |
|    |   | 8. | Office of the Attorney General (Alan Bergstein)  |

ATTESTED BY:

Handwritten signature of Sharon S. Schellin in cursive, written over a horizontal line.

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