

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING




Office of the Director

**MEMORADUM**

**DATE** October 12, 2007

**TO** District of Columbia Zoning Commission

**FROM.**  Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation,  
DC Office of Planning

**SUBJECT.** Zoning Commission Case 07-08A, Waiver of Rules for Late Submittal of an  
Emergency Text Amendment to the parking regulations and to the CR and W-2  
Districts to allow temporary parking lot as a permitted use on specific squares within  
those zones

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The attached report concerning Zoning Commission Case 07-08A is being submitted less than 10 days prior to the Zoning Commission's Public Meeting. The Office of Planning respectfully requests that the Commission waive its rule and accept the report into the record to consider emergency action on this proposal.

JLS/jl

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING

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Office of the Director

**MEMORANDUM**

**TO:** Zoning Commission for the District of Columbia  
**FROM:** Jennifer Stengasser, Deputy Director, Development Review & Historic Preservation, DC Office of Planning *JS*  
**DATE:** October 10, 2007  
**SUBJECT:** Zoning Commission Case 07-08A - Report for **Setdown** for an Emergency Text Amendment to the parking regulations and to the CR and W-2 Districts to allow temporary parking lot as a permitted use on specific squares within those zones

**I. RECOMMENDATION**

The Office of Planning (OP) recommends that the Zoning Commission adopt the following amendments to the Zoning Regulations on an emergency basis and, at the same time, schedule a public hearing to consider adoption of the amendments on a permanent basis. The proposal would allow for temporary parking lots on the squares noted by amending Chapters 6, 9, and 21 of the Zoning Regulations 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 6, MIXED USE (CR) DISTRICTS, § 602 is amended by adding the following new text (additions to the existing text are **bold** and **underlined**):
- 602.1 (j) Parking lot, **except a temporary surface parking lot permitted pursuant to § 601.1(dd)**;
- C. 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.

- D. 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:

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

2110.5 (i) 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 provided in premium, visible, bannered locations and will be publicized by the Nationals and will be available, for a fee, exclusively for this use until the start of the event on that day. After this time, the spaces would be available to other automobile use.

OP recommends this action **on an emergency basis** so that the text amendment will be effective immediately upon setdown, and that the matter be set down for hearing at the earliest possible date. OP makes this recommendation due to construction, expense and possible environmental challenges associated with the construction of surface parking lots in winter, as well as the need for certainty so that the spaces can be appropriately allocated to advance ticket holders. Because the proposed Ballpark is scheduled to open in April of next year, OP further recommends that the Commission authorize the issuance of a Notice of Proposed Rulemaking for the text and that the Commission allow the immediate advertisement of the text. This will allow for full consideration of the proposed rule within the 120-day length of the emergency.

**This report also serves as the supplemental filing as required by Section 3013.**

## **2. BACKGROUND**

In Zoning Commission Order 05-08 (October, 2005), the CG Overlay was amended to permit the construction of the new ballpark; to establish regulations pertaining to FAR, height, setbacks, upper story step-backs, parking, bus loading, and provision of retail space for a ballpark use; and to require Zoning Commission approval of the ballpark design, with review against a set of objectives and guidelines intended to address design and site planning issues such as streetscape character, neighborhood fit, pedestrian and vehicular movement, and architectural form. Among the new Ballpark regulations is the District's first *maximum* limit on parking of 1,225 spaces.

The DC Sport and Entertainment Commission (DCSEC) subsequently submitted an application for review of the ballpark design (Zoning Commission Case 06-22), which was approved by the Commission in July of 2006.

On May 21, 2007 the Commission held a public hearing to consider a text amendment to the zoning regulations to permit temporary parking on 11 separate squares in the vicinity of the Ballpark. The request was approved along with conditions associated with the design of the parking lots, and received final action on July 30, 2007. The Order for that case is now published (Zoning Commission Order 07-08, Attachment III). The Order includes conditions to:

- Limit the cumulative total of all temporary surface parking lot spaces to 3,775 maximum.
- Establish April 1, 2013 as an expiration date for any parking lot certificate of occupancy issued pursuant to this subsection.
- Require District Department of Transportation approval of a traffic routing plan for each lot prior to issuance of a certificate of occupancy, which shall specifically ensure that no traffic to the parking lots is directed through I St., SW, P St., SW, or 4<sup>th</sup> St., SW
- Allow additional temporary parking spaces, if the cap of 3,775 is reached, by special exception approval by the Board of Zoning Adjustment and subject to receipt of a traffic study assessing the impacts of the proposed additional parking spaces on local traffic patterns for referral to and comment by the District Department of Transportation
- Require any temporary parking lot to be available for the exclusive use of baseball game attendees from 1.5 hours prior to the scheduled start time of the event, to 3 hours after the event, and allow the lots to be used at other times for parking of non-commercial motor vehicles on a general basis, or seasonal market with non-permanent structures.
- Establish parking space size and drive aisle standards, as well as surface treatment, landscaping, and lighting requirements.

Other than as permitted on specific squares in Order 07-08, parking lots are prohibited in the CR and W Districts by §§ 602.1(j) and 902.1(l), respectively, of the Zoning Regulations.

### **3. PROPOSAL**

The proposed text amendment would:

- Extend the permission of temporary parking lots to include eight new sites in the CG/CR District – Squares 603, 605, 657, 658 Lot 7, 661, 662, 662E, and 664; and to one additional square in the CG/W-2 District – Square 664E, as identified by the owners of the Nationals. The sites are shown on map Attachment I, and described in more detail in Chart Attachment II, including ownership and potential number of parking spaces.
- Subject the proposed new squares to all of the restrictions and requirements currently contained in Order 07-08. This includes the parking space limit of 3,775 for all of the possible squares. As noted in the earlier case, this limit was derived from the D.C. Major League Baseball Park Transportation Management Plan prepared for the DC Sport and Entertainment Commission (DCSEC) as part of the Zoning Commission review of the ballpark design (ZC Case 06-22), which concluded that “the peak parking demand for a

*weekday afternoon game will be 3,850 spaces and for a weekend game, 4,900 (including the 10% circulation factor) " The CG Overlay limits Ballpark on-site parking to 1,225 maximum, so the anticipated off-site parking requirement would be a maximum of 3,775 spaces in total (4,900 – 1,225). The Nationals have advised that the proposed new sites would accommodate a maximum of just under 3,000 spaces, but have also advised that it is not anticipated that all of the sites will end up being available for use as surface parking, and that other constraints could further limit the number of spaces on lots provided.*

Any parking lot in Square 657 would also be subject to §1610, which requires Zoning Commission review and approval of any proposed use, building or structure, including a temporary parking lot. A main intent is to ensure that there are no driveway aisles accessed from P Street SW, as per §1609

- The Nationals have also agreed to a requirement that a portion of the parking spaces be restricted to use by a car/ride-share program such as GoLoco ([www.goloco.org](http://www.goloco.org)) and to promote and publicize the use of this program on their website and other promotional materials. The exact language and the details of the requirement require additional resolution with the Nationals organization – OP would provide these details prior to a public hearing. As noted on its website, GoLoco is *"a service that helps people and communities create their own personal public transportation network. Your cars, your friends, your trips, your expenses -- GoLoco puts them all together for a seamless way to share travel and expenses."* It is a way for people to share rides, and thereby reduce traffic congestions and pollution associated with automobiles. It is especially effective for "events" such as a ballgame or other civic event which has a start and end time, and for which car-sharing is already a common and accepted practice.

While this would be only one of a number of means that the Nationals can and should employ or promote to discourage automobile use and the resulting traffic and pollution problems, this could be an effective way to lessen the impacts of traffic associated with ballpark events. The Nationals are encouraged to examine further creative ways to minimize traffic impacts through its Transportation Operations Plan, required to be submitted to DDOT.

#### **4. ANALYSIS**

As noted as part of Case 07-08, OP is generally not supportive of surface parking lots. In addition to being a poor use of the District's valuable land base, extensive surface parking lots disrupt neighborhood fabric; can be a source of crime, noise, trash, and light-spill; encourage the use of the private automobile over other less environmentally damaging forms of transportation; and contribute significantly to storm water run-off water pollution problems facing our great river systems. OP would not support surface parking as a permanent use.

However, in this case, much of the neighborhood immediately surrounding the ballpark is changing from a low intensity warehouse and industrial area to a higher density mixed use neighborhood. Most of the land in question is currently underutilized and / or used for parking purposes – none of it is parkland or undeveloped. As new re-development projects are constructed, parking space within those developments (especially office buildings) will be available to ballpark patrons, much the same way that parking in downtown office buildings

(which has virtually no on-site parking) is available to patrons of the MCI facility, which has virtually no on-site parking. Until those facilities are constructed, however, it is reasonable to provide a temporary parking solution which requires the minimum investment, namely surface parking lots. OP also anticipates that the 5 year time limit allows the Nationals organization additional time to educate, encourage, and develop incentives for ballpark patrons to use alternatives to the private automobile to get to and from the stadium, so the need or desire for surface parking would be phased out and eliminated within the 5 year time period.

The current proposal would not increase the number of parking spaces beyond that already approved by the Zoning Commission, but would provide greater flexibility in siting. All of the proposed sites are relatively flat and currently paved over. Most are unused or underutilized; the proposal does not include a row of residences in Square 658 on Q Street SW. The sites are all within easy and convenient walking distance of the ballpark, and, per the access limitations already placed in Order 07-08, will not be accessed through existing low density residential areas. DDOT has completed preliminary upgrades to the Potomac Avenue / South Capitol intersection, so access to the lots from South Capitol Street at Potomac Avenue is now viable.

If this text amendment is adopted by the Commission, OP is very supportive of the use of permeable surfaces for the temporary parking lots where subsurface contamination conditions allow. In addition to reducing off-site storm water drainage, the use of advanced or experimental permeable surfaces for temporary parking lots could provide a valuable test case for new permeable surface technologies which could then be applied with greater certainty throughout the rest of District. However, at least some of the sites are expected to contain contaminants, in which case an impermeable surface with proper collection and treatment of stormwater may be preferable, pending a more permanent development scenario which would include a proper clean-up. Each parking lot proposal is subject to District Department of Environment (DDOE) review for storm water management.

## **5. CONCLUSION**

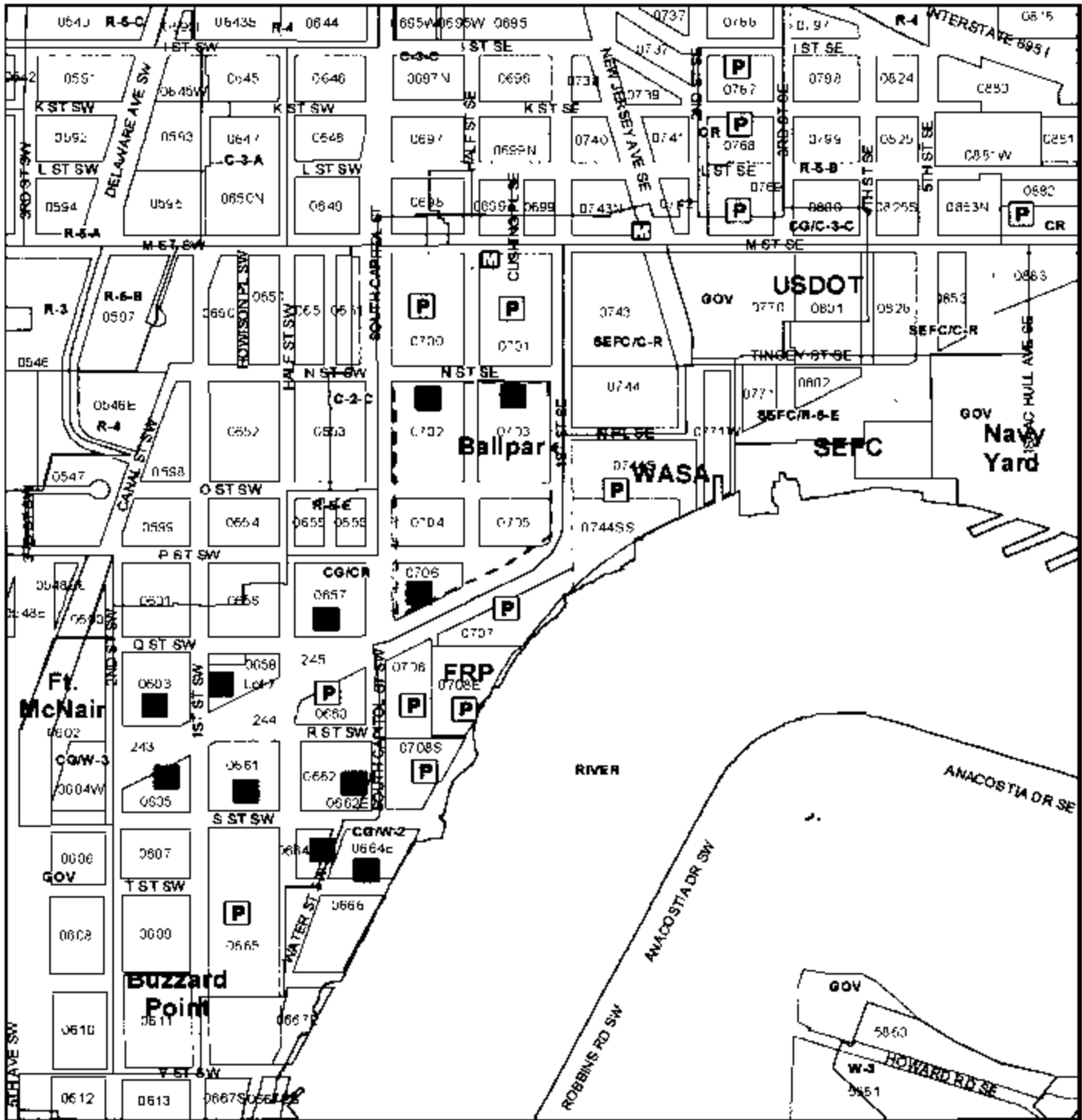
Although much of the parking needed to serve the Ballpark's patrons will eventually be accommodated by parking within nearby future buildings, these buildings will not yet be constructed when the Ballpark opens in 2008. While OP strongly encourages the use of mass transit and encourages the Nationals to provide creative and meaningful incentives for the use of mass transit and other alternatives to the private automobile, OP shares the concern that a short term shortage of parking available to patrons could lead to illegal parking on streets and private property in the surrounding area, and could have an impact on the short term success of this important District facility. This proposal would help to address the short term need for an interim parking solution. Taking emergency action would further the public interest and will not have any adverse impacts on the public health, safety, welfare, or morals.

**OP therefore recommends that the Zoning Commission set this proposal down for a public hearing; take emergency action at this time; and schedule a public hearing to consider adoption of the amendments on a permanent basis.**

### **ATTACHMENTS**

1. Site Map of approved and proposed sites
2. Chart of Proposed New Sites
3. Zoning Commission Order 07-08

JLS:jl



### Ballpark Temporary Surface Parking Lot Locations

★ ★ ★ Government of the District of Columbia  
 Adrian M Fenty, Mayor  
 Office of Planning - October, 2007

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them when used.

#### Legend

- proposed new sites
- P sites approved in 07-08
- on-site parking locations

801 North Capitol Street, N.E., Suite 4000 Washington, D.C. 20002 202-442-XXXX

**Zoning Commission Case 07-08A, Temporary Parking Spaces**

## List of Proposed New Squares

<b>Square</b>	<b>Owner</b>	<b>area</b>	<b>parking spaces</b>
<b>603</b>	various	125,478	500
<b>605</b>	Enrique Lyon, Super Salvage	67,436	250
<b>657</b>	various	114,863	450
<b>658</b>			
<b>Lot 7</b>	James Pedas	74,359	250
<b>661</b>	PEPCO	125,663	500
<b>662E</b>	Steuart	6,071	25
<b>662</b>	Steuart	120,093	475
<b>664</b>	various	37,302	150
<b>664E</b>	Florida Rock Properties	91,853	350
	<b>total:</b>	<b>763,118</b>	<b>2,950 (approx)</b>



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING

and

Z.C. ORDER NO. 07-08

Z.C. Case No. 07-08

(Text Amendment - Temporary Ballpark Accessory Surface Parking Lots)

July 30, 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 referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to section 492 of the District Charter; hereby gives notice of the adoption of the following amendments to Chapters 1, 3, 6, 7, 9 and 21 of the Zoning Regulations (Title 11 DCMR). This text amendment would permit and regulate temporary surface parking spaces on specified lots near the future Washington Nationals ballpark (Ballpark).

A Notice of Proposed Rulemaking was published in the *D.C. Register* ("DCR") on June 8, 2007 at 54 DCR 5633. Several comments were received and minor changes were made to the text, as will be explained below. The Commission took final action to adopt the amendments at a public meeting on July 30, 2007. This final rulemaking is effective upon publication in the *D.C. Register*.

**Set Down Proceedings**

The Office of Planning ("OP") initiated this rulemaking by filing a report with the Zoning Commission. The OP report requested text amendments to Chapters 3, 7, 9, and 21 of the Zoning Regulations to permit and regulate temporary (5 year maximum) surface parking spaces on specified squares to meet short term parking needs associated with the new Ballpark. OP further recommended that the Commission take emergency action to adopt the amendment, so that it could immediately take effect.

At its April 9, 2007 public meeting, the Commission declined to take emergency action, but agreed to set down the case for a public hearing with a shortened notice period of 30 days. The Commission further indicated that it would consider taking emergency action to adopt the amendment after the hearing is concluded.

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### **Public Hearing and Proposed Action**

The Commission held a public hearing on this case on May 21, 2007. At the public hearing, OP testified that the proposed text amendments would:

- Apply only to Squares 660, 665, 700, 701, 707, 708, 708E, 708S, 744S, 767, 768, 769, and 882
- Allow matter of right surface parking lots on these squares until April 1, 2013 at the latest.
- Establish that, when not in use for Ballpark event parking purposes, the parking lots could be used for other parking purposes. OP further recommended that the time frame for which the parking spaces would be required to be available for patrons of events at the ballpark be 1.5 hours before an event and 3 hours after the event. The advertised text provided for a 3 hour period in both instances.
- Establish a cumulative matter of right maximum number of 3,775 surface parking spaces to be provided on these lots, derived from the DC Major League Baseball Park Transportation Management Plan prepared for the DC Sport and Entertainment Commission (DCSEC) as part of the Zoning Commission review of the ballpark design (ZC Case 06-22).
- Allow special exception approval by the Board of Zoning Adjustment (BZA) for additional parking spaces in excess of this maximum, in accordance with § 3104, subject to the applicant providing a traffic study assessing potential impacts
- Establish provisions similar to those of §§ 2115 (size of parking spaces) and 2117 (access, maintenance, and operation) to regulate normal parking lot design and function related issues.

In a written report and in testimony at the public hearing, the District Department of Transportation ("DDOT") indicated support for the proposal on the basis of it being for temporary parking only. DDOT also described ongoing discussions regarding broader traffic and parking management for the Ballpark.

Advisory Neighborhood Commission ("ANC") 6D provided written and verbal testimony in opposition to the proposal, with the principal concerns being the potential for traffic through existing residential neighborhoods to access the parking spaces, and especially along P Street S.W., 4<sup>th</sup> Street S.W., and I Street S.W. The ANC also recommended implementation of a Traffic Management Plan, requiring that all parking lots meet stormwater management criteria, and placing a neighborhood recreation surcharge on the parking fees.

One resident and one representative of a property owner testified in opposition to the proposal

Immediately following the public hearing on May 21, 2007, the Commission took emergency and proposed action to adopt the text amendment as advertised, with an amendment to require an approved traffic management plan ("TMP") for each surface parking lot approved by DDO1 that would not direct traffic down P Street S.W., 4<sup>th</sup> Street S.W., or I Street S.W. The Commission indicated that DDOT could require that the TMP also include the impact of other proposed lots.

The Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on June 8, 2007 at 54 DCR 5633 for a 30-day notice and comment period. Unfortunately, the Notice of Proposed Rulemaking did not accurately capture the intent of the Commission, in that it (1) stated that the TMP must be for the Ballpark as a whole, and (2) provided that each lot is reserved exclusively for ballpark use is 3 hours before each event. After the transcript of the hearing became available, it was clear that the TMP was to be for each surface lot, unless DDOT required an aggregate TMP if more than one lot's application was being processed by the Department of Consumer and Regulatory Affairs, and that the lots were to be reserved for exclusive use by attendees of a baseball game or public event (as described in § 1612.3 of the Zoning Regulations) one and a half (1.5) hours before each game or event. The text of the final rule was modified to reflect the Commission's intent when it took proposed action.

The Commission received comments from Councilmember Tommy Wells, Curt Harris, and Betsy Altman, all expressing concern that allowing construction of temporary parking lots on land currently known as U.S. Reservation 17, parcels B, C, and D (the "Canal Blocks Park Area" which is located within Squares 767, 768, and 769), would delay completion of the planned Canal Blocks Park.

The Commission also received comments from the Coalition for Smarter Growth, suggesting that the Commission require a renewal process for the temporary ballpark Certificates of Occupancy, require the lots comply with stormwater management best practices, require parking management to reduce the impact of the lots on the surrounding neighborhood, impose a parking fee on all off-street parking, and require commercial parcels in the vicinity to share parking provided on-site with the Ballpark.

The proposed rulemaking also was referred to the National Capital Planning Commission ("NCPC") under the terms of § 492 of the District of Columbia Charter. NCPC by report dated July 12, 2007, commented that the proposed text amendment would not adversely affect the identified federal interests if the Zoning Commission made the following changes to the text amendment:

- Section 1603.3 of the Zoning Regulations is amended to include temporary surface parking lots as to maintain the 75 foot setback along the Anacostia Waterfront.

- Temporary surface lots are not permitted on the Canal Blocks Park Area.
- The final order for the text amendment clarifies that the existence of the parking lots beyond the April 1, 2013 time limit is not subject to Board of Zoning Adjustment Special Exception review.
- The Zoning Regulations require that the Board of Zoning Adjustment assess any request for exception to the 3,775 parking space cap for specific impacts to the Anacostia River and the Washington Nationals Baseball Stadium by adding language to Section 2110.2 of the proposed amendment.

Through a supplemental report dated July 18, 2007, OP also recommended that the Commission exclude the Canal Blocks Park Area from eligibility to become a temporary ballpark parking lot.

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

#### **Final Action**

At its properly noticed July 30, 2007 public meeting, the Commission took final action to adopt the proposed text amendments, with modified text that adopted the recommendation of Councilmember Wells, OP, and NCPC to exclude the Canal Blocks Park Area from eligibility to become a temporary ballpark parking lot.

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, consistent with the purpose of the Zoning Regulations and the Zoning Act.

In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following amendments to Chapters 1, 3, 7, 9, and 21 of the Zoning Regulations. Title 11 DCMR (deleted language shown in ~~strikethrough~~ and new language shown in **bold** and underline):

Title 11 (DCMR) is amended as follows.

A. Chapter 1 is amended by adding the following new definition:

199.1 **Ballpark – the building and use authorized by Zoning Commission Order No. 06-22.**

- B. Chapter 3, R-2, R-3, R-4, AND R-5 RESIDENTIAL DISTRICT USE REGULATIONS, § 350 is amended by adding the following new provision:

**350.4 (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.**

- C. Chapter 6, MIXED USE (CR) DISTRICTS, § 601 is amended by adding the following new provision:

**601.1 (dd) Notwithstanding § 602.1, temporary surface parking lot accessory to the Ballpark shall be permitted on Squares 660, 665, 700, 701, 882; and on 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 660, 665, 700, 701, 882; and on 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.**

- D. Chapter 6, MIXED USE (CR) DISTRICTS, § 602 is amended by adding the following new text:

**602.1 (j) Parking lot, except a temporary surface parking lot permitted pursuant to § 601.1(dd):**

- E. Chapter 7, COMMERCIAL (C) DISTRICTS, § 741 is amended by adding the following new provision:

**741.5 (d) Temporary surface parking lot accessory to the Ballpark shall be permitted on Square 769, Lot 21 and those portions of Lots 18 and 20 within the C-3-C District, in accordance with § 2110.1 (a). In the event that the cumulative parking limit established in § 2110.1 (b) is met, additional temporary surface parking spaces accessory to the Ballpark on Square 769, Lot 21 and those portions of Lots 18 and 20 within the C-3-C District, shall be permitted as a special exception if approved by the Board of Zoning Adjustment pursuant to § 2110.2.**

- F. Chapter 9, WATERFRONT (W) DISTRICTS, § 901 is amended by adding the following new provision:

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

- G. Chapter 9, WATERFRONT (W) DISTRICTS, § 902 is amended by adding the following new text:

902.1 (l) Parking Lot;

(i) **except a temporary surface parking lot permitted pursuant to § 901.1 (dd); or**

(ii) other than as permitted by special exception in the W-0 District in §926;

- H. Chapter 21, OFF STREET PARKING REQUIREMENTS, is amended by adding the following new section:

**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 660, 665, 700, 701, 707, 708, 708E, 708S, 744S, and 882; 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 3,775 parking spaces.**

(b) **Any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2013.**

- (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 has approved a traffic routing plan for the lot, which shall include the impact of other proposed lots if required by DDOT.
- (e) The traffic routing plan described in § 2110.1(d) shall not direct traffic through I St., SW, P St., SW, or 4<sup>th</sup> St., SW.

2110.2 Special Exception - If and when valid building permits issued pursuant to § 2110.1 authorize an aggregate of 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 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, 2013; 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 the District Department of Transportation.

2110.3 Any parking lot authorized shall be available for exclusive use of attendees at any baseball game or other public event described in §1612.3 for a time period extending from one and a half (1.5) hours prior to the scheduled start time of the event, to 3 hours after the event. At all other times, the parking lot may be used for:

- (a) Parking on a general basis for "non-commercial motor vehicles" as that term is defined by 18 DCMR § 13.12.3 (c), except vehicles equipped to serve as temporary or permanent living quarters; or
- (b) A seasonal or occasional market for produce, arts or crafts with non-permanent structures.

- 2110.4 No use, other than permitted in this section shall be conducted from or upon the premises, and no structure other than an attendant's shelter shall be erected or used upon the premises unless the use or structure is otherwise permitted in the District in which the parking lot is located.
- 2110.5 A temporary surface parking lot provided in accordance with this section shall comply with the following standards:
- (a) A full size automobile parking space shall be a minimum of nine feet (9 ft.) in width and nineteen feet (19 ft.) in length, exclusive of access drives or aisles. A compact car parking space shall be a minimum of eight feet (8 ft.) in width and sixteen feet (16 ft.) in length exclusive of access drives or aisles, and shall be visibly marked as a "compact car" or "small car" parking space.
  - (b) Parking shall be designed so that no vehicle or any part thereof shall project over any lot line or building line. All parking areas and spaces shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space.
  - (c) When parking spaces are so arranged that an aisle is required for accessibility or maneuvering space between rows of 2 or more parking spaces, or between a row of 2 or more parking spaces and the perimeter of the area devoted to parking spaces, the aisle shall have a clear width of not less than twenty feet (20 ft.) or ninety degree (90°) angle parking, and not less than seventeen feet (17 ft.) for angle parking that is sixty degrees (60°) or less as measured from the center line of the aisle.
  - (d) Aisle widths serving compact car spaces exclusively shall have a clear width of not less than twenty feet (20 ft.) for ninety degree (90°) angle parking and not less than sixteen feet (16 ft.) for angle parking that is sixty degrees (60°) or less as measured from the center line of the aisle.
  - (e) Compliance with the requirements of §§ 2110.3 (c) and (d) is not required if the parking is managed during a specified twelve (12) hour peak period to be determined by the District Department of Transportation by employed attendants who park the vehicles using the parking facility; in which case a permanent sign shall be posted at each entrance in full view of the public that states:



"Attendant assisted parking is required by the District of Columbia Zoning Regulations." The sign shall also state the hours during which attendant parking is required. The sign shall have a white background, with black lettering that is no less than two inches (2 in.) in height.



- (f) A driveway that provides access to required parking spaces shall:
  - (i) Have a maximum grade of not more than twelve percent (12%) with a vertical transition at the property line;
  - (ii) Be not less than twenty-five feet (25 ft.) from a street intersection as measured from the intersection of the curb line extended;
  - (iii) Be not less than twelve feet (12 ft.) in width if designed for one-way circulation or fourteen feet (14 ft.) if designed for two-way circulation; and
  - (iv) Be not more than twenty-five feet (25 ft.) in width.
- (g) All parking spaces, including access aisles, driveways, and ramp areas shall be surfaced and maintained with an all-weather surface. In addition to traditional impervious surfaces, allowable all weather surfaces include porous (or pervious) concrete, porous asphalt, and/or mechanically-reinforced grass, excluding grass or gravel.
- (h) The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. Landscaping with trees and shrubs shall cover a minimum of five percent (5%) of the total area of the parking lot, or an area as determined by the Board of Zoning Adjustment for a parking lot requiring Board approval.
- (i) Any lighting used to illuminate a parking lot or its accessory building shall be so arranged that all direct rays of lighting are confined to the surface of the paved area devoted to parking.

Vote of the Zoning Commission taken at its public meeting on May 21, 2007 to APPROVE the proposed rulemaking by a vote of 3-0-2 (Carol J. Mitten, Anthony J. Hood, and Michael G. Turnbull to approve; John G. Parsons Gregory N. Jeffries not present. not voting).

This Order was **ADOPTED** by the Zoning Commission at its public meeting on July 30, 2007 by a vote of 3-0-2 (Carol J. Mitten, Anthony J. Hood, and Michael G. Turnbull to adopt; John G. Parsons and Gregory N. Jeffries having not participated, 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 SEP 14 2007.

  
\_\_\_\_\_  
CAROL J. MITTEN  
CHAIRMAN  
ZONING COMMISSION

  
\_\_\_\_\_  
JERRILY R. KRESS, FAIA  
DIRECTOR  
OFFICE OF ZONING 

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING  
and  
Z.C. ORDER NO. 07-08  
Z.C. Case No. 07-08  
(Text Amendment - Temporary Ballpark Accessory Surface Parking Lots)  
July 30, 2007**

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