

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF EMERGENCY and PROPOSED RULEMAKING**

Z.C. Case No. 07-08

**(Text Amendments – Temporary Ballpark accessory surface parking lots)
May 21, 2007**

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 (2001 ed.)) 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 adoption, on an emergency basis, of amendments to §§ 199, 350, 601, 602, 741, 901, and 902 of the Zoning Regulations (DCMR, Title 11), and of the addition of a new § 2110 to those regulations.

The amendments will permit, subject to specified conditions, surface parking lots in certain areas near the Washington Nationals' ballpark, which is currently under construction. It is anticipated that the ballpark will begin operation in time for the opening day of the 2008 Major League Baseball season. This action is being taken on an emergency basis because, absent immediate action by the Zoning Commission, it is 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 May 21, 2007, and became effective on that date.

The Commission also gives notice of its intent to take final rulemaking action to adopt the following amendments to the Zoning Regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register* or thirty days following referral of this amendment to the National Capital Planning Commission, whichever occurs last.

The emergency rule will expire on September 18, 2007, which is the 120th day after the adoption of the rule, or upon the publication of a Notice of Final Rulemaking in the *Register*, whichever occurs first.

Title 11 (DCMR) is amended as follows (additions to the existing text are **bold and underlined** and deletions are ~~struck through~~):

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

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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, 767, 768, 769, or 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 Squares 660, 665, 700, 701, 767, 768, 769, or 882 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 to read as follows:

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 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 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.

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G. Chapter 9, WATERFRONT (W) DISTRICTS, § 902 is amended to read as follows:

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, 767, 768, 769, and 882 ("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 Ballpark prepared by the District Sports and Entertainment Commission or owners.**
- (e) The traffic routing plan described in § 2110.1(d) shall not direct traffic through I St., SW, P St., SW, or 4th 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:

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- (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 3 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

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- 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.

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- (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.**

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to Sharon Schellin, Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register* or by the close of the record for the hearing on this matter, whichever is later. A copy of this proposal may be obtained, at cost, by writing to the above address.