

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF EMERGENCY AND PROPOSED RULEMAKING  
Z.C. Case No. 06-44**

**(Text Amendment to Permit Temporary Accessory Bus Parking Lot for Washington  
Metropolitan Area Transit Authority on Square 700, Lot 46)**

The Zoning Commission for the District of Columbia (the "Commission"), pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938, (52 Stat. 797, 799; D.C. Official Code § 6-641-01 (2001)) and § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2001)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Title 11 of the District of Columbia Municipal Regulations ("DCMR") to permit the temporary use of an accessory parking lot for Washington Metropolitan Area Transit Authority ("WMATA") buses on Square 700, Lot 46.

The circumstances justifying emergency action are as follows: WMATA currently maintains a bus garage housing approximately 76 buses at M and Half Streets, S.E. The parking area that is accessory to this garage must be relocated in order to accommodate construction of the major league baseball stadium authorized by Z.C. Order No. 06-22. In order to complete the stadium on time for the planned 2008 opening, as required by the District's contract with Major League Baseball, construction of a replacement accessory parking area must begin as soon as possible.

Through a Notice of Proposed Rulemaking, published November 17, 2006, the Zoning Commission gave notice of its intent to permit the temporary use of Square 661, Lot 805 for a WMATA accessory parking facility (Z.C. Case No. 06-20). Other than that site, and the site that is the subject of this emergency rulemaking, there are few or no other suitable sites available to be used as temporary bus parking lots. Using normal rulemaking procedures would seriously delay construction of the proposed Ballpark and jeopardize the District's ability to meet its contractual obligations.

The emergency rulemaking took effect immediately upon its adoption on November 13, 2006<sup>1</sup> and will expire 120 days thereafter, *i.e.*, on March 16, 2007, or upon the publication of a notice of the final adoption of this rule in the *D.C. Register*, whichever occurs first.

The Commission also gives notice of the intent to take final rulemaking action to adopt these proposed rules 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.

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<sup>1</sup> A Notice of Public Hearing for this amendment is published elsewhere in this edition of the *D.C. Register*.

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Title 11 (DCMR) is amended as follows:

Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, is amended by adding new section 601.7, to read as follows (new language not proposed as part of Z.C. Case No. 06-20 is shown in bold and underlined text):

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 on:

- (a) *Square 661, Lot 805, for a period of five (5) years maximum, beginning from the date of issuance of a certificate of occupancy for such use, with the 5<sup>1</sup>year period renewable by the Zoning Commission<sup>2</sup>; and*
- (b) **Square 700, Lot 46, for a period of three (3) years maximum, beginning from the date of issuance of a certificate of occupancy for such use, with the 3-year period renewable by the Zoning Commission.**

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

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<sup>2</sup> The italicized language was adopted by an emergency rulemaking, which has since expired. The expired text is being published in recognition of its status as a separately proposed rule.