

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

The Director of the District Department of Transportation, pursuant to the authority of sections 3(b) and 5(3)(D)(iii) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b) and 50-921.04(3)(D)(iii)), and Mayor's Order 2003-11, dated January 16, 2003, hereby gives notice of the adoption of the following amendments to Chapter 24 of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR). The purpose of the amendments to §§ 2404.13 through 2404.30 is to change the boundaries of the Premium Demand Parking Meter Rate Zone and the Normal Demand Parking Meter Rate Zone by including additional street segments and off-street parking facilities in these zones. As a result of the modification, the High Demand Parking Meter Rate Zone and Low Demand Parking Meter Rate Zone are eliminated and the sections in Chapter 24 referring to these zones are repealed.

Notice of Proposed Rulemaking was published in the *D.C. Register* on August 26, 2005, at 52 DCR 8147. No comments were received with regard to these rules and no changes have been made since publication as a Notice of Proposed Rulemaking. These final rules will be effective upon publication of this notice in the *D.C. Register*.

18 DCMR § 2404 is amended as follows:

Sections 2404.13 and 2404.14 are amended to read as follows:

- 2404.13 For the purpose of establishing meter rates based upon user demand for parking in various areas of the District, there shall be Premium Demand and Normal Demand Parking Meter Rate Zones.
- 2404.14 The "Premium Demand Parking Meter Rate Zones" shall include those street segments or off-street parking facilities where the Director has determined there is continuous demand for parking spaces to serve the various types of commercial activities in the immediate area.

Sections 2404.16, 2404.17, 2404.18, and 2404.19 are repealed.

Section 2404.20 is renumbered as 2404.16 and amended to read as follows:

- 2404.16 The "Normal Demand Parking Meter Rate Zones" shall include all metered street segments or off street parking facilities under District jurisdiction where the Premium Demand Parking Meter Rate Zone does not apply, but where the Director has determined that parking meters are necessary to ensure necessary availability of parking for customers and visitors.

Sections 2404.21, 2404.22, 2404.23, 2404.24, and 2404.25 are renumbered as 2404.17, 2404.18, 2404.19, 2404.20, and 2404.21, respectively.

Section 2404.26 is renumbered as 2404.22 and amended to read as follows:

2404.22 The "Premium Demand Parking Meter Rate Zone" shall include both sides of any street segments, all street segments, and off-street parking facilities under District of Columbia jurisdiction which are contained on the following streets and within the areas defined by the boundaries these streets establish:

- (1) Officer Kevin J. Welsh Memorial Bridge, also known as the 11TH Street, Bridge, S.E., at the Anacostia River north to Florida Avenue, N.E.;
- (2) Northwest on Florida Avenue, N.E. to the intersection of 13th Street, N.W.;
- (3) North on 13th Street, N.W. to Irving Street, N.W.;
- (4) West on Irving Street, N.W. to Adams Mill Road, N.W.;
- (5) North on Adams Mill Road, N.W. to Waldbridge Place, N.W.;
- (6) North on Waldbridge Place, N.W. to Park Road, N.W.;
- (7) Northwest on Park Road, N.W. to West Beach Drive, N.W.;
- (8) Northwest on West Beach Drive, N.W. to Broad Branch Road, N.W.;
- (9) North on Broad Branch Road, N.W. to 27th Street, N.W.;
- (10) North on 27th Street, N.W. to Military Road, N.W.;
- (11) East on Military Road, N.W. to Oregon Avenue, N.W.;
- (12) North on Oregon Avenue, N.W. to Western Avenue, N.W.;
- (13) Southwest on Western Avenue, N.W. to Potomac River Shoreline (District of Columbia side);
- (14) Southeast along the Potomac River Shoreline (District of Columbia Side) to the conjunction of the Potomac and Anacostia Rivers;
- (15) South at the conjunction of the Potomac and Anacostia Rivers to the Officer Kevin J. Welsh Memorial Bridge, also known as the 11th Street

Bridge, S.E.;

- (16) Piney Branch road, N.W. between Eastern Avenue, N.W. and Blair Road, N.W.;
- (17) Harry Thomas Way, N.E. between R Street, N.E. and Eckington Place, N.E.; and
- (18) Eckington Place, N.E. between Florida Avenue, N.E. to R Street, N.E.

Sections 2404.27 and 2404.29 are repealed.

Section 2404.28 is renumbered as 2404.23 and amended to read as follows:

2404.23 The "Normal Demand Parking Meter Rate Zone" shall include all metered street segments or off street parking facilities under District jurisdiction where the Premium Demand Parking Meter Rate Zone does not apply, but where the Director has determined that parking meters are necessary to ensure necessary parking for customers and visitors.

Section 2404.30 is repealed.

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

and

Z. C. ORDER NO. 04-29

Z.C. Case No. 04-29

(Text Amendments – 11 DCMR)

(Fire and Emergency Medical Services Facilities)

July 11, 2005

The Zoning Commission for the District of Columbia, 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 as required by § 3 of the Act (D.C. Official Code § 6-641.03); and having referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to § 492 of the District of Columbia Charter; hereby gives notice of the adoption of the following amendments to § 199 (Definitions), § 201 (Uses as a Matter of Right (R-1)), § 350 (R-5 Districts: General Provisions), § 508 (Office Uses (SP)), § 601 (Uses as a Matter of Right (C-R)), § 701 (Uses as a Matter of Right (C-1)), § 801 (Uses as a Matter of Right (C-M)), § 901 (Uses as a Matter of Right (W)), and Chapter 21 (Off-Street Parking Requirements) of the Zoning Regulations (Title 11 DCMR). The amendments permit Fire Stations as a matter of right within any zone district, Fire Department Training Facilities as a matter of right within the Industrial Zone Districts; Fire Department Administrative Facilities as a matter of right within select Residence Zone Districts, the Mixed Use, Commercial, Industrial and Waterfront Zone Districts and subject them to special exception review within the Special Purpose Zone Districts; Fire Department Support Facilities as a matter of right within select Residence Zone Districts and the Special Purpose, Mixed Use, Commercial and Industrial Zone Districts and select Waterfront Districts. The Commission took final action to adopt the amendments at a public meeting held on July 11, 2005.

This final rulemaking is effective upon publication in the *D.C. Register*.

Existing Regulations

The Commission initiated this rulemaking in response to a petition from the Office of Planning. The Zoning Regulations do not currently address fire and emergency medical services facilities. Therefore, the District of Columbia Department of Fire and Emergency Services ("DCFEMS") must obtain a use variance to establish, construct or add onto its facilities located anywhere outside the Central Area, where District government uses are not subject to Zoning. This inhibits the DCFEMS's ability to locate these facilities in appropriate locations throughout the District.

Description of Text Amendment

The text amendment defines the following terms:

Fire Station – a building and associated land used by the Fire Department to house personnel and equipment in connection with the provision of fire, rescue, emergency medical, hazardous materials response, and other types of emergency services throughout the District of Columbia, and includes the harbor facility.

Fire Department Training Facility – a building and associated land used by the Fire Department to provide classroom and practical training for emergency services and support personnel.

Fire Department Administrative Facility – a building (including the Fire Department's Headquarters) used to provide administrative support to the Fire Department.

Fire Department Support Facility – a building and associated land used to provide fleet maintenance, facilities maintenance, communications, or other types of non-administrative support to the Fire Department.

The text amendment permits and establishes:

- Fire Stations to be permitted as a matter of right within any zone district,
- Fire Department Training Facilities to be permitted as a matter of right within industrial zone districts only,
- Fire Department Administrative Facilities to be permitted:
 - as a matter of right within select residence, mixed use, commercial, industrial, and waterfront zone districts only, and
 - as a special exception within the special purpose districts,
- Fire Department Support Facilities to be permitted within select residence, special purpose, mixed use, commercial, industrial, and select waterfront zone districts only, and
- Minimum parking requirements for Fire Stations, Fire Department Training Facilities, Fire Department Administrative Facilities, and Fire Department Support Facilities.

Relationship to the Comprehensive Plan

The amendment will not be inconsistent with the goals of the Comprehensive Plan and is consistent with the following sections of the Comprehensive Plan. The proposed text amendments will implement §§ 101.1 and 110.1 of the General Provisions Element of the Comprehensive Plan, Title 10 DCMR, which call for the enhanced public safety, and § 606.1 of the Public Facilities Element of the Comprehensive Plan, Title 10 DCMR, which recommends the location of public facilities to provide optimum service.

Public Hearing and Proposed Action

The Commission held a public hearing on this case on March 17, 2005.

At the public hearing, the Zoning Commission reviewed the letter submitted by ANC 3/4 G, dated March 14, 2005. The letter requested that the Commission reconsider permitting Fire Stations as a matter of right within the R-1, R-2 and R-3 Zone Districts, permitting them only if there is no other reasonable alternative location.

Following the conclusion of the hearing, the Commission took proposed action pursuant to 11 DCMR § 3027.2 to approve the advertised text. In doing so, the Commission did not change the proposed amendment in the manner recommended by the ANC. The Commission noted the testimony of DCFEMS that public safety needs require it to locate its Fire Stations in close physical proximity to the neighborhoods they serve. Because large portions of a neighborhood may be mapped within an R-1, R-2, or R-3 zone, limiting Fire Stations to adjacent less restrictive zones would impede FEMS ability to quickly reach the location of an emergency.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 8, 2005, at 52 DCR 3651, for a 30-day notice and comment period.

The proposed rulemaking was referred to the National Capital Planning Commission ("NCPC") under the terms of § 492 of the District of Columbia Charter. NCPC, by report dated April 28, 2005, found that the proposed text amendments to permit Fire and Emergency Medical Services Facilities within various Zone Districts would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it have an adverse impact on any federal interests.

No other comments were received.

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

Final Action

The Commission took final action to adopt the rulemaking at its regularly scheduled public meeting on July 11, 2005. No substantive changes were made to the advertised prepared text.

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 Zoning Act, and not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following amendments to chapters 1, 2, 3, 5, 6, 7, 8, 9, and 21 of the Zoning Regulations, Title 11 DCMR:

- A. Section 199, DEFINITIONS, subsection 199.1, is amended to add the following new definitions in alphabetical order:

Fire Department – the Fire and Emergency Medical Services Department of the District of Columbia.

Fire Station – a building and associated land used by the Fire Department to house personnel and equipment in connection with the provision of fire, rescue, emergency medical, hazardous materials response, and other types of emergency services throughout the District of Columbia, and includes the harbor facility.

Fire Department Training Facility – a building and associated land used by the Fire Department to provide classroom and practical training for emergency services and support personnel.

Fire Department Administrative Facility- a building (including the Fire Department's Headquarters) used to provide administrative support to the Fire Department.

Fire Department Support Facility – a building and associated land used to provide fleet maintenance, facilities maintenance, communications, or other types of non-administrative support to the Fire Department.

- B. Section 201, USES AS A MATTER OF RIGHT (R-1), subsection 201.1 is amended by adding a new subparagraph (s) to read as follows:

(s) Fire Station

- C. Section 350, R-5 DISTRICTS: GENERAL PROVISIONS, subsection 350.4, is amended by adding a new subparagraph (h) to read as follows:

(h) Fire Department Support Facility, communications services only.

- D. Section 508, OFFICE USES (SP), subsection 508.1, is amended by adding the following sentence at the end to read as follows:

Construction of Fire Department Administrative Facilities shall also be permitted in an SP District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

- E. Section 601, USES AS A MATTER OF RIGHT (CR), subsection 601.1, is amended by adding a new subparagraph (z) through (bb) to read as follows:

(z) Fire Station.

(aa) Fire Department Administrative Facility.

- (bb) Fire Department Support Facility.
- F. Section 701, USES AS A MATTER OF RIGHT (C-1), subsection 701.6, is amended by adding a new subparagraph (j) to read as follows:
 - (j) Fire Department Support Facility.
- G. Section 801, USES AS A MATTER OF RIGHT (C-M), subsection 801.7, is amended by adding a new subparagraph (n) to read as follows:
 - (n) Fire Department Training Facility.
- H. Section 901, USES AS A MATTER OF RIGHT (W) is amended as follows:
 - 1. Subsection 901.1 (uses as a matter of right W-1, W-2, and W-3) is amended by adding new subparagraphs (x) through (z) to read as follows:
 - (x) Fire Station
 - (y) Fire Department Administrative Facility
 - (z) Fire Department Support Facility
 - 2. Subsection 901.3 (uses as a matter of right W-) is amended by inserting new subparagraphs (f) through (g) to read as follows:
 - (f) Fire Station
 - (g) Fire Department Administrative Facility
- I. Chapter 21, OFF-STREET PARKING REQUIREMENTS, is amended by inserting the following use in the table included in § 2101.1, SCHEDULE OF REQUIREMENTS FOR PARKING SPACES: under "INSTITUTIONAL USES":

USES	NUMBER OF PARKING SPACES REQUIRED
<u>Fire Station, Fire Department Training Facility, Fire Department Administrative Facility or Fire Department Support Facility (established after October 14, 2005, not including the expansion of facilities existing as of October 14, 2005:</u>	

All R Districts, C-1, C-2-A, C-3-A

In excess of 2,000 ft.², 1 space for each 600 ft.² of gross floor area and cellar floor area

All other districts

In excess of 2,000 ft.², 1 space for each 1,800 ft.² of gross floor area

Vote of the Zoning Commission taken at its public meeting on March 17, 2005, to **APPROVE** the proposed rulemaking by a vote of 4-0-1 (John G. Parsons, Gregory N. Jeffries, Anthony J. Hood, and Kevin L. Hildebrand to approve; Carol J. Mitten, having recused herself, not voting).

This order was **ADOPTED** by the Zoning Commission at its public meeting on July 11, 2005, by a vote of 4-0-1 (Anthony J. Hood, John G. Parsons, Gregory N. Jeffries, and Kevin L. Hildebrand to approve; Carol J. Mitten, having recused herself, 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 _____.