

OFFICE OF THE MAYOR

NOTICE OF EMERGENCY RULEMAKING

The Mayor of the District of Columbia, pursuant to Section 35(a) of the Presidential Inauguration Special Regulations and Rule of Interpretation Concerning Nonrevival of Statutes Act of 1982 (the Act), effective July 2, 1982 (D.C. Law 4-125, 29 DCR 2093), hereby gives notice of the adoption of the following emergency rulemaking. This emergency rulemaking will amend Title 24, Chapter 8 of the District of Columbia Municipal Regulations to revise the fee schedule in section 813 applicable during the inaugural period.

Emergency action is needed to ensure that the fees charged for special licenses and permits for the inauguration of President-elect Barack Obama will accurately reflect the District’s license and permit costs.

Pursuant to the Act, the Mayor may issue rules amending the special license and permits fees. This emergency rulemaking was adopted on December 16, 2008, and became effective immediately on that date. It will remain in effect for up to one hundred and twenty (120) days, unless earlier superseded by a notice of final rulemaking published in the *D.C. Register*.

Chapter 8 of Title 24 of the District of Columbia Municipal Regulations (Presidential Inaugurations) is amended by replacing subsections (c), (d), and (e) of existing section 813.1 to read as follows:

813 FEES

813.1 The following fee schedule shall be applicable during the inaugural period:

<u>License or Permit</u>	<u>Fee</u>
(c) Currently District licensed vendors	
(1) Inaugural Badge Fee	\$25.00;
(2) Helper’s Badge	\$70.00;
(3) Site Permit	\$100.00;
(d) Non-District licensed vendors	
(1) Application Fee	\$70.00;
(2) Endorsement Fee	\$25.00;
(3) Inaugural Badge Fee	\$130.00;
(4) Helper’s Badge	\$70.00;
(e) Reserved;	

Copies of this rulemaking may be obtained online at www.dkra.dc.gov or from Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs at 941 North Capitol Street, NE, Suite 9500, Washington, DC, 20002.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Interim Director of the Department of Transportation, pursuant to the authority in sections 3, 5(3), and 6 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, 50-921.04(3) and 50-921.05); Mayor's Order 2008-116 (August 20, 2008), and sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), hereby gives notice of the adoption, on an emergency basis, of amendments to Title 18, "Vehicle and Traffic Regulations," Chapter 40, "Traffic Signs And Restrictions At Specific Locations." The amendments will remove a "15 Minute Parking, 7A.M.-6:30P.M., Monday- Friday" restriction on the north side of the 900 block of G Street N.W.; remove a "Two Hour Parking, 7A.M.-6:30P.M., Monday- Friday" restriction on the north side of the 900 block of G Street N.W.; establish a "No Parking, 7A.M.-6:30P.M., Monday- Friday, Metro Access Only" restriction on the north side of the 900 block of G Street N.W.; and establish a "No Parking Bus Stand, 6A.M.-Midnight, Daily" restriction on the north side of the 900 block of G Street N.W.

Limiting access in this area to only the loading and unloading of passengers by Metro buses and sightseeing limousines and tour buses is necessary for the immediate preservation of public safety. There has been a significant increase in traffic congestion in this area and current parking and traffic conditions on the blocks listed herein have created a health and safety hazard for pedestrians and cyclists. By restricting parking in this area, the Interim Director seeks to immediately reduce traffic congestion and improve safety conditions for pedestrians and cyclists.

This emergency rulemaking is effective December 15, 2008. The emergency rulemaking will expire in 120 days from that date, or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

The Interim Director also gives notice of intent to take final rulemaking action to adopt this amendment in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

- A. Title 18 DCMR, Section 4019, PARKING RESTRICTIONS, is amended as follows:
1. Subsection 4019.1(a) Northwest Section, is amended by deleting the following:

G Street N.W., from a point approximately 136 feet west of 9th Street to a point approximately 187 feet west of 9th Street, on the north side,

from the location where parking is to be limited as specified:

Fifteen Minute Parking, 7a.m.-6:30p.m., Monday-Friday.
 2. Subsection 4019.14(a) Northwest Section, is amended by adding the following location:

G Street, N.W. from a point approximately 136 feet west of 9th Street to a point approximately 187 feet west of 9th Street, on the north side.

to the locations where parking is to be limited as specified:

No Parking, 7a.m.-6:30p.m., Monday-Friday, Metro Access Only.

- B. Title 18 DCMR, Section 4023, PARKING METER ZONES, Subsection 4023.3, (a) Northwest Section, is amended by deleting the following:
G Street N.W. from a point approximately 187 feet west of 9th Street, N.W. to a point approximately 329 feet west of 9th Street, on the north side,
from the location where parking is to be limited as specified:
Two Hour Parking, 7a.m.-6:30p.m., Monday-Friday.

- C. Title 18 DCMR, Section 4027, SIGHTSEEING LIMOUSINE AND BUS STANDS, Subsection 4027.1 is amended by adding the following location:
G Street N.W. from a point approximately 187 feet west of 9th Street to a point approximately 329 feet west of 9th Street, on the north side.
to the locations where parking is to be limited as specified:
No Parking Bus Stand, 6 a.m.- Midnight, Daily.

All persons interested in commenting on the subject matter of this emergency and proposed rule-making action may file comments, in writing, with Charles Whalen, Parking Operations Specialist, Transportation Operations Administration, District Department of Transportation, 64 New York Avenue, N.E., Washington, D.C. 20002. Comments must be received no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Copies of this proposal may be obtained, at cost, by writing to the above address.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
SECOND NOTICE OF EMERGENCY and PROPOSED RULEMAKING
Z.C. Case No. 08-20
(Text Amendments – Firearms and Firearm Retail Sales Establishment)**

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) 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)), hereby gives notice of the adoption, on an emergency basis, of amendments to chapters 1, 5, 6, 7, and 9 of the Zoning Regulations (DCMR, Title 11).

On July 28, 2008, the Office of Zoning received a report that served as a petition from the District of Columbia Office of Planning (“OP”) requesting certain amendments to the Zoning Regulations concerning firearms and firearms retail sales establishments. At a properly noticed special public meeting on July 28, 2008, the Commission set down this case for a public hearing. The Commission also took action to adopt the amendments on an emergency basis and authorize the issuance of a notice of proposed rulemaking. A Notice of Emergency and Proposed Rulemaking and a Notice of Public Hearing were published in the *D.C. Register* (“DCR”) on August 8, 2008 (55 DCR 8547 and 55 DCR 8516, respectively). The amendments permitted a Firearms Retail Sales Establishment use in a C-3-C through C-5 zones as a special exception and disallowed the use in all other zones, whether as a principal or an accessory use. In addition, the use was conditioned upon compliance with several requirements and the maintenance of a 600 foot buffer between it and certain other uses and the boundary line of any residence and special purpose zone.

At a properly noticed hearing held September 29, 2008, the Commission heard public testimony and, in response thereto, requested additional information from the OP. The Commission also received written comments submitted on behalf of the National Rifle Association. After consulting with the Metropolitan Police Department and the Office of the Attorney General, the OP, by supplemental report dated November 14, 2008, submitted a revised proposal and requested that the Commission take proposed action to approve, and emergency action to adopt, the revised amendments. OP did not specifically request that another public hearing be held.

The revisions differed in several respects from the published rules. Specifically the revised proposal would (i) prohibit a firearms retail sales establishment use as a home occupation; (ii) allow firearm retail sales establishments as a permitted use in the C-2-A through C-5 Commercial Districts and in both of the Industrial Zones; (iii) eliminate the performance conditions; and (iv) reduce the buffer area from 600 to 300 feet. The use would continue to be disallowed in all other zone districts, whether as a principal or an accessory use.

At a public meeting on November 20, 2008, the Commission adopted the revised amendments on an emergency basis and authorized the issuance of a notice of proposed rulemaking. The Commission also decided to advertise the revised rules for a public hearing. The notice of that hearing is also published in this volume of the *D.C. Register*.

The Commission adopted the first set of rules on an emergency basis as a result of a recent Supreme Court decision that invalidated some District of Columbia laws regulating handgun ownership. Since some types of guns could now be owned by District residents, they could also be sold by District retailers. The Zoning Regulations did not specifically regulate such retail activity, so it was likely that gun sales could occur in any zone district where retail uses were permitted, including all commercial, mixed-use, industrial, and waterfront zone districts. The emergency rules temporarily restricted the retail sales of firearms in the manner described in the second paragraph of this Notice in order to allow the District to time assess where and how the use could safely be permitted.

The revised, less restrictive proposal is the product of the assessment undertaken by the District. However, the Commission believes that it should not permanently adopt this proposal without a further opportunity for public testimony. Compliance with the Charter notice requirement for public hearings will extend this proceeding beyond the November 25, 2008 expiration date of the first emergency. To go forward with no rules in place would permit the establishment of gun shops without the radius restriction believed necessary by the Metropolitan Police Department and into areas believed inappropriate by OP. The Commission, therefore, adopted of the proposed revised rules on an emergency basis “as necessary for the immediate preservation of the public ... safety.” (D.C. Official Code § 2-505 (c).)

The revised emergency rule was adopted on November 20, 2008, and became effective on that date.

The emergency rule will expire on March 20, 2009, which is the 120th day after the adoption of the rule, or upon the publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

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.

Title 11 (DCMR) is amended as follows with addition to existing provisions shown in **bold** and underlined text:

1. *Amend Chapter 1, the Zoning Regulations, by adding the following definitions to § 199.1:*

Firearm - a gun, pistol, or any weapon capable of firing a projectile and using an explosive charge as a propellant.

Firearms retail sales establishment - an establishment engaged in the sale, lease, or purchase of firearms or ammunition. If an establishment is a firearms retail sales

establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title.

2. *Amend Chapter 5, Special Purpose Districts, § 502.7, as follows:*

502.7 Any other accessory use and accessory building customarily incidental to the uses otherwise authorized by this chapter, shall be permitted in an SP District, **except that a firearms retail sales establishment shall not be permitted as a principal or an accessory use.**

3. *Amend Chapter 6, Mixed Use (Commercial Residential) Districts, § 602.1, to add firearms retail sales establishment to the list of prohibited uses, by adding a new paragraph (r) to read as follows:*

602.1 (r) Firearms retail sales establishments as a principal or an accessory use.

4. *Amend Chapter 7, Commercial Districts, as follows:*

(a) *Amend § 702.4 to read as follows:*

702.4 Other accessory uses customarily incidental and subordinate to the uses permitted in C-1 Districts shall be permitted in a C-1 District, **except that a firearms retail sales establishment shall not be permitted as a principal or an accessory use.**

(b) *Amend, § 721.3 by adding a new paragraph (u) to read as follows:*

721.3 (u) Firearms retail sales establishments, provided that no portion of the establishment shall be located within three hundred feet (300 ft.) of:

- (i) A Residence (R) or Special Purpose (SP) District; or
- (ii) A church or other place of worship, public or private school, public library, or playground.

5. *Amend Chapter 9, Waterfront Districts, as follows:*

(a) *Amend § 901.2 to read as follows:*

901.2 Accessory use (including parking), building, or structure customarily incidental and subordinate to the principal uses permitted in § 901.1 shall be permitted in a Waterfront District as a matter of right, **except that a**

firearms retail sales establishment shall not be permitted as a principal or an accessory use.

(b) Amend § 902.1 by adding a new paragraph (r) to read as follows:

902.1 (r) Firearms Retail Sales Establishment.

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 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.