Government of the District of Columbia
OFFICE OF ZONING

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MEMORANDUM

2005 OCT -5 PM 12:48

Office of Documents and Administrative Issuances

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Sharon S. Schellin
Acting Secretary to the Zoning Commission

DATE: October 5, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D C Register* on October 14, 2005:

1. Z C. Notice of Special Public Meeting;
2. Z C Corrected Order No. 03-12C/03-13C (Case Nos 03-12 & 03-13); and
3. Z C Notice of Final Rulemaking & Z C Order No. 04-29 (Case No. 04-29).

The Final Rulemaking is also included on the enclosed diskette

Attachments

District of Columbia
CASE NO. 04-29
EXHIBIT NO. 11

441 4th St., N.W., Suite 210-S, Washington, D C 20001
Telephone (202) 727-6311 E-Mail Address zoning.info@dcoz.dc.gov Web Site www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO.04-29
EXHIBIT NO.11

RULEMAKING TRANSMITTAL FORM

DATE AND TIME RECEIVED
Office of Documents use only

TYPE OF RULEMAKING ACTION: [ ] EMERGENCY RULES [X] FINAL RULES [ ] PROPOSED RULES [ ] COMBINED

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: JERRILY KRESS

ADDRESS: 441 4th Street, N.W., Suite 210 South TELEPHONE (202) 727-0340

TITLE AND DESCRIPTION OF RULES.

Text Amendment – Fire and Emergency Medical Services Department of the District of Columbia Facilities

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed:

Title 11 (Zoning) §§ 199.1, 201 1, 330 5, 350 4, 601 1, 701 6, 801 7, 901 1, 901 5, 2101.1

FINAL RULES ONLY Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules. 52 DCR 3651 DATE: APRIL 8, 2005

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules.

Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C Official Code § 6-641 01)

LEGAL CERTIFICATION. I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient
DATE SEPTEMBER 6, 2005 SIGNED: [signature] PHONE: (202) 442-9777

X	FINAL		CONDITIONAL	NAME: ROBERT J SPAGNOLETTI	TITLE: ATTORNEY GENERAL

PROMULGATOR. Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)
Zoning Commission For The District Of Columbia Title

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules
Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, 799 D C Official Code § 6-641 01).

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE. July 11, 2005

APPROVAL OF ATTEST: Sharon S. Schellin
TITLE: Acting Secretary to the Zoning Commission PHONE: (202) 727-0340

Office of Documents use only: THIS NOTICE PUBLISHED AT: VOL: DCR: DATE:

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** – abuilding 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 on 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 on 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
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:	

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 _____

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 Amendment – 11 DCMR)
(Fire and Emergency Medical Services Facilities)

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