GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

June 6, 2000

'00 JUN -7 AM 9:49

Zoning Commission
of the District of Columbia
441 4th Street, N.W.
Suite 220 South
Washington, DC 20001

Re: Zoning Text Amendment

Honorable Members of the Commission:

The purpose of this letter is to respectfully request emergency action to amend the Zoning Regulations to provide for the location of new facilities for the Metropolitan Police Department and the District of Columbia Fire and Emergency Medical Services Department in the District. As further explained in the attached draft Emergency Order, due to a series of actions by the Council, the D.C. Court of Appeals, and the Zoning Commission, new police and fire facilities outside of the Central Area are subject to zoning, but are not specifically provided for in the Zoning Regulations. As a result, except for the Central Area, in most areas of the City, new police and fire facilities are permitted only by way of a use variance from the Board of Zoning Adjustment.

The Metropolitan Police Department has leased the former Petworth School at 801 Shephard Street, NW for use as the Departments Regional Operations Command – North. Other uses to be located in the building include a training center for police officers, a facility for youth and family services, and space for the Neighborhood Stabilization Officers program.

There is an immediate need for action by the Zoning Commission, because there is a vital need for an established police presence in this community. Assistant Chief Ronald C. Monroe has spoken with members of the community, and we have overwhelming support for this project. I also understand that Council member Jarvis supports this endeavor. Assistant Chief Monroe spoke with representatives of the Office of Planning several months ago about this matter. We attempted to meet with them again to advise them of our request to you for emergency action, but we were unable to get on their calendar before this date. We would like an opportunity to address the Commission at your June 12th meeting.

Thank you for your consideration of this matter. Should you have any questions, please call Eric W. Coard, Senior Executive Director on 727-4389.

Sincerely,

Charles Ramsey
Chief of Police

ZONING COMMISSION
CASE No. 00-17E
EXHIBIT No. 1

ZONING COMMISSION
District of Columbia
CASE NO.00-17
EXHIBIT NO.1

ZONING COMMISSION ORDER NO. ___
(Text Amendment - Police and Fire Stations)
June 12, 2000

EMERGENCY ORDER

On June 12, 2000, the Zoning Commission for the District of Columbia considered a letter, dated June 6, 2000, from the Metropolitan Police Department, requesting that the Commission amend, on an emergency basis, the text of the Zoning Regulations, 11 DCMR. The proposed amendments would provide for District of Columbia police and fire stations as uses permitted as a matter-of-right in all zone districts. For the reasons set forth in this order, the Zoning Commission decided to effect emergency rulemaking to amend 11 DCMR.

Whereas, the Comprehensive Plan Amendments Act of 1989 (D.C. Law 8-128, effective March 23, 1990) provides that "The government shall be subject to zoning;" and

Whereas, the District of Columbia Court of Appeals, in the case of *Speyer v. Barry* (588 A.2d 1147 (D.C.App. 1991), confirmed that the Zoning Regulations apply to uses and buildings of the District of Colombia outside the Central Area; and

Whereas, the Zoning Commission amended the Zoning Regulations in 1998 (Case No. 96-4Z, Order No. 828) to provide that "Properties of the District of Columbia government shall be subject to zoning;" and

Whereas, while the Zoning Regulations provide for certain municipal facilities, such as public schools, there is no provision which allows a police or fire station as a permitted use anywhere in the District of Columbia; and

Whereas, the construction of a new police or fire station, the conversion of a municipal building now devoted to some other use to a police or fire station or the expansion of an existing police or fire station is therefore not provided for in the current Zoning Regulations; and

Whereas, the District Government has determined to spread police and fire stations throughout the city in as many areas as possible, to provide enhanced service delivery to residents and businesses, particularly through the establishment of community policing stations; and

Whereas, the Mayor and the Council have provided budgetary resources to allow the Metropolitan Police Department (MPD) and the Department of Fire and Emergency Medical Services (DFMES) to establish new and expand existing facilities in the District of Columbia; and

Whereas, to provide a reasonable level of police and fire protection to the citizens of the District the MPD and the DFMES must be in a position to proceed promptly to expand and upgrade their operational facilities across the city; and

Whereas, the MPD is proposing the immediate conversion of the former Petworth School into a facility to include a Regional Operations Command, as well as community and youth services, to provide immediate relief to citizens in an area where crime is not being adequately controlled from existing police facilities;

Whereas, in the absence of a specific provision allowing a police station in a residential zone, the proposed conversion could not take place unless and until the Board of Zoning Adjustment (BZA) granted a use variance; and

Whereas, a BZA case could take six months or more to process and the standard for granting of a use variance is an unnecessarily high standard as related to the two proposed municipal public safety uses; and

Whereas, § 5-413 of the D.C. Code establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia;" and

Whereas, § 1-1506(c) of the D.C. Code authorizes the Zoning Commission to take emergency action for a period not to exceed 120 days "for the immediate preservation of the public peace, health, safety, welfare, or morals;" and

Whereas, § 1-1538(b) of the D.C. Code allows for an emergency rule to become effective prior to publication in the D.C. Register;

Now, Therefore, the Zoning Commission for the District of Columbia resolves that an emergency exists that requires an immediate amendment to the Zoning Regulations to protect the general welfare of the District of

Columbia. It is therefore hereby ORDERED that 11 DCMR is amended to allow a police or fire station as a matter-of-right use in all zone districts, as follows:

1. Allow a police or fire station as a matter-of-right in R-1 and less restrictive districts by revising §201.1 as follows:

   A. Delete the word "and" at the end of ¶201.1(p);

   B. Delete the period at the end of ¶201.1(q) and replace it with "; and" and

   C. Add a new §201.1(r) to read as follows:

      "(r) Municipal police or fire station."

2. Allow a police or fire station as a matter-of-right in a CR district by revising §601.1 as follows:

   A. Delete the word "and" at the end of ¶601.1(r);

   B. Delete the period at the end of ¶601.1(s) and replace it with "; and" and

   C. Add a new §601.1(t) to read as follows:

      "(t) Municipal police or fire station."

3. Allow a police or fire station as a matter-of-right in a W district by revising §901.1 as follows:

   A. Delete the word "and" at the end of ¶901.1(t);

   B. Delete the period at the end of ¶901.1(u) and replace it with "; and" and

   C. Add a new §901.1(v) to read as follows:

      "(t) Municipal police or fire station."

This amendment to the District of Columbia Municipal Regulations, 11 DCMR, shall take effect immediately and shall remain in effect for a period not to exceed 120 days, that is from June 12, 2000, through October 10, 2000.

This emergency rulemaking was adopted by the Zoning Commission at its public meeting held on June 12, 2000 by a vote of _-_: (_____
_____
_____).

Attested by: _____
Jerrily R. Kress, FAIA
Director
Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

June 6, 2000

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Sincerely,

Charles Ramsey
Chief of Police

WILKES, ARTIS, HEDRICK & LANE
CHARTERED

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WALDORF, MARYLAND

FAX COVER LETTER

DATE: June 7, 2000

TIME: 9:50 AM

FROM: Steven E. Sher

TO:

Jerrily Kress

COMMENTS

CLIENT/MATTER#: 16095-1

ATTORNEY ID#: 104

TOTAL NO. OF PAGES: 2
(INCLUDING COVER SHEET)

727-4825

DISTRICT OF COLUMBIA JUN 7 AM 10

Original will be mailed _____ Yes __X__ No Original will be couriered _____ Yes ___x__ No

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