Government of the District of Columbia
AND ADMINISTRATIVE ISSUANCES
ZONING COMMISSION

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July 10, 2000

MEMORANDUM

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

FROM: Alberto P. Bastida, AICP
Secretary to the Zoning Commission
Office of Zoning

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on **Friday, July 21, 2000.**

1. Zoning Commission Notice of Emergency Rulemaking and Zoning Commission Order No. 922 (Z.C. Case No. 00-17)

Received By

Date

Attachments and Disc
Memo.od/SDB

ZONING COMMISSION
CASE No. 00-17
EXHIBIT No. 6

ZONING COMMISSION
District of Columbia
CASE NO.00-17
EXHIBIT NO.6

RULEMAKING TRANSMITTAL FORM

RECEIVED
OFFICE OF DOCUMENTS
AND ADMIN. ISSUANCES

'00 JUL 11 A8:14

DATE AND TIME RECEIVED
OFFICE OF DOCUMENTS USE ONLY

TYPE OF RULEMAKING ACTION: X EMERGENCY RULES
___ FINAL RULES ___ PROPOSED RULES ___ COMBINED

AGENCY: Zoning Commission/Office of Zoning

AGENCY REPRESENTATIVE: Alberto P. Bastida

ADDRESS: 441 4th Street, N.W., Suite 210 South TELEPHONE: 727-6311

TITLE AND DESCRIPTION OF RULES:

Emergency Rules to amend Title 11, DCMR (Zoning), Chapter 3. Z.C. Order No. 922, Z.C. Case No. 00-17; Text Amendment – Metropolitan Police Department (MPD) Regional Operation's Command (ROC).

IF THIS RULEMAKING ACTION WILL AMEND OR REPEAL EXISTING RULES, GIVE A COMPLETE CITATION TO THE RULES BEING AMENDED OR REPEALED:
11 DCMR §§ 330.5 and 350.6.

FINAL RULES ONLY: GIVE THE D.C. REGISTER CITATION AND DATE OF PUBLICATION OF THE NOTICE OF PROPOSED RULEMAKING FOR THESE RULES: ____ DCR ____ DATE: ____

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 June 20, 1938 (52 Stat. 797, as amended, D.C. Code § 5-413).

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: 7-6-00 SIGNED: Alan Bergstein PHONE: 442-9777

[X] FINAL [ ] CONDITIONAL NAME: Alan Bergstein TITLE: Chief, Land Use & Public Works Sec.

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):

NAME: 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 June 20, 1938 (52 Stat 797, as amended, D.C. Code §§ 5-413 et seq.).

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

DATE OF APPROVAL OR VOTE: July 12, 2000

APPROVAL OR ATTEST: Alberto P. Bastida, AICP

TITLE: Secretary to the Zoning Commission PHONE: 727-6311

OFFICE OF DOCUMENTS USE ONLY:
THIS NOTICE PUBLISHED AT: VOL ____ DCR ____ DATE: ____

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF EMERGENCY RULEMAKING
ZONING COMMISSION ORDER NO. 922
Z.C. CASE NO. 00-17T
(Text Amendment – MPD Regional Operations Command)
June 12, 2000

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Code § 5-413) and section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 1-1506(c)), hereby gives notice of the adoption, on an emergency basis, of amendments to chapter 3 of the Zoning Regulations (11 DCMR). The emergency rule amends section 330.5 to permit the use of a Metropolitan Police Department Regional Operations Command as a matter of right within an R-4 district and amends section 350.4 to disallow this same use within an R-5 and other less restrictive districts.

This action is being taken on an emergency basis because of the immediate need to provide increased police protection to citizens in an area where crime is not being adequately controlled from existing police facilities. This enhanced protection can only be accomplished by the immediate establishment of a modular police facility on the site of the former Petworth School and the prompt conversion of that school into a Regional Operations Command. Police facilities, and all other non-exempted District government land uses expanded or established after May 23, 1990, were made subject to zoning when the Council of the District of Columbia added section 7(a) to the District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984 (D.C. Law 8-129; D.C. Code § 1-250(a)). The Zoning Commission has not heretofore determined where, and under what circumstances, new or expanded MPD facilities can be located. In the absence of a Zoning Regulation providing for this use, there is no means, other than obtaining a use variance, for MPD to establish its proposed Command at the desired location. Neither the variance approval process, nor normal rulemaking procedures, can be completed in sufficient time to adequately safeguard public safety.

Notwithstanding the clear justification for the emergency adoption of a rule, the lack of public notice and comment on such a critical issue concerned the Commission. Therefore, the rule's scope is no greater than necessary to address the need presented. Further, the Commission intends to fully consider the broader needs of the Police and Fire Departments, and the views of the District residents these Departments serve, through the formal rulemaking process required of the Commission by the District Charter and the Administrative Procedures Act. Formal notice of this process will be

published in the manner prescribed by these laws.

This emergency rule was adopted on June 12, 2000, at a regular meeting of the Zoning Commission by a vote of 5 – 0 (Kwasi Holman, John G. Parsons, Anthony J. Hood, Carol J. Mitten and Herbert M. Franklin to **APPROVE** Z.C. Order No. 922). The rules became effective on that date. This emergency rule will expire on October 10, 2000, or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

Title 11 DCMR Chapter 3 (R-1, R-2, R-3, R-4 AND R-5 DISTRICT USE REGULATIONS) is amended as follows:

1. Section 330 is amended by adding a new subsection 330.5 (j) to read as follows:

    (j) A Metropolitan Police Department Regional Operations Command.

2. Subsection 350.4 (a) is amended to read as follows:

    (a) Any use permitted in the R-4 district, except a Metropolitan Police Department Regional Operations Command, subject to the requirements of §§353 and 410 of this title.

ZONING COMMISSION ORDER NO. 922
Case No.00-17
(TEXT AMENDMENT – MPD Regional Operation Command)
June 12, 2000

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