MEMORANDUM

TO: The File

FROM: **VINCENT C. ERONDU**
Zoning Specialist

DATE: 8/4/2000

SUBJ: Service of Z.C. Order No. 922 Z.C. Case No. 00-17I

Copies of this Zoning Commission Order were sent to the following:

1. Reginald Griffith
National Capital Planning Commission
801 Pennsyl. Ave., N.W., Ste 301
Washington, D.C. 20576

2. Chief, Hist. Preserv.Division, DCRA
941 North Capitol St., N.E., 2nd Fl.
Washington, D.C. 20002

3. The Director
Office of Planning
801North Capitol St., N.E., 4th Fl.
Washington, D.C. 20002

4. Roy Morter
Office of Tax &Revenue
941 North Capitol St., N.E., 2nd Fl.
Washington, D.C. 20002

5. Zoning Commissioners

6. BZA Members

7. Applicant ~~WATG~~ MPD

8. ANC(s) ~~3E~~

9. Department of Public Works
Office of Policy
2000 14th Street, NW, 6th fl.
Washington, D.C. 20009

10. Armando Lourenco,
Zoning Administrator
941 North Capital St., N.E. 2nd fl.
Washington, D.C. 20002

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ZONING COMMISSION
District of Columbia
CASE NO.00-17
EXHIBIT NO.8

Government of the District of Columbia
ZONING COMMISSION

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.

ANTHONY J. HOOD
Chairperson
Zoning Commission

JERRILY R. KRESS, FAIA
Director
Office of Zoning