G ERNMENT OF THE DISTRICT OF COLUM. .A
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: D.C. Zoning Commission

FROM: Andrew Altman
Director

DATE: August 30, 2002

SUBJECT: Report for **Setdown for Text Amendments to permit Metropolitan Police Department General Facilities by right within any Special Purpose, Mixed Use, Commercial, Industrial or Waterfront District; to permit Metropolitan Police Department Local Facilities by right within any district;** initiated by the Metropolitan Police Department.

RECOMMENDATION

The Office of Planning recommends the proposed text amendments to provide for police facilities within the Zoning Regulations, as amended in the Conclusion Section of this report, be setdown for public hearing.

BACKGROUND

Holland & Knight LLP has filed the text amendment request on behalf of the Metropolitan Police Department (MPD) to allow the MPD to expand existing locations and establish new ones throughout the City. Police facilities historically had been permitted as government uses on City property and, therefore, not subject to zoning. However, in 1990 the City Council passed legislation requiring city property to be subject to zoning. This requirement is codified in Chapter 1 of 11DCMR:

106.5 Properties of the District of Columbia government shall be subject to zoning; Provided that:

(a) Any governmental land or building uses that were either in existence or were substantially planned, documented and invested in prior to May 23, 1990, shall not be subject to zoning;

(b) With regard to the properties referenced in (a) above, any change or expansion in the use of land or buildings, or any new construction or additions to buildings shall be subject to zoning; and

(c) District of Columbia public buildings in the Central Area shall be exempt from zoning but shall continue to require approval of the

ZONING COMMISSION
District of Columbia
Case 02-28
Exhibit 9

ZONING COMMISSION
District of Columbia
CASE NO.02-28
EXHIBIT NO.9

National Capital Planning Commission, pursuant to §5(c) of the Planning Act (40 U.S.C. 71d(c).

As a result of the adoption of the above referenced text amendment, police facilities became nonconforming uses in the City outside of the Central Area.

On June 12, 2000, Zoning Commission Order No. 922 was approved by the Zoning Commission, to allow for a Regional Operations Center at the former Petworth School, located within the R-4 district. The purpose of this emergency text amendment was to allow for the establishment of a police facility that was deemed necessary for the public. That provision expired upon publication of a Notice of Final Rulemaking, or October 10, 2000, whichever came first, so as not to interfere with a more comprehensive text amendment for police facilities. The subject application is that more comprehensive text amendment.

ZONING

The Zoning Regulations do not currently address police facilities. As a result, police facilities are not permitted anywhere within the city outside of the Central Area, either by right or by special exception. Therefore, a use variance is required to establish, construct or add onto a police facility. The proposed text amendment will provide for police facilities to be permitted as a matter of right in select zoning districts, and establish minimum parking requirements.

These facilities, financed and supported by public money, are provided for the benefit and safety of the District's citizens. They are an exercise of the city's "health, safety, welfare" powers and should be permitted to be planned as needed.

PROPOSED TEXT

The text amendments as proposed by the applicant are shown below.

Amend §199, Chapter 1, Definitions, 11DCMR, to include the following language:

Amend §199 DEFINITIONS as follows:

Metropolitan Police Department general facility - a building and associated land, used for facilities of the Department that operate across the city as a whole, including but not limited to the Department's headquarters, vehicle maintenance facilities, laboratories, training units, special operations, tactical units, canine squad, bomb squad, etc.

Metropolitan Police Department local facility – a building and associated land, used as a headquarters for one of the local districts of the Department, including substations and community policing centers, regional commands and other Department facilities that operate within a specific area of the city.

The applicant proposes to permit Metropolitan Police Department Local Facilities and General Facilities as shown in the table below.

Zoning District	**Local Facility**	**General Facility**
Residential	Matter of Right	New facility not permitted. Expansion of facility existing as of 5-23-90 permitted as matter of right to R zone standards.
Special Purpose	Matter of Right	Matter of Right
Mixed Use	Matter of Right	Matter of Right
Commercial	Matter of Right	Matter of Right
Industrial	Matter of Right	Matter of Right
Waterfront	Matter of Right	Matter of Right

Amend §2101 SCHEDULE OF REQUIREMENTS FOR PARKING SPACES

2101.1 On or after May 12, 1958, all buildings or structures shall be provided with parking spaces as specified in the following spaces as specified in the following table:

USES	NUMBER OF PARKING SPACES REQUIRED
Metropolitan Police Department general facility or local facility	
All R Districts, C-1, C-2-A, C-3-A	**In excess of 2,000 square feet, 1 space for each 600 square feet of gross floor area and cellar floor area**
All other districts	**In excess of 2,000 square feet, 1 space for each 1,800 square feet of gross floor area**

2117 ACCESS, MAINTENANCE, AND OPERATION

2117.4 Except as provided in §2117.15 **and 2117.16**, each required parking space shall be accessible at all times directly from improved streets or alleys...

2117.16 Required parking spaces for a Metropolitan Police Department general facility or local facility may be arranged so that all spaces are not accessible at all times.

COMPREHENSIVE PLAN

The text amendment is not inconsistent with many of the Comprehensive Plan goals including:

CHAPTER 1 GENERAL PROVISIONS

101 MAJOR THEMES OF THE COMPREHENSIVE PLAN

101.1 In the process of developing the District elements of the Comprehensive Plan ("the Plan") and coordinating the widespread citizens review the following ten (10) major themes were discerned:

(i) Promoting enhanced public safety; and

102 STABILIZING AND IMPROVING THE DISTRICT'S NEIGHBORHOODS

102.3 Many city neighborhoods also include integral commercial and institutional uses that contribute to their character. Neighborhood businesses, schools, park and recreational facilities, churches, and other public facilities all add to the livability of our communities. These uses too must be protected, stabilized, and improved.

110 PROMOTING ENHANCED PUBLIC SAFETY

110.1 Enhanced public safety is one of the highest priorities of the District and is vital to the economic well-being of the District:

(a) The District can thrive and prosper only if residents, businesses, and visitors feel safe and secure in neighborhoods throughout the District;

(b) The District government, working in concert with the federal government and with the residential and business communities, must maximize available resources to reduce and prevent crimes against persons and property, particularly violent crimes;

(c) An essential component of this theme is the District's policy direction to reduce the number of illegal guns and other weapons in the District; and

(d) The District government must continue to improve responsiveness both to public requests for emergency police, fire, or medical assistance, and to other emergency situations ranging from infrastructure and public utility failures to natural disasters. Moreover, the District must engage in appropriate planning and capital projects that reduce the likelihood or severity of such emergencies in the future.

CHAPTER 6 COMPREHENSIVE PLAN: PUBLIC FACILITIES ELEMENT

606 LOCATION OF PUBLIC FACILITIES

606.1 The location of public facilities objective is to locate public facilities to provide optimum service and to support the land use, transportation, economic and social development, and neighborhood improvement objectives.

CHAPTER 9 COMPREHENSIVE PLAN: DOWNTOWN PLAN ELEMENT

922 PUBLIC SAFETY

922.1 The public safety objective for Downtown is to improve public safety and increase the sense of safety in Downtown day and night.

CHAPTER 12: WARD 1 PLAN

1216 WARD 1 PUBLIC FACILITIES

1216.1 The public facilities throughout Ward 1 play an important role in serving residents and contributing to the quality of the ward's neighborhoods. These facilities include schools, parks and recreation centers, libraries, police and fire stations, and health and cultural facilities. The following section highlights these facilities in Ward 1, some of which are designed to serve both the immediate areas and the city.

1217 WARD 1 OBJECTIVES FOR PUBLIC FACILITIES

1217.1 The objectives for public facilities are as follows:

(a) To ensure the construction, rehabilitation, and maintenance of facilities essential for public service delivery in Ward 1;

(c) To locate public facilities to provide optimum service and to support the land use, transportation, economic and social development, and neighborhood improvement plans throughout Ward 1.

CHAPTER 13: WARD 2 PLAN

1313 WARD 2 OBJECTIVES FOR PUBLIC FACILITIES

1313.1 The public facilities objectives are as follows:

(a) Ensure the construction, rehabilitation, and maintenance of facilities essential for public service delivery to the ward's current and future population; and

CHAPTER 14: WARD 3 PLAN

1405 WARD 3 PUBLIC FACILITIES

1405.4 Objectives and policies for adequate service delivery are as follows:

(a) In addition to the city-wide objective and policies stated in the Public Facilities Element:

(2) Existing public facilities should be improved as follows:

(F) Police service delivery should be expanded, recognizing that while the ward has a low violent crime rate relative to other wards, its level of property crime is the highest in the city; inadequate law enforcement unnecessarily increases the cost of living (e.g., insurance, property protection devices, etc.) for residents;

CHAPTER 15 WARD 4 PLAN

1516 WARD 4 PUBLIC FACILITIES

1516.1 The District's public facilities program is focused on improving and maintaining the city's existing infrastructure, including public health facilities, recreation centers, schools, public libraries, senior citizens' centers, facilities for persons with mental or physical impairments, and police and fire stations.

1517 WARD 4 OBJECTIVES FOR PUBLIC FACILITIES

1517.1 The objectives for public facilities are as follows:

(b) Ensure coordinated planning, construction, renovation and maintenance of public facilities for an adequate public service delivery system;

CHAPTER 16 WARD 5 PLAN

1616 WARD 5 PUBLIC FACILITIES

1616.1 The public facilities goal of the District government is to provide adequate public facilities to support the cost-effective delivery of municipal programs and services and to support economic development and neighborhood improvement objectives. Public facilities throughout Ward 5 provide essential services to all members of the community. These facilities include schools, parks and recreation centers, libraries, fire and police stations, community service centers and general public works such as streets, sewers and water lines.

1617 WARD 5 OBJECTIVES FOR PUBLIC FACILITIES

1617.1 The objectives for public facilities are as follows:

(b) Ensure the construction, rehabilitation and maintenance of facilities essential for public service delivery to all citizens;

CHAPTER 17 WARD 6 PLAN

1717 WARD 6 OBJECTIVES FOR PUBLIC FACILITIES

1717.1 The objective for public facilities is to provide adequate facilities for the efficient distribution of services that promote the health, education and welfare of the citizens of Ward 6.

CHAPTER 18 WARD 7 PLAN

1817 WARD 7 OBJECTIVES FOR PUBLIC FACILITIES

1817.1 The objectives for public facilities are as follows:

(a) Provide adequate public facilities to support the delivery of municipal programs and services and to support economic development and neighborhood improvement objectives in Ward 7;

(d) Locate public facilities to provide optimum service to the Ward 7 community and to support the land use, transportation, economic and social development, and neighborhood improvement objectives;

CHAPTER 19 WARD 8 PLAN

1917 WARD 8 OBJECTIVES FOR PUBLIC FACILITIES

1917.1 The objectives for public facilities are as follows:

(a) Ensure that adequate and high quality neighborhood-based public services and facilities are available and accessible to the Ward 8 community at a minimal cost;

The objectives and policies of the Comprehensive Plan, as described above, recommend the availability of improvements to public facilities and the provision of adequate police services in every ward of the city.

ANALYSIS

The Office of Planning generally is in agreement with the proposed definitions of the two different types of police facilities, assuming that the Metropolitan Police Department knows its operations best. However, in order to facilitate the use of the Zoning Regulations by others, it is recommended that each of the definitions be revised so that they may be found within the table of definitions under "Police Department General Facilities" and "Police Department Local Facilities", rather than under "Metropolitan Police Department..." In place of including the word "Metropolitan" in each of the terms, word "Metropolitan" is proposed to be included within the definition, so as to maintain clarity that these facilities are for the MPD only. OP also recommends the addition of "Harbor Units" to the general facility definition for clarity.

The Office of Planning is in agreement with permitting police facilities in the zoning districts as proposed, with the following exceptions. The first is the removal of the word "etc." from the end of the definition for a general facility, as this is already allowed for under the portion of the proposed definition that reads "including, but not limited to".

The second is that within the Waterfront districts "vehicle maintenance facilities" should not be permitted as general facilities, as this type of use is not consistent with the types of uses desired along the city's waterfront areas. Rather than deleting "vehicle maintenance facilities" from the definition, OP recommends the use table be modified instead to include "Police Department general facilities, but not including vehicle maintenance facilities." This will ensure that vehicle maintenance facilities are not permitted in the W districts, especially in light of the inclusion of the term "including, but not limited to" within the definition. Currently, the only police facility located within a waterfront district is the Police Harbor Unit at 550 Water Street, S.W., within the W-1 district.

The Office of Planning is in agreement that only local facilities should be permitted as a matter of right within the residential districts. These facilities are less intensive than the general facilities, and therefore more compatible a residential neighborhood. OP however, recommends that expansion of existing general facilities within residential neighborhoods should be permitted by special exception in order to protect neighborhoods from potential adverse impacts, as may result from such uses as vehicle maintenance, laboratories, and training units. Within the commercial and industrial districts, the Office of Planning is in agreement that local and general facilities should be permitted as a matter of right, as the purposes of those districts include a broad range of permitted uses.

The stated purposes of the mixed use, special purpose and waterfront districts each permit a mixture of uses, and both local and general facilities would contribute toward the mix of uses and would not be inconsistent with the purposes of the individual zoning districts.

Within the special purpose district, the location of a general facility is appropriate because it is a transitional district between commercial and residential areas that is intended to stabilize areas adjacent to the C-3-C and C-4 districts. As such, the SP district provides increased opportunities for general facilities locations that are near but

inside residential neighborhoods. A general police facility could help to stabilize the area, promoting the purposes of the mixed use district.

Waterfront districts are meant to be mapped adjacent to, but not within, well established residential neighborhoods, and include a variety of uses. Location of a general facility within the waterfront districts would then provide alternative locations to residential zones for general facilities. The CR mixed use zoning district is intended *"to encourage a diversity of compatible land uses, which may include a mixture of residential, office, retail, recreational, light industrial and other miscellaneous uses."*(§600.1) It is appropriate to permit a general facility within the mixed use district as a matter of right because the purposes of that district include light industrial uses, with which a general facility is compatible.

The tables below display the two minor modifications OP proposes to the MPD text:

APPLICANT'S PROPOSAL

Zoning District	**Local Facility**	**General Facility**
Residential	Matter of Right	New facility not permitted. Expansion of facility existing as of 5-23-90 permitted as matter of right to R zone standards.
Special Purpose	Matter of Right	Matter of Right
Mixed Use	Matter of Right	Matter of Right
Commercial	Matter of Right	Matter of Right
Industrial	Matter of Right	Matter of Right
Waterfront	Matter of Right	Matter of Right

OFFICE OF PLANNING'S RECOMMENDATION

Zoning District	**Local Facility**	**General Facility**
Residential	Matter of Right	New facility not permitted. Expansion of facility existing as of 5-23-90 ***subject to BZA approval***
Special Purpose	Matter of Right	Matter of Right
Mixed Use	Matter of Right	Matter of Right
Commercial	Matter of Right	Matter of Right
Industrial	Matter of Right	Matter of Right
Waterfront	Matter of Right	Matter of Right ***except for vehicle maintenance***

The application also requests that stacked parking be permitted for police facilities, and that parking for police facilities should be similar to that of general office. However, demand for parking at police facilities varies from that of a standard office in that you have to allow for overlap during shift changes for those personnel that work shifts. Therefore, requiring one parking space for each employee on the single largest shift should provide adequate parking. Provision of stacked parking should help to alleviate the burden of providing sufficient space to accommodate the proposed minimum parking requirements. However, any parking provided for visitor use should not be stacked.

The Office of Planning acknowledges that there may be difficulty in providing adequate parking as described above at existing facilities that are being expanded or renovated. Therefore, the new parking standards should be applied only to new locations so as not to adversely affect neighborhoods proposed for new facilities, and because the opportunity exists at a new site to design it with sufficient parking.

CONCLUSION

The proposed text amendments are not inconsistent with the above referenced Comprehensive Plan goals and objectives and will facilitate the realization of those goals, subject to the revisions discussed above and as shown below:

Amend §199 DEFINITIONS as follows:

Police Department general facility - a building and associated land, used for facilities of the Metropolitan Department that operate across the city as a whole, including but not limited to the Department's headquarters, vehicle maintenance facilities, laboratories, training units, special operations, tactical units, canine squad, bomb squad and harbor units.

Police Department local facility – a building and associated land, used as a headquarters for one of the local districts of the Metropolitan Department, including substations and community policing centers, regional commands and other Department facilities that operate within a specific area of the city.

Amend §201 USES AS A MATTER OF RIGHT (R-1) as follows:

201.1 The following uses shall be permitted as a matter of right in R-1 Residence districts:

(p) ...from any portion of the subject property; ~~and~~

(q) …of the Department of Recreation, respectively~~.~~ ;

(r) Police Department local facility; and

(s) Police Department general facility, in existence as of May 23, 1990.

Add **§222 POLICE DEPARTMENT GENERAL FACILITY EXPANSION**

An expansion of a Police Department General Facility, in existence as of May 23, 1990, shall be permitted in an R-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title.

Amend §302 USES SUBJECT TO BZA APPROVAL: GENERAL (R-2)

302.1 Any use permitted in R-1 districts under §§205 through ~~221~~ **222** shall be permitted in an R-2 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §§3105, 3107, and 3108 of chapter 31 of this title.

Amend §501 USES AS A MATTER OF RIGHT (SP) as follows:

501.1 The following uses shall be permitted as a matter-of-right in an SP district:

(g) Child/elderly development center; ~~and~~

(h) Art gallery~~.~~ **; and**

(i) Police Department local and general facility.

Amend §901 USES AS A MATTER OF RIGHT (W) as follows:

901.1 The following uses shall be permitted in a Waterfront district as a matter of right:

(t) Child/elderly development center; ~~and~~

(u) …antenna pursuant to §201.2 through §201.7~~.~~ **and**

(v) Police Department general facility and local facility, but not including vehicle maintenance facilities.

Amend §601 USES AS A MATTER OF RIGHT (CR) as follows:

601.1 The following uses shall be permitted as a matter of right in a CR district:

(r) Embassy, chancery, or international organization; ~~and~~

(s) …antenna pursuant to §201.2 through §201.7~~.~~ **; and**

(t) Police Department general facility and local facility.

Amend §2101 SCHEDULE OF REQUIREMENTS FOR PARKING SPACES

2101.2 On or after May 12, 1958, all buildings or structures shall be provided with parking spaces as specified in the following spaces as specified in the following table:

USES	NUMBER OF PARKING SPACES REQUIRED
Police Department general facility or local facility	
All Districts	**1 space per each employee on the single largest shift (for locations in existence after June 11, 2002)**

2117 ACCESS, MAINTENANCE, AND OPERATION

2117.5 Except as provided in §2117.15 **and 2117.16**, each required parking space shall be accessible at all times directly from improved streets or alleys…

2117.16 Required parking spaces for a Police Department general facility or local facility may be arranged so that all spaces are not accessible at all times, with the exception of any parking spaces made available for visitor parking.

Amend §3104 SPECIAL EXCEPTIONS

3104.1 Pursuant to authority contained in the Zoning Act, the Board is authorized to…

TYPE OF SPECIAL EXCEPTION	DISTRICT	SECTION IN WHICH THE CONDITIONS ARE SPECIFIED
Police Department general facility expansion	**Any R district**	**§222**

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