Law Offices
HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

Annapolis
Atlanta
Bethesda
Boston
Bradenton
Chicago
Ft. Lauderdale
Jacksonville
Lakeland
Los Angeles
Melbourne
Miami
International Offices:
Caracas*
Helsinki
Mexico City
Rio de Janeiro
New York
Northern Virginia
Orlando
Portland
Providence
St. Petersburg
San Antonio
San Francisco
Seattle
Tallahassee
Tampa
West Palm Beach
São Paulo
Tel Aviv*
Tokyo
*Representative Office

October 3, 2003

CHRISTOPHER H. COLLINS
202-457-7841

Internet Address: ccollins@hklaw.com

VIA HAND DELIVERY
Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: Application for a Text Amendment to the Zoning Regulations for the Metropolitan Police Department: Z.C. Case No. 02-28TA
Supplement to Prehearing Submission

Dear Members of the Commission:

On behalf of the Metropolitan Police Department, the Applicant in the above-referenced case, this letter serves as the supplement to the Applicant's Prehearing Submission in accordance with Section 3013.8 of the Zoning Regulations. The Applicant supports the advertised text amendments but requests the following three modifications. The advertised text is attached hereto as Exhibit A, and the proposed modifications explained below are shown in the redlined text attached as Exhibit B.

1. Revise the amendments to Sections 501 (SP District), 601 (CR District) and 901 (W District) for consistency within the three districts.

The Applicant requests that each district permit Police Department General Facilities as a matter of right, except that vehicle maintenance facilities and uses involving animals be permitted only as a special exception. These districts should not exclude facilities housing a laboratory or bomb squad. As indicated in the Prehearing Submission, the laboratory and bomb squad uses do not create negative external effects and are more similar to other types of office uses. Specifically, the bomb squad includes specialized personnel and vehicles that are

ZONING COMMISSION
District of Columbia
Case 02-28TA
Exhibit 17

ZONING COMMISSION
District of Columbia
CASE NO.02-28
EXHIBIT NO.17

dispatched from an existing location at the Harbor Unit at 550 Water Street, S.W., to handle bomb threats. Suspected bombs and other devices are either diffused on-site or are taken to a remote location for detonation. In either instance, care is taken that there will be no adverse effects on the citizens of the District or their property. Such devices are not taken back to the bomb squad facility for disposition. Similarly, the laboratory is a testing facility and does not produce any noxious odors, fumes, vibrations, glare, smoke, noise, steam, cinders, dust, fly-ash, heat or other such external effects. If any research is necessary to determine what a particular piece of evidence is, either the FBI or the DEA lab is used for that purpose. Accordingly, there is no need to exclude either bomb squad or laboratory uses from the SP, CR and W Districts.

Furthermore, it is not necessary to exclude mobile crime unit uses from the W District. The mobile crime unit is not a vehicle intensive use. This unit includes several equipment vans for on-site investigations and does not, contrary to the suggestion in the name, employ larger numbers of vehicles. Therefore, the Applicant requests that the text amendment for the W District be revised accordingly.

2. Amend Sections 501.1(i), 601.1(u), and 901.1(v) to include a reference to the special exception standard set forth in Section 224.

3. Delete "in existence as of May 23, 1990" from Section 501.1(i), which lists matter of right uses, as this limitation is not necessary. This phrase was inadvertently included in the original proposal; however, the proposal is intended to permit both existing and new Police Department General Facilities.

We look forward to the Commission's consideration of this application on October 23, 2003. Should you have any questions or need additional information, please do not hesitate to have Office of Zoning staff contact us.

Very truly yours,

Christopher H. Collins

Christine Moseley Shiker

Attachments

cc: Ellen McCarthy, Office of Planning (Via Hand Delivery, w/attachments
Steven Mordphin, Office of Planning (Via Hand Delivery; w/attachments)

A

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, October 23, 2003, at 6:30 p.m.**
Office of Zoning Hearing Room
441 4th Street, N.W. – Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 02-28 (Text Amendment – Metropolitan Police Department)

THIS CASE IS OF INTEREST TO ALL ANCs:

On July 26, 2002, the Office of Zoning received a request from the Metropolitan Police Department for a text amendment to Title 11 of the District Columbia Municipal Regulations, Zoning, §§ 199, 201, 224, 501, 601, 901, 2101, and 2117. This case was set down on September 9, 2002, and the Metropolitan Police Department filed its Prehearing Statement on May 16, 2003. The proposed text amendment is as follows:

Title 11 DCMR (Zoning) is proposed to be amended as follows (additions shown in **bold** and underlined):

Amend Section 199, DEFINITIONS, to include the following definitions:

Police Department General Facility: a building and associated land used for facilities of the Metropolitan Police Department that operate across the District 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 Police Department (including substations and other Department facilities that operate within a specific area of the District). This definition shall include a Regional Command Center, which is a building and associated land used for administrative control and managerial services and community outreach for a specific geographic area that encompasses two or more districts or commands of the Metropolitan Police Department, and a Neighborhood Policing Center, which is a building and associated land used as a liaison and resource center for a limited purpose for a

specified area in the District, to supplement the Metropolitan Police Department local facilities.

201 USES AS A MATTER OF RIGHT (R-1)

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

(r) Police Department Local Facility

224 Police Department General Facilities

224.1 A Police Department General Facility, in existence as of May 23, 1990, shall be permitted to expand as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

224.2 The expansion shall be within the height, area, and bulk requirements of the underlying zone.

224.3 The expansion of the facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

501 USES AS A MATTER OF RIGHT (SP)

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

(i) Police Department General Facility, in existence as of May 23, 1990, except that a facility housing a laboratory or a bomb squad shall only be permitted as a special exception.

601 USES AS A MATTER OF RIGHT (CR)

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

(u) Police Department Local Facility and Police Department General Facility, except that a vehicle maintenance facility , a use involving animals, or a facility housing a laboratory or a bomb squad shall only be permitted as a special exception.

901 USES AS A MATTER OF RIGHT (W)

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

(v) **Police Department Local Facility and Police Department General Facility, except that a vehicle maintenance facility , a use involving animals, or a facility housing a laboratory, a bomb squad or a mobile crime unit shall only be permitted as a special exception.**

2101 SCHEDULE OF REQUIREMENTS FOR PARKING SPACES

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

USES	NUMBER OF 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 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**

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 or shall be accessible from improved streets and alleys via graded and unobstructed private driveways that form an all-weather impervious surface. Improved streets and alleys providing access to required parking spaces shall have a minimum width of ten feet (10 ft.) and be paved in compliance with the standards of the D.C. Department of Transportation.

2117.16 Required parking spaces for a Police Department General Facility or Police Department Local Facility may be arranged so that all spaces are not accessible at all times.

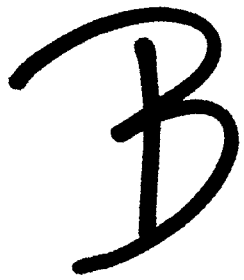
Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*) (2001 Ed.).

The public hearing on this case will be conducted in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to § 3020, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 2001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, JAMES H. HANNAHAM, AND PETER G. MAY ------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.



PROPOSED MODIFICATIONS TO ADVERTISED AMENDMENTS TO THE ZONING REGULATIONS TO ACCOMMODATE FACILITIES OF THE METROPOLITAN POLICE DEPARTMENT

Amend Section 199, DEFINITIONS, to include the following definitions:

Police Department General Facility: a building and associated land used for facilities of the Metropolitan Police Department that operate across the District 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 Police Department (including substations and other Department facilities that operate within a specific area of the District). This definition shall include a Regional Command Center, which is a building and associated land used for administrative control and managerial services and community outreach for a specific geographic area that encompasses two or more districts or commands of the Metropolitan Police Department, and a Neighborhood Policing Center, which is a building and associated land used as a liaison and resource center for a limited purpose for a specified area in the District, to supplement the Metropolitan Police Department local facilities.

201 USES AS A MATTER OF RIGHT (R-1)

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

(r) Police Department Local Facility

224 Police Department General Facilities

224.1 A Police Department General Facility, in existence as of May 23, 1990, shall be permitted to expand as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

224.2 The expansion shall be within the height, area and bulk requirements of the underlying zone.

224.3 The expansion of the facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

501 USES AS A MATTER OF RIGHT (SP)

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

(i) Police Department General Facility~~, in existence as of May 23, 1990,~~ except that ~~a facility housing a laboratory or a bomb squad~~ a vehicle maintenance facility and uses involving animals shall only be permitted as a special exception in accordance with the standard set forth in Section 224.

601 USES AS A MATTER OF RIGHT (CR)

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

(u) Police Department Local Facility and Police Department General Facility, except that a vehicle maintenance facility~~,~~ and ~~a~~ uses involving animals~~, or a facility housing a laboratory or a bomb squad~~ shall only be permitted as a special exception in accordance with the standard set forth in Section 224.

901 USES AS A MATTER OF RIGHT (W)

901.1 The following uses shall be permitted as a matter of right in an W District:

(v) Police Department Local Facility and Police Department General Facility, except that a vehicle maintenance facility~~,~~ and ~~a~~ uses involving animals~~, or a facility housing a laboratory a bomb squad or a mobile crime unit~~ shall only be permitted as a special exception in accordance with the standard set forth in Section 224.

2101 SCHEDULE OF REQUIREMENTS FOR PARKING SPACES

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

USES	NUMBER OF 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 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

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 or shall be accessible from improved streets and alleys via graded and unobstructed private driveways that form an all-weather impervious surface. Improved streets and alleys providing access to required parking spaces shall have a minimum width of ten feet (10 ft.) and be paved in compliance with the standards of the D.C. Department of Transportation.

2117.16 Required parking spaces for a Police Department General Facility or Police Department Local Facility may be arranged so that all spaces are not accessible at all times.