GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: D.C. Zoning Commission

FROM: JLS for Andrew Altman
Director

DATE: October14, 2003

SUBJECT: Metropolitan Police Department General Facilities and Metropolitan Police Department Local Facilities, **Case No. 02-28**, Final Report for a Text Amendment

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PETITION
Holland & Knight filed a petition with the Zoning Commission on behalf of the Metropolitan Police Department to provide for "Metropolitan Police Department General Facilities" and "Metropolitan Police Department Local Facilities" within the Zoning Regulations. Currently the Zoning Regulations do not address police department facilities and they are not permitted outside of the Central Area.

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

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 11 DCMR:

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

(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;

ZONING COMMISSION
District of Columbia
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Exhibit 18

ZONING COMMISSION
District of Columbia
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EXHIBIT NO.18

(b) With regard to the properties referenced in paragraph (a) of this subsection, 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 National Capital Planning Commission, pursuant to § 5(c) of the National Capital Planning Act of 1952, approved July 10, 1952(66 Stat. 781; D.C. Code, 2001 Ed. §§ 2-1004(c) (formerly codified at D.C. Code § 1-2004(c) (1999 Repl.))).

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

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 represents that more comprehensive text amendment.

ZONING

The Zoning Regulations do not currently address police facilities. As a result, police facilities are not a permitted use within the Zoning Regulations 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:

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

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 a special exception to R Zone District standards provided no there is no adverse impact on neighborhood.
Special Purpose	Matter of Right	Matter of Right. Vehicle maintenance facilities [or uses involving animals]* permitted by special exception provided no there is no adverse impact on neighborhood.
Mixed Use	Matter of Right	Matter of Right. Vehicle maintenance facilities [or uses involving animals]* permitted by special exception provided no there is no adverse impact on neighborhood.
Commercial	Matter of Right	Matter of Right.
Industrial	Matter of Right	Matter of Right.
Waterfront	Matter of Right	Matter of Right. Vehicle maintenance facilities [or uses involving animals]* permitted by special exception provided no there is no adverse impact on neighborhood.

* OP is still working with the applicant to determine the level of special exception review, if any, needed for animal uses.

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 Police Department General Facility or Police Department Local Facility may be arranged so that all spaces are not accessible at all times.

ANALYSIS

The Office of Planning 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. Jail facilities are not included within the definition because the MPD does not operate any jail facilities. That use is the responsibility of the Department of Corrections.

The Office of Planning is in agreement with permitting police facilities in the zoning districts as proposed by the applicant.

LOCAL FACILITIES

The Office of Planning is in agreement that local facilities should be permitted as a matter of right within the residential districts. These facilities are less intensive than general facilities and operate within a more specific geographic area. Therefore, they are more compatible with a residential neighborhood.

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

Within commercial and industrial districts the Office of Planning is in agreement that local facilities should be permitted as a matter of right, as the purposes of those districts include a broad range of permitted uses.

GENERAL FACILITIES

Existing general facilities should continue to be permitted as a matter of right within residential districts, but their expansion should be permitted by special exception in order to protect those residential neighborhoods from potential adverse impacts, as may result from such uses as vehicle maintenance and uses involving animals.

Within the SP special purpose district, the location of a general facility (with the exception of vehicle maintenance facilities and uses involving animals) as a use permitted as a matter of right 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 not inside residential neighborhoods. A general police facility could help to stabilize the area, promoting the purposes of the mixed use district. Vehicle maintenance facilities and uses involving animals should be permitted by special exception, provided it can be shown that there will be no adverse impact on the neighborhood.

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 (with the exception of vehicle maintenance facilities and uses involving animals) as a matter of right within the mixed use district because the purposes of that district include light industrial uses, with which a general facility is compatible. Vehicle maintenance facilities and uses involving animals should be permitted by special exception, provided it can be shown that there will be no adverse impact on the neighborhood.

Within commercial and industrial districts the Office of Planning is in agreement that general facilities should be permitted as a matter of right, as the purposes of those districts include a broad range of permitted uses.

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 zone districts for general facilities. Therefore, with the exception of vehicle maintenance facilities and uses involving animals, general facilities should be permitted as a matter of right within waterfront districts. Vehicle maintenance facilities and uses involving animals should be permitted by special exception, provided it can be shown that there will be no adverse impact on the neighborhood.

OP further recommends that the Zoning Commission establish the special exception standards for Vehicle Maintenance Facilities in the CR, SP and W Zone Districts the

same as those currently used for review of Vehicle Sales and Repair within the CR District under § 614. The vehicle repair is assumed to be similar to the maintenance of police department vehicles and the CR District, a mixed use district, is similar to the W and SP Zone Districts in that all of these districts permit a variety of uses. OP is still working with the applicant to determine if any regulation is needed. 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.

PARKING
The applicant has indicated to the Office of Planning that police vehicles are not taken home by police personnel, but rather are used continuously on each of the three eight hour shifts. At the end of each shift police vehicles are returned to the facility to which it is assigned, and then taken back out by the next shift. As a result, police vehicles are only parked at the police facilities during shift changes. Although it is only three times each day that all of the vehicles return to the facility, there must be someplace available to accommodate the vehicles without adversely impacting the surrounding neighborhood. Therefore, the Office of Planning recommends that police facilities have one parking space be available for each vehicle assigned to it. Recognizing that this could result in the provision of a large amount of parking that is only used three times each day, the Office of Planning also recommends that stacked parking be permitted at police facilities. The stacked spaces should not create an operational issue of the parking lot as the applicant has requested that stacked parking be permitted and because all of the vehicles will be under the control of the applicant. Any parking made available for visitors 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.

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.

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. The Office of Planning recommends that the text amendment be adopted as proposed by the applicant, with the exception of the required off-street parking, which the Office of Planning recommends be provided as shown below:

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 vehicles assigned to the facility (for locations in existence after October 14, 2003)

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.

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