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

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REPORT TO THE ZONING COMMISSION

CASE NO. 02-28
POLICE FACILITIES TEXT AMENDMENTS

STEVEN E. SHER,
DIRECTOR OF ZONING AND LAND USE SERVICES
HOLLAND & KNIGHT LLP

OCTOBER 23, 2003

I. Introduction

II. Nature of application – text amendments to provide for location of facilities of the Metropolitan Police Department

III. Zoning history

A. Zoning Regulations of 1958 did not specifically provide for District government uses

B. Commissioner's Order No. 59-538, dated March 31, 1959 (zoning not applicable to construction of District and Federal buildings, but policy of Commissioners to comply wherever feasible and reasonable with all District regulations, including zoning)

C. Public schools permitted as a matter-of-right in all districts (May, 1968)

D. Comprehensive Plan Amendments Act of 1989: "The government shall be subject to zoning." (§7 (a), effective May 23, 1990)

E. Conforming text amendment to Regulations (Order No. 828, January 12, 1998)

ZONING COMMISSION
District of Columbia
Case 02-28
Exhibit 23

ZONING COMMISSION
District of Columbia
CASE NO.02-28
EXHIBIT NO.23

F. Emergency text amendment to allow a regional operations command in an R-4 District (Order No. 922, June 10, 2000) expired without being made permanent

IV. Description of the proposed text amendments

A. General rationale

1. Considered nature and range of uses permitted in various zone districts

2. Local facilities:

a) Have geographical constraints

b) Need to be able to find sites in broadest range of zones at local level

c) Locations need to be flexible and available to respond to programming and operational needs of the Department

d) Are subject to budgeting approval by the Mayor and Council (top of government hierarchy)

e) Should not be subject to specific locational review by other government agencies

3. General District-wide facilities

a) Have broader locational flexibility

b) Are treated in same terms as office uses

4. Parking provided at rates comparable to office uses

B. Specific proposals

1. Definitions:

a) Local facility

b) General facility

2. Residential districts

   a) Local facilities permitted as a matter-of-right

   b) General facilities:

      (1) Expansion of existing facility is special exception

      (2) New facility not permitted

3. SP, W and CR districts

   a) Local facilities permitted as a matter-of-right

   b) General facilities:

      (1) Permitted as a matter-of-right

      (2) Vehicle maintenance or facilities for animals are special exceptions

4. Commercial and Industrial districts

   a) Local facilities permitted as a matter-of-right

   b) General facilities permitted as a matter-of-right

5. Minimum number of off-street parking spaces (equivalent to required parking for office use)

   a) R, C-1, C-2-A, C-3-A: 1 space for each 600 square feet of gross floor area and cellar floor area in excess of 2,000 square feet

   b) All other districts: 1 space for each 1,800 square feet of gross floor area in excess of 2,000 square feet

V. Consistency with the Comprehensive Plan

A. The District Elements

1. The District of Columbia Comprehensive Plan Act of 1984 (D.C. Law 5-76, March 9, 1984)

2. The District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984 (D.C. Law 5-187, February 15, 1985)

3. The Comprehensive Plan Amendments Act of 1989 (D.C. Law 8-129, January 5, 1990)

4. The Comprehensive Plan Amendments Act of 1994 (D.C. Law 10-193, October 19, 1994)

5. Comprehensive Plan Land Use Maps Approval Resolution of 1996 (Resolution 11-313, May 7, 1996)

6. The Comprehensive Plan Amendments Acts of 1998 (D.C. Law 12-275, April 27, 1999)

B. Interpretation of the District elements

1. "The primary dynamic of the District elements of the Plan is the overlapping of its elements' goals. This overlapping is intentional." (§112.1)

2. "District elements of the Plan should be studied and executed in concert with each other and should be interpreted broadly." (§111.(a))

3. "The interpretation and implementation of any element should necessarily rely upon, and be respectful of, the objectives and policies of other elements." (§112.1(b))

4. "An element may be tempered, even defined, by one (1) or more of the other elements. This may occur within one (1) element and between elements. Since the Land Use element integrates the policies and objectives of all other District elements, it should be given greater weight than the other elements." (§112.1(c))

5. "The interpretation of the District elements of the Plan should also be guided by the major themes set forth in §101.1, which establish the overall priorities of the District elements of the Plan." (§112.2)

C. Major Themes

1. Stabilize and improve the District's neighborhoods (§102)

2. Promote enhanced public safety (§110)

D. Land Use element

1. Generalized Land Use Map:

a) Many (but not all) existing facilities shown as local public facilities

b) Map is generally reflection of existing conditions rather than plan for future facilities

E. Public Facilities element:

1. Goal "to provide adequate and energy-efficient public facilities in good condition to support the cost-effective delivery of municipal programs and services" (§601.1)

2. Objective to "locate public facilities to provide optimum service and to support the land use, transportation, economic and social development, and neighborhood improvement objectives" (§606.1)

F. Ward Plans elements

1. Generally address ensuring construction and maintenance of facilities essential for public service delivery

2. Ward 3 element addresses expansion of police service delivery (§1405.4(a)(2)(F))

VI. Modifications to advertised text (Tab B to submission dated October 3, 2003)

A. Synchronize regulations for general facilities in SP, CR and W Districts to allow laboratory and bomb squad as a matter-of-right and allow vehicle maintenance facility and uses involving animals as a special exception

B. Provide special exception standards for those uses requiring BZA approval in SP, W and CR District (the standards for a general facility in Residential Districts, proposed §224)

C. Delete "in existence as of May 23, 1990" from SP regulations (proposed §501.1(i))

VII. Response to Office of Planning recommendations

A. Parking should be calculated based on square footage standard rather than the number of vehicles assigned

1. Using floor area of the facility is a standard easily capable of determination and verification

2. Number of vehicles will fluctuate and is not easily capable of enforcement

B. Special exception standard for SP, W and CR should be same as for Residential Districts (proposed §224) rather than the standard for automobile sales and repair in CR

C. Change "uses involving animals" to "equestrian unit"

VIII. Conclusions

A. Proposed regulations are comprehensive approach to location of MPD facilities in the District

B. Proposed regulations strike appropriate balance between accommodating program and operating needs of MPD with concern about potential impacts

C. Proposed regulations are not inconsistent with the Comprehensive Plan, but the Plan does not offer much in the way of guidance

D. Proposed regulations should be approved as set forth in the attachment

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 or equestrian unit 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 or equestrian unit ~~, a use 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 or equestrian unit ~~, 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 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.