Government of the District of Columbia
OFFICE OF ZONING

MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Alberto P. Bastida
Secretary to the Zoning Commission

DATE: November 18, 2003

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on November 28, 2003:

1. Z.C. Notice of Proposed Rulemaking (Case No. 02-28).

Received By

Date

Attachments

ZONING COMMISSION
District of Columbia
Case 02-28
Exhibit 28

441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001
Tel: (202) 727-6311 • Fax: (202) 727-6072
E-Mail: zoning info@dcoz.dcgov.org • Web Site: http://dcoz.dcgov.org/

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

RULEMAKING TRANSMITTAL FORM

DATE AND TIME RECEIVED
Office of Documents use only

TYPE OF RULEMAKING ACTION: [ ] EMERGENCY RULES [ ] FINAL RULES [X] PROPOSED RULES [ ] COMBINED

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: MR. ALBERTO BASTIDA

ADDRESS: 441 4th Street, N.W., Suite 210 South TELEPHONE: (202) 727-0330

TITLE AND DESCRIPTION OF RULES:
ZC Case No. 02-28, Text Amendment – 11 DCMR, Police Department Facilities

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Chapters 1, 2, 5, 6, 9, 21

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: at 49 DCR 4584 DATE: MAY 30, 2003

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Official Code § 6-641.01 & 6-641.03).

LEGAL CERTIFICATION: I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.
DATE: 11-18-03 SIGNED: [signature] PHONE: (202) 442-9777

✓	FINAL		CONDITIONAL	NAME:	ROBERT J. SPAGNOLETTI	TITLE: CORPORATION COUNSEL

PROMULGATOR: Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)
Zoning Commission For The District Of Columbia Title:

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules. §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Official Code § 6-641.01 & 6-641.03)

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE: 11/12/03

APPROVAL OF ATTEST: [signature] Alberto T. Bastida
TITLE: Secretary to the Zoning Commission PHONE: (202) 727-0330

Office of Documents use only: THIS NOTICE PUBLISHED AT: VOL: DCR: DATE:

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 02-28TA
(Text Amendment—Police Department General and Local Facilities -- 11 DCMR)

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Official Code § 6-641.01 & 6-641.03) (2001 Ed.)), hereby gives notice of the intent to amend the Zoning Regulations (11 DCMR) to establish Metropolitan Police Department uses in the Zoning Regulations both as a matter of right and as a special exception. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 11 DCMR, is amended as follows (new language is in **bold and underlined**):

A. Section 199, DEFINITIONS, subsection 199.1, is amended to add new definitions to read as follows:

Police Department General Facility - a building and associated land used for facilities of the Metropolitan Police Department that operates 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, equestrian units, canine squads, bomb squads, and harbor units. This definition does not include Metropolitan Police Department helicopter and radio transmission facilities.

Police Department Local Facility - a building and associated land used as 1) a headquarters or substation for one of the local districts of the Metropolitan Police Department or 2) a Metropolitan Police Department facility that operates within a specific area of the District, such as a Regional Command Center or a Neighborhood Policing Center.

Regional Command Center – a Police Department Local Facility used for community outreach or administrative control and managerial services for operations, for a specific geographic area that encompasses two or more districts or commands of the Metropolitan Police Department.

Neighborhood Policing Center – a Police Department Local Facility used as a liaison and resource center for a specified area in the District.

B. Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, is amended as follows:

(a) Section 201, USES AS A MATTER OF RIGHT (R-1), subsection 201.1, is amended by adding a new paragraph (r) to read as follows:

(r) Police Department Local Facility.

(b) A new section 224 is added to read as follows:

224 EXPANSION OF POLICE DEPARTMENT GENERAL FACILITIES

224.1 The expansion of a Police Department General Facility in existence as of May 23, 1990, shall be permitted 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 shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area, and the expansion of a vehicle maintenance facility shall also not have an adverse impact on the neighborhood because of fumes.

C. Chapter 5, SPECIAL PURPOSE DISTRICTS, is amended as follows:

(a) Section 501, USES AS A MATTER OF RIGHT (SP), subsection 501.1 is amended by adding new paragraphs (i) to read as follows:

(i) Police Department General Facility, except as provided in § 504.

(b) A new Section 504 is added to read as follows:

504 POLICE DEPARTMENT GENERAL FACILITY

504.1 A vehicle maintenance facility or equestrian unit shall be permitted in an SP District if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the provisions of this section.

504.2 The vehicle maintenance facility or equestrian unit shall be located so that it is not likely to become objectionable to adjoining or nearby property because of noise or fumes.

D. Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, is amended as follows:

(a) Section 601, USES AS A MATTER OF RIGHT (CR), subsection 601.1, is amended by adding a new paragraphs (u) and (v) to read as follows:

(u) Police Department Local Facility.

(v) Police Department General Facility, except as provided in § 607.

(b) A new Section 607 is added to read as follows:

607 POLICE DEPARTMENT GENERAL FACILITY

607.1 A vehicle maintenance facility or equestrian unit shall be permitted in an CR District if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the provisions of this section.

607.2 The vehicle maintenance facility or equestrian unit shall be located so that it is not likely to become objectionable to adjoining or nearby property because of noise or fumes.

E. Chapter 9, WATERFRONT DISTRICT, is amended as follows:

(a) Section 901, USES AS A MATTER OF RIGHT (W), subsection 901.1 is amended by adding new paragraphs (v) and (w) to read as follows:

(v) Police Department Local Facility.

(w) Police Department General Facility, except as provided in § 917.

(b) A new section 917 is added to read as follows:

917 POLICE DEPARTMENT GENERAL FACILITY

917.1 A vehicle maintenance facility or equestrian unit shall be permitted in an W District if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the provisions of this section.

917.2 The vehicle maintenance facility or equestrian unit shall be located so that it is not likely to become objectionable to adjoining or nearby property because of noise or fumes.

F. Chapter 21, is amended as follows:

(a) Section 2101 SCHEDULE OF REQUIREMENTS FOR PARKING SPACES, subsection 2101.1 is amended by adding the following uses:

USES	NUMBER OF SPACES REQUIRED
Police Department General Facility or Local Facility (established after [Insert rulemaking effective date], 2003, not including the expansion of facilities existing as of [Insert rulemaking effective date of rulemaking]):	

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**

(b) Section 2117 ACCESS, MAINTENANCE AND OPERATION, is amended as follows:

(1) Subsection 2117.4 is amended to read as follows:

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.

(2) A new subsection 2117.16 is added to read as follows:

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.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to Alberto Bastida, Office of Zoning, 441 4th Street, N.W., Washington D.C. 20001. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. A copy of this proposal may be obtained, at cost, by writing to the above address.