BEFORE THE ZONING COMMISSION
FOR
THE DISTRICT OF COLUMBIA

APPLICATION FOR A ZONING TEXT AMENDMENT
TO THE ZONING REGULATIONS

FOR

THE METROPOLITAN POLICE DEPARTMENT

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July, 2002

ZONING COMMISSION
District of Columbia
02-28
CASE NO.02-28
EXHIBIT NO.2A

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STATEMENT IN SUPPORT OF THE APPLICATION FOR A TEXT AMENDMENT TO THE ZONING REGULATIONS

I. Introduction

This statement is submitted on behalf of the Metropolitan Police Department ("MPD"), which occupies numerous police and law enforcement and related law enforcement-supporting facilities ("MPD facilities") throughout the District of Columbia. (See Exhibit A). The MPD is seeking a comprehensive set of amendments to the Zoning Regulations for the District of Columbia (the "Zoning Regulations" or "Regulations") in an effort to ensure compliance of all existing MPD facilities with the requirements of the Regulations, as well as to codify zoning requirements for future new facilities or expansion of existing facilities. (See Exhibit B)

II. Background

Prior to the enactment of Home Rule in the District of Columbia, there was no distinction between the federal government and the District of Columbia government for zoning purposes: both were exempt under federal and District of Columbia law from zoning regulation. Although a Commissioner's Order directed that the policy of the District of Columbia should be that its agencies would attempt to comply with zoning, such buildings were not subjected by any law or regulation to the requirements of the Zoning Regulations.

The Comprehensive Plan Amendment Act of 1989 amended the District of Columbia Code to require most buildings and property owned by the District of

Columbia government to comply with zoning. The Comprehensive Plan Act was implemented through the Zoning Regulations by the enactment in 1990 of Section 106.5 of the Regulations, subjecting to the Zoning Regulations all District-owned buildings and land that were in existence, or substantially planned, documented and invested in prior to May 23, 1990, and all changes or expansion in use of such land or building buildings, with the exception of District of Columbia buildings and land within the boundaries of the Downtown Urban Renewal Plan and the Shaw School Urban Renewal Plan. As discovered by the Department of Recreation during the planning of its facilities expansion program, there has been very little added to the regulations since the enactment of Section 106.5 that gives guidance to the Zoning Commission as to how governmental facilities should be treated under the Regulations. Outside of sparing references to District of Columbia Public Schools, there are very few references in the Zoning Regulations to *any* governmental facility.

As the MPD plans its facilities expansion program, the Department, as was the Department of Recreation when planning its own expansion program, is in need of guidance from the Zoning Commission as to what the applicable zoning regulations and requirements are and should be for MPD facilities. The MPD, therefore, is seeking a comprehensive set of amendments to the Zoning Regulations to provide for the matter-of-right operation of law enforcement and related law-enforcement supporting facilities in appropriate zone districts according to the scope, focus and intensity of the MPD activity conducted at the site.

III. Proposed Amendments to the Zoning Regulations

The MPD is specifically requesting amendments to the Regulations that will:

1) provide definitions distinguishing a police facility with activities having a citywide focus ("Metropolitan Police Department general facility") from a facility with a focus on a smaller sub-area of the City ("Metropolitan Police Department local facility");

2) establish an MPD local facility as a matter-of-right in any Residential District and, by carry-over, in all SP, C, C-M and M Districts;

3) allow expansion of existing local and general facilities in Residential Districts in accordance with the height, area and bulk requirements of the underlying zone in which the facility is located;

4) establish an MPD general facility as a matter-of-right in SP and less restrictive districts;

5) permit all MPD facilities as a matter-of-right in Waterfront Districts;

6) permit all MPD facilities as a matter-of-right in Mixed Use (CR) Districts;

7) establish parking requirements for MPD facilities in the ratio of 1 space for every 600 square feet of gross floor area and cellar floor area beyond the first 2,000 square feet in R, C-1, C-2-A and C-3-A Districts, and 1 space for every 1,800 square feet of gross floor area beyond 2,000 square feet in all other districts; and;

8) permit stacked parking at MPD facilities.

IV. Rationale for Proposed Amendments

The proposed amendments seek to balance the critical importance of the public safety function of the MPD and the Department's resulting need for maximum flexibility in locating police facilities, with the duty of the Commission to ensure the compatibility of allowable uses within various zone districts. The proposed amendments categorize MPD facilities according to the scope of use occurring therein, allowing lower intensity facilities serving a discrete area, such as district headquarters and substations, in *all* zone districts, and allowing facilities with a more citywide focus, including specialty division and support services, in the SP District and all less restrictive districts.

The flexibility contained in the proposed amendments is also reflective of the fact that these public safety facilities that serve only a portion of the city, such as a district headquarters, are more geographically constrained in terms of where such facilities must be located. Conversely, facilities that serve a citywide function may be located anywhere in the District. Thus, there is greater opportunity to find space for such facilities outside the residential zones. In recognition of the parking needs of MPD facilities, the proposed amendments also would generally subject MPD facilities to the same parking requirements as office uses, and would allow stacked parking at MPD facilities. The proposed parking space requirement is based on the requirement for offices uses in lower density commercial zones. The proposal to allow stacked parking is based on the fact that, since MPD facilities operate on shifts, there will be a need to accommodate a large number of cars for a relatively

short period of time during shift changes before new officers on duty return the cars to the District of Columbia streets.

V. Standards Applicable to an Application for a Zoning Text Amendment

The Zoning Act sets forth the criteria which the Zoning Commission must apply in adopting zoning regulations. As set out in Section 6-641.01 of the District of Columbia Official Code, the underlying purposes of the Regulations are to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital." Section 6-641.01 of the Code directs the Zoning Commission to make its regulations "not inconsistent with the comprehensive plan for the national capital." Section 6-641.02 sets forth further standards directed at supporting the general well-being of the District of Columbia. The Commission must apply these standards and criteria in determining whether to approve a requested amendment to the Regulations.

The proposed zoning of the Subject property meets the standards for approval as follows:

A. Health, Safety and General Welfare

The proposed text amendment will further the health, safety and general welfare of the District of Columbia by providing the District of Columbia government and its citizens with clear standards for the appropriate placement of police facilities, and to assure the citizens of the District that MPD facilities are located to best serve the public safety and health needs of District citizens. The

classification of MPD facilities into "general" and "local" facilities also contributes to orderly planning and development by providing for the placement of such facilities among compatible uses.

B. No Adverse Impact

The proposed text amendment will not have an adverse impact on the public. Police protection, one of the most important public services provided by the District, must be strategically located through the City to provide these essential services in rapid fashion. Most of the facilities affected by the text amendment already exist, and are well within the height, bulk and area requirements of the zones within which they are located. In addition, the zoning categories selected as appropriate for the MPD facilities are appropriate to the types of activities that will be conducted therein.

C. Consistency with the Comprehensive Plan

The requested amendment will be consistent with the following major themes, goals and objectives of the the Comprehensive Plan Amendment Act of 1999:

- Stabilize and improve the District's neighborhoods (Section 102.1(a))

- Promote enhanced public safety (Section 1101.1(i))

- Determine the District government's land, building and facilities requirements...(1115.1)

VI. List of Exhibits

Exhibit A:	Compilation of existing MPD facilities
Exhibit B:	Proposed Text Amendment
Exhibit C:	List of Witnesses
Exhibit D:	Zoning Commission Form #4: Application to Amend the Text of the Zoning Regulations

VII. Conclusion

For the reasons stated above, the Applicant respectfully requests that the Zoning Commission set this matter for public hearing at its earliest convenience.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

Christopher H. Collins

Lisa L. Jackson

A

LIST OF MPD FACILITIES Exhibit A

EXISTING FACILITIES			
Municipal Building	300 Indiana Avenue, NW	SQ 533, Lot 831	Unzoned[1]
1st District Headquarters	415 4th Street, SW (Tax records show address as 415 6th Street, SW)	SQ 494, Lot 28	C-3-C
1st District Substation	500 E Street, SE (Tax records show address as 434 5th Street, SE)	SQ 845, Lot 3	CAP/R-4
2nd District Headquarters	3320 Idaho Avenue, NW	SQ 1818, Lot 849	R-5-A
3rd District Headquarters	1620 V Street, NW	SQ 175, Lot 827	C-2-A
4th District Headquarters	6001 Georgia Avenue, NW	SQ 2983, Lot 801	C-2-A/R-5-A
4th District Substation	750 Park Road, NW	SQ 2894, Lot 896	R-4
5th District Headquarters	1805 Bladensburg Road, NE	SQ 4395, Lot 811 and 817	C-M-1
6th District Headquarters	100 42nd Street, NE (Tax records show address as 110 42nd Street, NE)	SQ 5083, Lot 803 and 808	R-2/R-5-A
7th District Headquarters	2455 Alabama Avenue, SE	SQ 5728, Lot 800	R-5-A
Police Harbor Unit	550 Water Street, SW	No Lot or Square (Pier)	W-1
Training Academy	4665 Blue Plains Drive, SW	Parcel 253, Lot 26	C-M-3
ROC North	801 Shepherd Street, NW	SQ 3026, Lot 806	R-4
Mobile Crime Unit	3515 V Street, NE	PAR 0173-0095	C-M-1
	3521 V Street, NE	PAR 0173-0093	C-M-1
Fleet Maintenance Facility	2175 West Virginia Avenue NE	Parcel 153, Lot 159	C-M-2
SOD HQ (Special Ops)	2301 L Street, NW	SQ 37, Lot 0837	R-5-B
Youth & Family Service Center	1700 Rhode Island Avenue, NE	SQ 4134, Lot 800	C-2-A
Youth & Family Service Center (Cellblock only)	501 New York Avenue, NE	Parcel 129, Lot 102	C-M-1
Radio Transmitter	2425 Irving Street, NE	SQ 5845, Lot 833	R-2

[1] The municipal building site is un-zoned and exempt from zoning per Section 106.4 of the Zoning Regulations. Section 106.4 provides that properties owned by the D.C. government in the Central Area...shall not be included in any zone district. The Central Area is defined in Section 199.1 of the Zoning Regulations as "the area included within the combined boundaries of the Urban Renewal Plan for the Downtown Urban Renewal Area and the Urban Renewal Plan for the Shaw School Urban Renewal Area, as approved and modified periodically by the National Capital Planning Commission and the Council of the District of Columbia."



Exhibit B

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

1. Add new definitions to Section 199, 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.

2. Permit local facilities to be located as a matter-of-right in any Residential District, and by carry-over, in all SP, C, C-M and M Districts, by

   a. Deleting the word "and" from the end of §201.1(p);

   b. Changing the period to a semi-colon at the end of §201.1(q); and

   c. Adding a new §201.1(r) to read as follows:

      "(r) Metropolitan Police Department local facility; and"

3. Permit all other MPD facilities in Residential Districts which were in existence as of May 23, 1990, to be expanded in accordance with the height, area and bulk requirements of the underlying zone by adding a new §201.1(s) to read as follows:

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

4. Permit MPD general facilities as a matter-of-right in Special Purpose and less restrictive districts by:

   a. Deleting the word "and" from the end of §501.1(g);

   b. Changing the period to a semi-colon and adding the word "and" at the end of §501.1(h); and

   c. Adding a new §501.1(i), to read as follows:

      (i) Metropolitan Police Department general facility, in existence as of May 23, 1990

5. Permit all MPD facilities as a matter-of-right in Waterfront Districts by:

   a. Deleting the word "and" from the end of §901.1(t);

b. Changing the period to a semi-colon and adding the word "and" at the end of §901.1(u); and

c. Adding a new §901.1(v), to read as follows:

(v) Metropolitan Police Department general facility and local facility

6. Permit all MPD facilities as a matter-of-right in Mixed Use (CR) Districts by:

a. Deleting the word "and" from the end of §601.1(s);

b. Changing the period to a semi-colon and adding the word "and" at the end of §601.1(t); and

c. Adding a new §601.1(u), to read as follows:

(t) Metropolitan Police Department general facility and local facility

7. Establish parking requirements for MPD facilities by adding the following to the table in §2101.1, under the category of institutional uses:

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

8. Allow MPD facilities to use stacked parking as a matter-of-right by:

a. Revising §2117.4 to add a second excepted section, as follows

2117.4 Except as provided in §§2117.15 and 2117.16, ...

b. Adding a new §2117.16, to read as follows:

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.



Exhibit C

LIST OF WITNESSES

1. Eric Coard, Senior Executive Director for Corporate Service, Metropolitan Police Department

2. Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight, LLP



Exhibit D

Z.C. Form #4 (5-93

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
APPLICATION TO AMEND THE TEXT OF THE ZONING REGULATIONS

Before filling out this form, please see the instructions on the reverse side. Print or type all information unless otherwise indicated.

In accordance with the provisions of Section 102 of the Zoning Regulations, request is hereby made for an amendment to the text of the Zoning Regulations as follows:

Existing Language (include Section or Paragraph Number): See attached

Proposed Language: See attached.

The above information and attached documents are true to the best of my knowledge.

Applicant's Signature — July 22, 2002 (Date)

Metropolitan Police Department
Applicant's Printed Name

Applicant's Filing Status (Check One):

____ owner of property

_X_ District of Columbia Department

___ Federal Government Department

Person to be notified of all actions:

Christopher H. Collins, Esq. — (202) 457-7841
Name — Telephone Number

Holland & Knight, LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, DC 20006-6801
Address — Zip Code

DO NOT WRITE BELOW THIS LINE

Date Received:

Date Accepted: _____ Z.C. Case No. _____

INSTRUCTIONS

Any request for an amendment to the text of the Zoning Regulations that is not completed in accordance with the following instructions cannot be accepted. Applications shall be filed in the Office of Zoning, Suite 210, 441 Fourth Street, N.W., Washington, D.C. 20001. Applications will be received between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. Applications will not be accepted until they have been reviewed by the Secretary to the Zoning Commission, to insure that they are complete. Applicants will be notified by mail when their applications are accepted.

A completed application shall consist of the following:

1. The original of Zoning Commission Form No. 4, properly completed and signed by the applicant. In addition to the original form, submit twenty (20) copies.

2. Twenty (20) copies of a statement clearly setting forth the reasons for the requested text amendment. Additional information, exhibits, or photographs may be attached, if desired, provided they are no larger than this form.

3. Non-refundable filing fee of $250.00 (make check or money order payable to the D.C. Treasurer; no cash).

All applications that are accepted for filing will be processed in accordance with Chapter 30 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning (Rules of Practice and Procedure before the Zoning Commission for the District of Columbia).