

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION

* * * * *

Z.C. CASE NO.: 02-28
PUBLIC HEARING
(TEXT AMENDMENT
METROPOLITAN POLICE DEPARTMENT)

* * * * *

Thursday
October 23, 2003

* * * * *

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 02-28 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairman
PETER G. MAY	Commissioner

Office of Zoning STAFF PRESENT:

ALBERTO BASTIDA	Secretary
SHARON SCHELLIN	

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN
JENNIFER STEINGASSER

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

APPLICATION OF METROPOLITAN POLICE DEPARTMENT
FOR A TEXT AMENDMENT, Z.C. CASE NO.: 02-28

Chairperson Mitten.....3

PETITIONER'S PRESENTATION

Chris Collins.....5

Eric Courd.....6

Steven Sher.....10

GOVERNMENT REPORTS

Report from Office of Planning

Stephen Mordfin.....41

CLOSING REMARKS

Peter May44

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

P-R-O-C-E-E-D-I-N-G-S

6:35 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, October 23, 2003. My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioner Peter May.

The subject of this evening's hearing is Zoning Commission Case Nr. 02-28. This is a request by the Metropolitan Police Department for a text amendment to 11DCMR Sections 199, 201, 224, 501, 601, 901, 2101 and 2117 to establish zoning regulations for new MPD facilities and the expansion of existing MPD facilities.

Notice of today's hearing was published in the *D.C. Register* on August 22, 2003 and copies of that hearing announcement are available in the wall bin near the door.

This hearing will be conducted in accordance with the provisions of 11DCMR Section 3021 and that order of procedure will be as follows: preliminary matters followed by the presentation by the petitioner; reports of the Office of Planning; reports of any other Government agencies; the reports

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 of any affected ANCs, in this case it would be all
2 affected ANCs; organizations and persons in support
3 and organizations and persons in opposition.

4 The following time constraints will be
5 maintained in this hearing. The petitioner will have
6 20 minutes, organizations will have five minutes and
7 individuals will have three minutes. The Commission
8 intends to maintain these time limits as strictly as
9 possible in order to hear the case in a reasonable
10 period of time. The Commission reserves the right to
11 change the time limits for presentations if necessary
12 and notes that no time shall be seated.

13 All persons appearing before the
14 Commission are to fill out two witness cards. These
15 cards are located on the table near the door. Upon
16 coming forward to speak to the Commission, please give
17 both cards to the reporter who is sitting to your
18 right.

19 The decision of the Commission in this
20 case must be based on the public record. To avoid any
21 appearance to the contrary, the Commission requests
22 that persons present not engage the members of the
23 Commission in conversation during a recess or at any
24 other time. Staff will be available throughout the
25 hearing to discuss procedural questions. Please

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 turn off all beepers and cell phones at this time so
2 as not to disrupt these proceedings.

3 At this time, the Commission will consider
4 any preliminary matters related to the first case.

5 Mr. Bastida?

6 MR. BASTIDA: Staff has no preliminary
7 matters, Madam Chairman.

8 CHAIRPERSON MITTEN: Thank you. Mr.
9 Collins, any preliminary matters?

10 MR. COLLINS: No.

11 CHAIRPERSON MITTEN: All right. Then
12 we're ready for you to begin.

13 MR. COLLINS: Thank you, Madam Chair and
14 members of the Commission. My name is Christopher
15 Collins with Holland & Knight. With me is Christie
16 Shiker of our office. Seated to my right is Eric
17 Courd. Mr. Courd is the Senior Executive Director for
18 Corporate Services of the Metropolitan Police
19 Department. Also present is Commander Joseph Griffith
20 of the Metropolitan Police Department here to answer
21 questions.

22 Given the time constraints, I'll launch
23 right in. You have our statement of the applicant, or
24 prehearing statement. You also have an October 3
25 supplemental prehearing submission which clarifies

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 certain issues. There's also an Office of Planning
2 report. I do believe that all these documents address
3 this matter fully. We have been in close contact with
4 Office of Planning and have worked out certain things,
5 including some issues that we actually discussed today
6 to try and finalize certain outstanding issues. So I
7 think you will have the complete presentation before
8 you tonight.

9 The two witnesses again, Mr. Courd and Mr.
10 Steve Sher. Unless there's any questions, I'd like to
11 go first to Mr. Courd.

12 CHAIRPERSON MITTEN: Please proceed.

13 MR. COLLINS: Excuse me. We have his
14 written testimony being handed in right now.

15 CHAIRPERSON MITTEN: Thank you.

16 MR. COLLINS: Thank you.

17 MR. COURD: Good evening, Madam Chair,
18 members of the Zoning Commission. My name is Eric
19 Courd, Senior Executive Director for Corporate
20 Services of the Metropolitan Police Department.

21 I'm appearing tonight on behalf of both the
22 Department and the Chief of Police, Charles Ramsey.

23 The text amendment is important to the
24 Metropolitan Police Department because it will dictate
25 where and how MPD can locate and expand its facilities

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in the coming years. We would like to thank you for
2 the opportunity to appear before for application. We
3 would also like to thank the Office of Planning for
4 its work on this case and their positive report it
5 recently filed in support of our proposal. We also
6 thank you again for your prior support of your
7 emergency zoning text amendment to allow the location
8 of MPD's ROCC North Facility in the former Petworth
9 School on Shepherd Street, N.W. That facility is up
10 and running and has been well-received by the
11 community. We have already experienced a documented
12 decrease in crime and illegal activity in the
13 neighborhood because of our presence at that location.

14 These text amendments are extremely to MPD
15 in fulfilling its obligation to deliver public safety
16 services to the citizens of the District of Columbia.

17 Currently MPD has seven district stations, 1D through
18 7D, and three district substations, 1D1, 4D1 and 6D1,
19 as well as three ROCCs and several neighborhood police
20 centers to serve our citizens of our city. As
21 criminal patterns and behaviors change, MPD must have
22 particular flexibility to expand or relocate the local
23 facilities and services and to establish new stations.

24 For example, MPD recently needed to establish a local
25 substation in the fourth district in Columbia Heights

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to deal with the rise in criminal activity in that
2 area. In that case, we reacquired a former police
3 precinct house on Park Road from the Department of
4 Recreation and renovated it for our use. Again, this
5 facility is up and operating and we have noticed that
6 our presence in the area has had the desired effect.

7 The focus of our future deployment will
8 primarily be at the substation level. MPD has placed
9 a future priority on establishing substations in 5D,
10 7D and 3D. Although MPD general facilities, those
11 which serve needs across the District as a whole and
12 some flexibility is the local facilities, those that
13 are critical to the successful day-to-day and minute-
14 to-minute public safety operations of the police force
15 that must be given as much flexibility as possible.

16 This flexibility is needed for two
17 important reasons. First, MPD must be able to locate
18 in areas in response to a demonstrated need such as an
19 increase in crime or a growing demand for MPD
20 services. The sites selected by MPD for local
21 facilities such as district stations, substations,
22 ROCCs and neighborhood policing centers are selected
23 for their strategic location and response time in
24 light of crime or the services that are needed. These
25 are the bases for which MPD deploys its officers and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the ability to identify and secure strategic locations
2 enhances MPD's ability to respond as quickly as
3 possible to the needs of the citizenry. Second, given
4 the already built nature of the District, there are
5 often very few options for MPD in selecting locations
6 for these new facilities within MPD's strategic
7 parameters. Therefore, MPD needs as much latitude as
8 possible in selecting its new locations.

9 MPD has found that in the recent past its
10 new facilities have been welcomed into the communities
11 and have served to improve the appearance of the
12 building into MPD locates, as well as the neighborhood
13 in general. For example, the recent renovation of
14 substation 1D1 on Capitol Hill was a historic
15 renovation which restored this facility originally a
16 police precinct house to its original appearance when
17 it was built almost 100 years ago. The new
18 MPD facilities are high-quality with \$2 million
19 representing an approximate baseline of what MPD
20 invests in a substations. MPD is confident that as
21 long as it provides appropriate parking and stays
22 within the permitted zoning envelope, its new
23 facilities will be consistent with the surrounding
24 communities.

25 In addition, we believe that the parking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 ratios proposed in our application are the most
2 appropriate ones to be used for our facilities. The
3 typical size of a district station is approximately
4 43,000 square feet. On average today, each station
5 has approximately 75 cars assigned to that station,
6 although this varies from station to station. Based
7 on either the square footage formula proposed in our
8 application or the new formula proposed by the Office
9 of Planning, the required number of parking spaces is
10 approximately the same. We believe that the number
11 based on square footage is more reliable and
12 enforceable because of the number of vehicles assigned
13 to a facility may fluctuate depending on the needs of
14 that facility and because at any time of the day there
15 will typically be fewer cars based on the staggered
16 roll calls that have been implemented at the district
17 stations and substations.

18 Thank you again for the opportunity to
19 speak with you this evening and I'm happy to answer
20 any questions that you may have.

21 CHAIRPERSON MITTEN: Thank you.

22 MR. COLLINS: Thank you. Mr. Sher?

23 Mr. Sher has a statement as well for
24 submitting.

25 MR. SHER: Madam Chair, members of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Commission, for the record, my name is Steven E. Sher,
2 the Director of Zoning and Land Use Services with the
3 law firm of Holland and Knight.

4 I'm going to fill in around and behind
5 what Mr. Courd has already told you, but I'd like to
6 start by just backing up a little bit on the history
7 of zoning applying to municipal buildings.

8 In 1958, when the Commission adopted the
9 zoning regulations, it did not specifically provide in
10 the regulations anywhere for district government uses.

11 In part at that point the District government was
12 kind of like and adjunct of the Federal Government and
13 it just wasn't covered in the regulations that were
14 adopted. But after the '58 regulations were adopted
15 by Commissioner's Order Nr. 59-538, the commissioners
16 said zoning is not applicable to the construction of
17 district and federal buildings, but it was the policy
18 of the commissioners to comply wherever feasible and
19 reasonable with all district regulations, including
20 zoning. So, it doesn't apply to you technically or by
21 law, but if you can comply with them, that's what we'd
22 like you to do and it also set up some -- this is when
23 there were the three commissioners and it said, "Go to
24 the engineer commissioner and work it out, if you have
25 to work it out."

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 In 1968, the regulations were amended to
2 provide for public schools, which was the first time
3 that a district government use was mentioned. And
4 then in the Comprehensive Plan Amendments Act in 1989,
5 John Wilson added a line that said, "The government
6 shall be subject to zoning." That became effective in
7 May of 1990. Zoning Commission didn't get around to
8 amending the text to make conforming amendments to
9 that effect until 1998 and of course as Mr. Courd's
10 already mentioned, this Commission did adopt one
11 emergency text amendment regarding the ROCC North
12 Facility to allow a regional operations command in an
13 R4 district, but that regulation was not made
14 permanent. Permits were pulled and the use was
15 established and basically you said, "Come back when
16 you've got an overall scheme." Here we are with our
17 overall scheme.

18 The general rationale for what we have
19 proposed considered the nature and the range of the
20 uses and facilities that the Department needs, but
21 also the nature and range of uses permitted in the
22 various zone districts that apply across the city.
23 We've divided our uses into two classes, what we call
24 local facilities and what we call general or district-
25 wide facilities. The local facilities are those which

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 are the district station houses themselves, the
2 substations, community policing facilities, those
3 kinds of facilities that the Department operates that
4 apply to something less than the entire District of
5 Columbia. The obviously have geographical
6 constraints. We need to be able to find sites for
7 those facilities in the broadest range of zones at the
8 local level. The map that's on the board, which is a
9 little hard to read, shows the boundaries of the seven
10 existing districts and you can imagine that if you
11 need a station house for the second district, you
12 can't put it over in Anacostia. It has to be within
13 the second district.

14 So, those locations need to be flexible.
15 They need to be available to respond to the
16 programming and operational needs of the Department.
17 They are subject to budgeting approval by the mayor
18 and the council, which are obviously the top level
19 hierarchy in the government, and it's our view that
20 they should not be subject to the kind of specific
21 locational review by other government agencies that
22 would suggest overseeing the operational and other
23 roles of the Department.

24 The general district-wide facilities have
25 broader locational flexibility. The police

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 department's headquarters is currently across the
2 street. There's no reason it couldn't be other places
3 in the district because it doesn't serve the immediate
4 area that it's located. The same is true for some of
5 the other facilities that are of a broader scale.
6 We've treated those basically in the same terms as
7 office uses and our proposal provides parking for
8 those, both the local facilities and the district
9 facilities at rates comparable to office uses.

10 You I know have a copy of the notice and I
11 don't think I'm going to spend time going through
12 exactly how we've laid out each one of those uses, but
13 local facilities would be permitted as a matter of
14 right in any zone district, in residential on up. We
15 think these are facilities that need to be able to
16 locate in places that have the broadest possible
17 alternatives for citing consistent with the mission of
18 the Department. The SP, CR and W zones allow general
19 facilities as a matter of right with some exceptions
20 and I'll come back to that. Commercial and industrial
21 districts allow everything as a matter of right. We
22 have proposed parking standards based on square
23 footage, and I'll come back to that in a minute.

24 We looked at the comprehensive plan
25 generalized land use map and while there are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 references to public safety and municipal services, it
2 frankly doesn't help much in terms of the kinds
3 decisions you have to make tonight. The comprehensive
4 plan generalized land use map shows many of the
5 current district facilities as local public
6 facilities, but it's more a reflection of the existing
7 conditions rather than any kind of facilities plan
8 that says, "In the future we need a new district
9 station house here or there." So, looking at the
10 comprehensive plan, I can and would say that what
11 we've proposed is not inconsistent with it, but
12 there's not a whole of policy guidance there, frankly.

13 We would like to suggest a couple of
14 modifications to the text as it was advertised. The
15 regulations for the special purpose CR mixed-use and W
16 districts were at variance among themselves and as
17 Office of Planning has described in its report, and I
18 would concur, those districts are very similar in
19 terms of the uses that are allowed and the
20 characteristics that occur there. So we suggest that
21 you synchronize or regularize those provisions.

22 In addition, certain uses in those zones
23 are set out as special exception standards which
24 require the BZA to approve, but there was no standard
25 specified for what the Board was to look at. So we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have suggested a reference to "The Standards for
2 General Facilities in Residential Districts," our
3 proposed Section 244, so that the Board knows what
4 it's supposed to look at when somebody comes in with
5 an application.

6 And the third thing we did was we deleted
7 one reference to May 23, 1990 from proposed Section
8 501.1(i) in the SP districts that just got put in
9 there inadvertently and didn't belong.

10 In response to the Office of Planning
11 report, I'd like to make three comments.

12 OP suggested that the calculation of
13 parking be based on the number of vehicles assigned to
14 a facility. We have proposed square footage. I
15 believe and we believe that using floor area is a
16 better way to do that because it's a standard that's
17 easily calculable. You can measure the plan, divide
18 by 600 or 1,800 and figure out how many parking spaces
19 you need. And it's also capable of verification. You
20 can look at the plan and count to make sure that
21 you've got the right number of spaces. As Mr. Courd
22 has already testified, the number of vehicles assigned
23 to a station is going to change from time to time
24 depending on the needs of the Department on any given
25 day or time and in order to avoid being in a situation

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 where we've come in with a station that had 80 cars
2 assigned to it when we built it and we provided the
3 right number of spaces and next year you need 85, what
4 do you do? So we believe that using square footage is
5 the best way to approach that.

6 OP has also suggested that the special
7 exception standard for SP, W and CR be the standard
8 for automobiles sales and repair in a CR district. As
9 I said, we've suggested that you use what we have
10 proposed for residential districts. It's basically an
11 impact test and there's not a whole of difference, but
12 there are some. The automobile repair standards
13 require the Board to assess fumes and that may or may
14 not be appropriate for certain kinds of facilities
15 that would have to go to the BZA.

16 And then the last thing that we did in
17 response to further discussion with OP that occurred
18 today, we had suggested that we had a phrase in the
19 regulations that involved uses involving animals.
20 There are two types of animals that the police
21 department has dogs and horses. The real concern
22 wasn't dogs, it's horses. So instead of "uses
23 involving animals," we've changed it to "equestrian
24 unit." The police officers who have dogs assigned to
25 them, take them home at night so they're not kept over

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 night in any of the police department's facilities.
2 So there shouldn't be any reason that you'd have a
3 problem with a kennel that's used on an interim basis
4 during the day. And that did not seem to be the
5 concern of the Office of Planning.

6 What I have attached as the last three
7 pages of what you have before you are the amendments
8 as advertised in the *DC Register* revised to reflect
9 the things that I have discussed with you. So if you
10 look on the second page, "Uses as a Matter of Right in
11 SP, CR and W," we have made those provisions
12 consistent and addressed the things in the manner that
13 we've set out this evening. So we would request the
14 Commission's approval of these amendments as they
15 appear on these three pages.

16 CHAIRPERSON MITTEN: Thank you.

17 MR. COLLINS: Thank you. That concludes
18 our presentation. I'd be happy to answer questions at
19 the appropriate time.

20 CHAIRPERSON MITTEN: Okay. Any questions?

21 Mr. Hood? Mr. May?

22 COMMISSIONER MAY: Thank you. Well, let
23 me take care of my animal question first. I didn't
24 quit understand. Where dogs are used, they are taken
25 home at night, and then you mentioned kennel use as a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 temporary measure. I mean, are there certain places
2 where there are dogs, or are they at a number of
3 different stations? I mean, where are they actually,
4 and like how many are there at any given time?

5 MR. GRIFFITH: Good Evening. Again, I'm
6 Commander Joe Griffith, Deputy Director of Corporate
7 Support.

8 Right now our canine unit is centrally
9 located over by our training facility. That's where
10 they operate out of. I have the number here and I'll
11 look it up in a minute how many we have. As has been
12 testified, they're taken home with the handlers.

13 COMMISSIONER MAY: So there are no dogs
14 overnight at the canine facility?

15 MR. GRIFFITH: I suspect that when there's
16 long term, a handler goes on vacation, there may be a
17 minimal number, but they're not kept their routinely,
18 no. They're taken back home with the handler.

19 COMMISSIONER MAY: And all of the dogs
20 that work in the District are based out of that
21 facility. They're not based at other satellite
22 facilities?

23 MR. GRIFFITH: There are a very limited
24 number. There's a couple of our narcotic dogs that
25 don't operate, just a couple, I think there's three or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 four, a couple of our EOD bomb dogs, maybe a half a
2 dozen of those.

3 COMMISSIONER MAY: And where are they
4 stationed?

5 MR. GRIFFITH: Well, they work out of the
6 facilities, but again those go home with the handlers
7 also. The dogs are not kept, housed in police
8 facilities overnight.

9 COMMISSIONER MAY: Okay. I guess the
10 question I would have is what's the harm by keeping
11 the phrasing as "uses involving animals" if in fact
12 there's only the single canine facility. Maybe that's
13 a question for Mr. Sher because I'm just picturing
14 that, you know, 10 years from now the attitude towards
15 the use of the canine units may be different and there
16 may be a need for a facilities that are elsewhere in
17 the city and it would be oversight to not have had
18 that special exception approval.

19 MR. SHER: Well, they would be permitted
20 as of right rather than by special exception.

21 COMMISSIONER MAY: Right.

22 MR. SHER: We're frankly only talking
23 about three zones, SP, CR and W, because in commercial
24 zones they're permitted as a matter of right anyhow.

25 Is it likely that in 10 years or in two

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 years in one of those zones someone would want to put
2 a facility that might have dogs in it? Right now we
3 don't think so, but we're just trying to provide for
4 what the eventuality may be. As you say, as Commander
5 Griffith has said, they're Blue Plains. They're not
6 bothering anybody down there. And that's an
7 industrial zone.

8 COMMISSIONER MAY: I mean, I guess what
9 I'm wondering is if there's -- I mean, I can see that
10 in the future if there were a need for these other
11 facilities that the community would appreciate having
12 this ability to speak out on the location of it if it
13 were to go somewhere else other than Blue Plains. Is
14 there any real harm to the Department if they don't
15 have that matter of right ability as a result of this
16 change in language?

17 MR. SHER: I think obviously the
18 Department would like to have as much matter of right
19 as it could have.

20 COMMISSIONER MAY: Obviously.

21 MR. SHER: We don't see these being of
22 significant adverse impact. I think right now we'd
23 have to say it doesn't make much difference.

24 COMMISSIONER MAY: Right.

25 MR. SHER: But what the situation will be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 down the road, we don't know.

2 COMMISSIONER MAY: Okay. All right. Well
3 then, let's shift over to the only real issue I see,
4 which is parking.

5 And I'm really having a difficult time
6 understanding exactly what the parking situation is
7 and I'm having difficulty relating the calculations
8 based on square footage to the real day-to-day use of
9 police stations. So I have a series of questions
10 related specifically to that.

11 There's a reference to 75 cars being
12 assigned to a station typically. Is that patrol cars?

13 MR. GRIFFITH: That's correct.

14 MR. COURD: That's on average. That's an
15 average.

16 COMMISSIONER MAY: Okay. So at, I don't
17 know, any one that you might consider average, does
18 that mean that there is actually space to park 75
19 police cars.

20 MR. COURD: On average our district
21 station has approximately about 117 parking spaces
22 available.

23 COMMISSIONER MAY: Hundred-and-seventeen?
24 Good. Okay.

25 MR. COURD: About that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER MAY: And does that provide
2 adequate parking for all the officers and other
3 personnel who would be working out of that station?

4 MR. COURD: It does.

5 COMMISSIONER MAY: On average?

6 MR. COURD: On average it does. Because
7 pretty much out of the 75 cars assigned you may have
8 10 that are in the shop at fleet on any given day.

9 COMMISSIONER MAY: In my district having
10 only 10 would have been really good. I don't know
11 about my current district, but the one a few years
12 ago.

13 MR. COURD: Okay.

14 COMMISSIONER MAY: Having on 10 in the
15 shop would have been good.

16 MR. COURD: But, you know, usually having
17 117 on average --

18 COMMISSIONER MAY: Yes.

19 MR. COURD: -- it usually works itself
20 out.

21 COMMISSIONER MAY: I guess I think it
22 would be helpful to have some sort of write up of what
23 the typical station is in terms of what the parking is
24 and how it gets used and how that relates to the
25 actual square footage because, you know, we're trying

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to tie it in some way to how, you know, office space
2 parking needs are calculated and it seems to me to be
3 a very, very different thing. Given the hours that
4 officers work, given their needs, given the fact that
5 the work that they do, I don't think suits the average
6 officer for public transportation, I mean, I can only
7 imagine most of them driving. I haven't seen anything
8 contrary to that in your submission, so I just think
9 that there's a heavier need for parking for staff.

10 MR. COURD: I guess I should also mention
11 the staggered roll call that we have every day. I
12 mean, we have three shifts and, you know, I'm going
13 ask Joe to elaborate on the various times of the
14 shifts and the impact of the roll calls as well on
15 parking. If you will, Joe?

16 MR. GRIFFITH: Yes. Thank you. Currently
17 in all of the seven districts there is, what we call
18 the shifts, the watch.

19 COMMISSIONER MAY: Yes.

20 MR. GRIFFITH: There's actually four
21 watches. The three typical ones we know as day,
22 evening and midnights, then what they call a power
23 shift, which is an overlap of evening and midnights.

24 For those districts that do not have a
25 substation, there's two roll calls per watch. So in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 other words, in the morning there would be one at 6:00
2 and one at 6:30 so we have coverage on the street at
3 all times.

4 COMMISSIONER MAY: Right.

5 MR. GRIFFITH: There's no one point when
6 all the policemen are coming to the station in all the
7 cars. Those that have a substation, the main station
8 will have it at 6:00 and the substation at 6:30. So
9 each district has the two roll calls. And you have
10 three watches and we have a formula that's a guideline
11 for the staffing numbers, you know, on all four
12 shifts. And also, for the certain days off as a
13 guide, if you can imagine a guide. So on any given
14 number at the district, it's further broken down by
15 shift and then day off. So certain days off, there
16 may be more personnel there.

17 And with regard to the cars, it's the same
18 way, the use. At any given time we have a number of
19 vehicles in each station that are actually take home
20 cars, probably average eight to 10 per district that
21 go into the neighborhoods in the city which are never
22 permanently housed, not to say never, but most of the
23 time they go with the officer home, unless the
24 officer's off on leave for a week or two and leaves
25 it. And you have a number cars for routine

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 maintenance, probably average of 10 that are in the
2 shop. Then with the three shifts, all depends on the
3 number of officers working each day, the number of
4 cars that go out and then of course that power shift
5 overlaps, so we hope that most of the vehicles are
6 being used, you know. As Mr. Courd testified, there's
7 ample space for the police vehicles.

8 COMMISSIONER MAY: Well, I guess the only
9 thing I'm really struggling with is seeing sort of
10 some kind of written explanation of, you know, what
11 the total numbers are, what the total number of people
12 who drive at any given moment. I mean, basically a
13 lot of the stuff that you just said, but if we could
14 have it on paper, you know, and then to compare that
15 to the actual square footage of the facility so we
16 could understand how this calculation that we are
17 trying to tie to square footage actually pans out in
18 terms of spaces that are provided, you know, for
19 people's personal vehicles or the number of vehicles
20 that may be, you know, patrol cars that may actually
21 be at the station at any given time, things like that.

22 You know, for the stations I don't think
23 it's as much of an issue as it is for substations.
24 The substations that I'm aware of, not to base this
25 too much on personal experience, but you know, I often

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 see extra vehicles in the area, police vehicles, you
2 know, double parked or stacked, or whatever, and so
3 you know I can see where some of the neighborhood
4 concerns come from and some of the feedback that we've
5 gotten from ANCs in terms of, you know, the impact of
6 substations on the neighborhoods. I think most
7 neighborhoods want to have substations in their
8 neighborhood, but if you ask the people whether they
9 want to have it next door to their house, they
10 probably don't. They'd be just as happy to have it a
11 block away where there's less of an issue with
12 parking.

13 I mean, I guess, you know, one of the ways
14 to look at the question of the numbers would be to
15 take just one station as an example and you don't even
16 have to say exactly what station it is, but you know,
17 give us the calculations that you feel are typical.

18 MR. GRIFFITH: We can get that for you.

19 COMMISSIONER MAY: Because that would help
20 me understand better how the square footage numbers
21 relate. I think that's about it for the moment. I
22 probably will have more.

23 COMMISSIONER MAY: Thank you, Mr. May.
24 Mr. Hood?

25 VICE CHAIR HOOD: Thank you, Madam Chair.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 How many ROCCs do we have? We have three
2 ROCCs, right?

3 MR. GRIFFITH: Three ROCCs.

4 VICE CHAIR HOOD: Three ROCCs? What is
5 that central?

6 MR. GRIFFITH: North, central and east.

7 VICE CHAIR HOOD: East. What concerns me,
8 and I'm sure this has been thought through, I just
9 want to throw it out there, the Regional Command
10 Center, we're specifically calling them nowadays in
11 this area Regional Command Center. A couple of years
12 ago it was called something else. Let me say this
13 though first. I think the ROCC concept is an
14 excellent concept, but unfortunately in this city when
15 things change, and I don't know who this would go to,
16 Mr. Collins, we may couple of years from now call it
17 something totally different. I guess would there be a
18 point in time when this Regional Command Center 10
19 years from now they may be calling it something, I
20 don't know what they may be calling it, what will we
21 have to do to go back into the regulation? Have we
22 thought that through for an extended period of time,
23 or are we just trying to do something in the
24 immediate, if you understand my question, because
25 having been dealing with the police department for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 awhile and doing things, things have changed over the
2 years and this ROCC concept is still I guess kind of
3 new.

4 MR. COURD: Yes, actually that started
5 with Chief Ramsey in about 1999.

6 VICE CHAIR HOOD: Right.

7 MR. COURD: We to the ROCC concept.

8 VICE CHAIR HOOD: Right. So now we have
9 three ROCCs and we have specifically said the Regional
10 Command Center, which I think is excellent because one
11 of the things that I hear at a lot of community
12 meetings, one that's actually taking place right now,
13 is, "I don't see the police." So when we did the
14 emergency, I thought this was the best thing
15 happening. So we won't have to keep hearing, "We
16 don't see the police." We will, you know, see the
17 police department. So, I'm just wondering, has that
18 been thought through because 10 years from now it may
19 not be called Regional Command Center. It may be
20 called something else.

21 MR. COLLINS: We understand. I think that
22 issue may have actually been raised at set down. But
23 what we did is we used the name Regional Command
24 Center, but also tried to describe it, "A building and
25 associated land used for administrative control and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 managerial services at community outreach for a
2 specific geographic area that encompasses two or more
3 districts or commands." So we tried to be as broad as
4 we could in the definition. So whether it's called a
5 Regional Command Center or a Neighborhood Command
6 Center or, you know, First Northwest Command Center,
7 whatever, we tried to give it a description so that it
8 could be, you know, used that way. So I would think
9 in the future if they do change the name, that you
10 could look in the zoning definition for that.

11 For instance, the same way people call
12 apartment houses condominiums when, you know,
13 individual units are owned, but still zoning calls it
14 an apartment house. Embassy versus chancery.
15 Everybody in the world except the zoning junkies know
16 that an embassy is what's on Massachusetts Avenue.
17 Well those are mostly chanceries and the embassy is
18 where the ambassador lives. And so everyone else
19 calls those the ambassador's residence. So,
20 whether it has a different name out in the world,
21 there's a zoning definition that can be used.

22 VICE CHAIR HOOD: Okay. I just wanted to
23 make sure that if these issues come up later on that
24 we don't get tied up with just names, Regional Command
25 Center. But the key is the building and associated

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 land use for administrative control and managerial
2 services community outreach. That would be, I think,
3 sufficient. I don't know. I'm not trying to rename
4 it. I'm not trying to reinvent the wheel.

5 MR. COLLINS: Right.

6 VICE CHAIR HOOD: But I'm just trying to
7 cut down all the red tape that may occur later one.

8 MR. COLLINS: Your point is well-taken.

9 VICE CHAIR HOOD: Just cut to the chase
10 and let's get to the point.

11 The other thing is, Mr. Sher, in tab C I
12 think this is also revised. I don't know if this
13 corresponds to what you handed out the last three
14 pages and maybe you can assist me with this. We know
15 who the Metropolitan Police Department is in this
16 area. And I notice we took out the word
17 "metropolitan" in various places. We have "police
18 department." So I guess under the zoning ordinance
19 would that allow for Park Police? Because it's saying
20 "police department." Would that allow for Park
21 Police, Capitol Police? I'm not saying it's a bad
22 idea. The Housing Police and etcetera.

23 MR. SHER: I actually thought about this,
24 but the way this is written, no. The definition was
25 just reworded some because what it says is, "Police

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 department, general facility, a building and
2 associated land used for facilities of the
3 Metropolitan Police Department." And then, "Local
4 facility, a building and associated land used for
5 headquarters that were in the local districts of the
6 Metropolitan Police Department."

7 So Metropolitan Police Department has
8 always been there. The definition just got reworked
9 some. But it's still Metropolitan Police Department.

10 We are not trying to plan for the Capitol Police or
11 the Housing Police or the Metro Police or the Park
12 Police, or any one the 50 other -- the Smithsonian
13 Police or the rest of them. This is specifically for
14 the activities of the municipal police department.

15 VICE CHAIR HOOD: I know there was a
16 proposal some time back in a neighborhood in Ward 5
17 where they wanted to put the Housing Police. And
18 maybe we need to consider that. Maybe it doesn't just
19 need to be -- I mean, you know, I may be going too far
20 on this thing, but I'm thinking that with the issues
21 we have out in the community now, as many police as we
22 can get out there, I'm definitively supportive of that
23 and unfortunately that piece did not go through. So
24 I'm wondering if maybe we need to look at that. You
25 know, I don't know. I don't know. Maybe I'm going

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 too far, but I want to leave as much room open so we
2 can get as much public safety out there as possible.
3 That's kind of where I am.

4 MR. SHER: We're here on behalf of the
5 Metropolitan Police Department. We've worked closely
6 with Mr. Courd and Commander Griffith to understand
7 their needs and requirements and I can't speak frankly
8 to any other police department's needs and
9 requirements. As a conceptual matter, it doesn't
10 bother me, but I honestly don't -- I mean, I know
11 there are lots of different police departments out
12 there. I don't know what their needs are and whether
13 they would need to have the same geographic dispersion
14 that the MPD does. I just don't know. Does it bother
15 me as a concept? No. But I don't know enough to be
16 able to say it's a good idea or not.

17 VICE CHAIR HOOD: I'm getting ready to say
18 something that may sound stupid, but I really mean
19 what I'm going to say. When you say "Metropolitan
20 Police Department," we all know who the MPD is, DC's
21 finest. But, from my standpoint, if I wanted to come
22 down here and argue the point, Metropolitan Police
23 Department, I can say well, the Park Police is in the
24 metro area. Like I said, maybe I'm taking this too
25 far. I'm just trying to cut the red tape. Let's get

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to the point. Let's get the police out there in the
2 community. Let's do the outreach because the Petworth
3 piece is, from what I understand, is working well.
4 I'm just trying to make sure that we don't have to
5 keep coming back down here and going through all these
6 regulations and whatnot. Let's just get it out there
7 and get it done. So I don't know, maybe that's not an
8 issue, but I would like to see us maybe look into
9 that. I don't know. Maybe I'm going off in left
10 field somewhere, but I think that would be something
11 that we possibly could look into.

12 The other thing is, I'm a little confused,
13 have you seen ANC 6B's opposition letter to the text
14 amendment, Mr. Collins?

15 MR. COLLINS: We've seen 6A and 6C. I
16 haven't seen 6B's opposition.

17 VICE CHAIR HOOD: Okay. They said, "The
18 ANC has no objection to the matter of right zoning for
19 neighborhood policing centers, which according to the
20 definition are a building and associated land used as
21 a liaison and resource center for a limited purpose of
22 specific area in the District of supplementing the
23 Metropolitan Police Department local facility." And
24 then it says, "However, the ANC is concerned about any
25 building of the ROCC, which is Regional Command

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Centers, district or command headquarters and
2 substations on residential areas is potentially
3 significant enough to justify the requirement for a
4 special exception."

5 And I was wondering, I know you just got
6 it, if you could just comment for the record on it.

7 MR. COLLINS: I think I'd like to take a
8 look at it first.

9 VICE CHAIR HOOD: Okay. About midway
10 through the paragraph it says, "However."

11 MR. COLLINS: Yes. I think this issue
12 goes to the central core of what we're here about and
13 what Mr. Courd's testimony was about, that the police
14 department needs to be able to locate strategic
15 locations that take a lot of things into
16 consideration, like response time, locations of
17 habitual criminal activity, things like that. I don't
18 have all the expertise that they do.

19 VICE CHAIR HOOD: Okay.

20 MR. COLLINS: But within a certain
21 geographic area, the seven districts that are on the
22 map there, the certain areas, they need to pinpoint
23 where that is, where they can locate for the most
24 effective and quickest response time, as Mr. Courd
25 said, minute-by-minute operations of the police.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 And as Mr. Sher said, these are subject to
2 review by the mayor and council and what we're
3 suggesting, with all due respect, is that they not be
4 subject then to another layer of review for locational
5 issues. If the Metropolitan Police Department is
6 going to build something more than what the zoning
7 allowed, you know, an R3 zone, a four-story building
8 or an 80 percent lot occupancy or something of that
9 nature, that would have to come to the BZA as a
10 variance or maybe a special exception in some type.
11 But as Mr. Courd testified, what they're proposing to
12 do is live within the zoning envelope, the zoning
13 guidelines for height, density, parking, everything
14 else and be able to locate where they need to locate.

15 It's not like you or I buying a house. We don't go
16 to this neighborhood and say, "Oh, looks nice. It's
17 near schools and shopping, but let's look at another
18 place." Well no, they've said, "This is where we need
19 to be." They, you know, put a compass down, draw a
20 circle. "We need to be in that specific area for
21 strategic purpose to fight, you know, crime and
22 delivery and safety services."

23 So, they have a little less flexibility
24 than anybody else who wants to locate in the city
25 because they need to be at a certain spot for a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 certain purpose.

2 VICE CHAIR HOOD: Right. And the reason I
3 brought that up because I was taken back when I saw
4 they were in opposition to that point because all the
5 community meetings I go to, like I said earlier, I
6 hear, "We want to see more police presence. We want
7 the police out in the neighborhood."

8 MR. COLLINS: Yes.

9 VICE CHAIR HOOD: I think this is getting
10 in that.

11 Well, Madam Chair, I don't know if my
12 colleagues agree with me, but I would like for us to
13 even look at, for example, I'm going to the example of
14 the Housing Police Department and we need as many as
15 possible, I believe, in the neighborhood and I know we
16 don't necessarily just -- I realize the Metropolitan
17 Police Department is the one presenting this to us,
18 but I think that the other departments that were also
19 -- I don't know what kind of partnership you have with
20 the Housing Police Department, but I know they try to
21 locate in certain areas too and if it was pinpointing
22 the Metropolitan Police Department, what happens when
23 Housing comes and tries to do something? So I don't
24 know. I don't know how that can be worked out.
25 Unfortunately, I don't have a clue. I just thought

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 about it while I was sitting here and I remembered
2 when they tried to do something specifically in Ward 5
3 and I would like to see basically as many police in
4 the neighborhood as possible. Thank you. Thank you.

5 CHAIRPERSON MITTEN: Thank you, Mr. Hood.

6 I just have one question. In your first
7 submission on page 9 you just discuss and issue that
8 we had raised I guess at set down regarding the
9 helicopter and radio transmission facilities and that
10 you agreed that they should be treated not as MPD
11 facilities, but just as those facilities are typically
12 treated in the various zones. And I was wondering in
13 the definition of "general facility" how would the
14 zoning administrator know that the language that reads
15 "including but not limited to" and then there's a list
16 of uses that it didn't also include radio transmission
17 facilities and any kind of helicopter facility that
18 might also be an MPD facility? Do you know what I'm
19 saying?

20 MR. SHER: Yes, it's easy fix.

21 CHAIRPERSON MITTEN: That's what I like to
22 year, easy to fix.

23 MR. SHER: I mean, we can --

24 CHAIRPERSON MITTEN: Just add some
25 language to the definition?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. SHER: Yes, we just add some language
2 to the definition of a general facility that says
3 "provided that," whatever we said, "helicopter and
4 radio transmission facilities shall be subject to the
5 normal regulations applicable to those facilities in
6 the appropriate zone."

7 CHAIRPERSON MITTEN: Great. I just wanted
8 to --

9 MR. SHER: Done.

10 CHAIRPERSON MITTEN: Thank you. Okay.
11 Any follow-up questions, Mr. May? Did you think of
12 anything else?

13 COMMISSIONER MAY: Well, thanks for coming
14 back to me. No, I don't think I have anything
15 specific.

16 I glad Commissioner Hood cited the ANC
17 letters because it was kind of surprising to see the
18 reactions we got from the ANCs and it's also unusual
19 that we heard from just three ANCs, all in -- I mean,
20 6A, B and C. I guess they must talk to each other
21 more than has been previously evident.

22 But I mean the reaction to it and the
23 desire to have some sort of review of pretty much all
24 facilities in residential districts gives me some
25 pause. I mean, maybe I'm just throwing out -- I don't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 really have a specific question that relates to it,
2 but I guess I wanted to make mention of that too. I'd
3 like to hear from more ANCs and I'd like to hear
4 frankly more support for what's proposed as opposed to
5 simply these unanimous votes calling for a special
6 exception review.

7 MR. COLLINS: For what it's worth, I've
8 been to several ANCs on other matters where this issue
9 has been on the agenda and, you know, the fact that
10 you don't hear I think maybe means that they didn't --
11 I can't ascribe to what it is, but I can relate a
12 conversation with a representative of ANC 2A. Their
13 concern was whether there were going to be more police
14 facilities in the foreseeable future in ANC 2A. And
15 our response was no after I spoke to Mr. Courd and we
16 talked, you know, about strategic planning. There is
17 no current plan or long term plan for new facilities
18 in ANC 2A and that seemed to satisfy them. They said
19 at that point, given that answer, we didn't even need
20 to come to the meeting.

21 COMMISSIONER MAY: Okay. That's also
22 interesting to know. I'm not sure if that makes more
23 comfortable or less, but okay. Thank you.

24 VICE CHAIR HOOD: Madam Chair, one more
25 thing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON MITTEN: Yes.

2 VICE CHAIR HOOD: What I mentioned about
3 the housing issue, I'm not going to prolong anything.

4 I'm not going to be pushing it. I just mentioned
5 that, not to hold anything. I was told if we did look
6 down that avenue, we had to re-advertise and I don't
7 want to hold up anything. So maybe that's for a later
8 date, another case. Thank you.

9 CHAIRPERSON MITTEN: I mean, I think it's
10 good to think broadly, but you know, we have a
11 specific petition in front of us and we can deal with
12 that. And then, you know, if we want to look and be
13 more inclusive, we can do that later, as we do from
14 time to time with the cases before us.

15 I think we're ready now. Thank you,
16 gentlemen. I think we're ready now to go to the
17 report by the Office of Planning.

18 Mr. Mordfin, good evening.

19 MR. MORDFIN: Good evening, Madam Chair,
20 members of the Commission. I'm Stephen Mordfin with
21 the Office of Planning.

22 The applicant proposes the addition of
23 police department local facilities and general
24 facilities to the zoning regulations and the local
25 facilities are proposed to be permitted as a matter of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 right within all residential, special purpose, mixed-
2 use, commercial, industrial and waterfront zone
3 districts. And general facilities are proposed to be
4 permitted as a matter of right within commercial and
5 industrial districts. There also proposed to be
6 permitted as a matter of right within special purpose,
7 mixed-use and waterfront districts. However, a
8 special exception is necessary for vehicle maintenance
9 and animal uses within the special purpose, mixed-use
10 and waterfront districts and no new general facilities
11 are to be permitted within residential districts.
12 However, the existing facilities may be expanded with
13 special exception approval.

14 For the parking regulations, the applicant
15 has proposed that they be provided per the most
16 restrictive office use that's within the zoning
17 regulations. And the Office of Planning had
18 recommended that it based on the number of vehicles
19 assigned to a specific station. However, within the
20 report on page 11 there is an error that uses the word
21 "existence," "for all facilities in existence as of
22 October 10 or October 14, 2003," and that would make
23 the parking applicable to all facilities as all
24 existing ones built all the way back. So the word
25 that should have been put there probably would be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 "constructed" instead so that it would pertain to only
2 the new ones that are built after the adoption of this
3 amendment. And that concludes the presentation of the
4 Office of Planning.

5 CHAIRPERSON MITTEN: Thank you. Can you
6 just a specific reaction to the proposed Section 224
7 and as being sufficient guidance for the BZA? Do you
8 find that that would be sufficient guidance for the
9 BZA in evaluating the special exceptions that would
10 come up from time to time?

11 MR. MORDFIN: For the special exceptions
12 for the vehicle repair portion, an aspect that would
13 be included for the police stations, what we would
14 like to include is under Section 614 of the zoning
15 regs, Vehicle Sales and Repair, in there there's a
16 section and it talks about that "the use not be
17 objectionable to other uses on the same or neighboring
18 property because of noise, fumes or other conditions."

19 And although there are some things contained within
20 224, it doesn't include those things. It includes
21 traffic noise, operations with a number of similar
22 facilities, but it doesn't include -- well, fumes is
23 one thing that is not included in there at all.

24 CHAIRPERSON MITTEN: So perhaps the
25 solution would be to have a 224.4 that was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 specifically tailored to expansion of the vehicle
2 maintenance facility that could incorporate the
3 language that you referenced from chapter 6? What
4 would you think about that?

5 MR. MORDFIN: Yes, that would be
6 acceptable to Planning.

7 CHAIRPERSON MITTEN: Okay. So you can
8 just draft that right up for us.

9 MR. MORDFIN: Okay.

10 CHAIRPERSON MITTEN: Anyone else have
11 questions for Mr. Mordfin? Any questions? All right.

12 Is there anyone here representing an ANC?
13 Anyone who'd like to testify in support? Anyone
14 who'd like to testify in opposition? Mr. Collins, any
15 final words? You could just sit there and shake your
16 head.

17 MR. COLLINS: No, I think this has been a
18 very good dialogue. I think it's helped clarify a lot
19 of issues. Hopefully we've been able to clarify a lot
20 with you and with the help of OP I think we've been
21 able to shape our presentation and we can certainly,
22 if you'd like, take a stab at a new revised set based
23 upon the comments that we had today and then submit
24 something too for the record to the Commission and OP.

25 CHAIRPERSON MITTEN: That would be very

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 helpful.

2 MR. COLLINS: Okay.

3 CHAIRPERSON MITTEN: That would be very
4 helpful. And I believe that the deadline for the
5 submission is the 30th of October at 3:00. And then
6 we would just give maybe seven days opportunity for
7 some final comments on those from the Office of
8 Planning. If you were going to take the lead, we
9 could get some -- just response from --

10 MR. COLLINS: Sure.

11 CHAIRPERSON MITTEN: Make sure.

12 MR. COLLINS: All right.

13 CHAIRPERSON MITTEN: All right. I guess
14 if we're all set, we were just going to get the
15 definition as Mr. Sher revised it, the next Section
16 224.4, and then just a little bit of elaboration on a
17 typical parking situation so that Mr. May would have
18 greater comfort with the proposed parking
19 requirements.

20 COMMISSIONER MAY: I hope the entire
21 commission would gain some comfort from it. It's not
22 just for me.

23 CHAIRPERSON MITTEN: Okay. So thank you
24 all for coming out and we're now adjourned.

25 (The meeting was adjourned at 7:28 p.m.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701