

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

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MEMORANDUM

To: Office of Documents and Administrative Issuance

From: Sharon S. Schellin ^{S3}
Secretary to the Zoning Commission

Date: March 6, 2007

Re: Publication for the Office of Zoning

Please publish the following in the *D C. Register* on March 16, 2007:

1. Z.C. Notice of Proposed Rulemaking (Case No. 05-05).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 05-05

EXHIBIT NO. 10

Office of
Documents and
Administrative
Issuances
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2007 MAR 27 AM 11:17

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ZONING COMMISSION
District of Columbia
CASE NO.05-05
EXHIBIT NO.10

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES
☐ FINAL RULES ☒ PROPOSED RULES ☐ COMBINED

DATE AND TIME RECEIVED
 Office of Documents use only

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: SHARON SCHELLIN

ADDRESS: 441 4th Street, N W , Suite 210 South **TELEPHONE:** 727-0340

TITLE AND DESCRIPTION OF RULES Text Amendment – 11 DCMR – Emergency shelters in Commercial Light Manufacturing (C-M-1 and C-M-2) Zone Districts (ZC Case No. 05-05)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed. Title 11 (Zoning) Sections 802 and 821

FINAL RULES ONLY Give the D C REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules DCR _____ DATE: _____

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

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 FEBRUARY 23, 2007 **SIGNED** *Alan Byrle* **PHONE:** (202) 442-9777

☒ **FINAL** ☐ **CONDITIONAL** **NAME:** LINDA SINGER **TITLE:** ^{Acting} ATTORNEY GENERAL

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 Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

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

DATE OF APPROVAL OF VOTE. 2/12/07 **APPROVAL OF ATTEST.** *Sharon J. Schellin*
 Secretary to the Zoning Commission **PHONE:** (202) 727-0340

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. 05-05

(Text Amendment – 11 DCMR)

(Emergency shelters in Commercial Light Manufacturing (C-M-1 and C-M-2) Zone Districts)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, as amended; D C Official Code § 6-641 01 (2001 ed)), hereby gives notice of its intent to amend sections 802 and 821 of the Zoning Regulations (Title 11 DCMR) The proposed amendment would permit emergency shelters as a special exception in the C-M-1 and C-M-2 Commercial-Light Manufacturing Zone Districts 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

The following rulemaking action is proposed

Amend subsection 802.1 to read as follows: (new text is shown in bold underlined)

802 1 The uses in this section shall be permitted as special exceptions in a C-M District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section **except that emergency shelters shall not be permitted in a C-M-3 District.**

Add a new subsection 802.28 to read as follows:

- 802 28 An emergency shelter for five (5) to one hundred and fifty (150) persons, not including resident supervisors or staff and their families, shall be permitted in a C-M-1 and C-M-2 Districts only, if the following requirements are met
- (a) There shall be no other property containing an emergency shelter or other community-based residential facility for five (5) or more persons in the same square,
 - (b) There shall be no other property containing an emergency shelter or other community-based residential facility for five (5) or more persons within a radius of one thousand (1,000) feet from any portion of the property,
 - (c) Except for the District of Columbia's operation of an emergency shelter at 2210 Adams Place, N.E (Square 4259, Parcel 54/81), emergency shelters shall not be located within one thousand (1,000) feet of a square containing a sewerage treatment plant, a wastewater treatment facility, or a documented contaminated site;

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- (d) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility,
- (e) The shelter shall not have any adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area;
- (f) Notwithstanding 802 28 (b) the Board may approve up to one additional emergency shelter to be located in the same square as an existing emergency shelters for five (5) or more persons only if the Board finds that the cumulative effect of the two facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations,
- (g) The Board may approve a facility for between one hundred and fifty-one (151) and three hundred (300) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and there is no other reasonable alternative to meet the program needs of that area of the District provided that no shelter shall be approved that would increase the total number of emergency shelter residents housed within the square to exceed four hundred and fifty (450) persons, and
- (h) The Board shall submit the application to the D C Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation and Human Services and, if a historic district or historic landmark is involved, the State Historic Preservation Officer

Amend subsection 821.2 to read as follows: (new text is shown in bold and underlined)

821.2 Any uses permitted in a C-M District under §§ 801 2 and 801 4 through 801 10, **except emergency shelters.**

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D C Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N W., Suite 210-S, Washington, D C 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.