

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



March 6, 2007

Via E-Mail & U.S. Mail:

Patricia E. Gallagher, AICP
Executive Director
National Capital Planning Commission
401 9th Street, N.W., Suite 500
Washington, D.C. 20004

Re: Notice of Proposed Rulemaking: Case No. 05-05 (Text Amendment – Emergency Shelters)

Dear Ms. Gallagher:

Please find attached a copy of the proposed rulemaking for the above-referenced case.

The above proposed rulemaking will be published in the *D.C. Register* on March 16, 2007, for a 30-day comment period. The comment period will end on April 14, 2007. Accordingly, this case will be considered for final action at the Zoning Commission's May 14, 2007 public meeting.

The proposed decision of the Commission to approve the above-mentioned cases are referred to the National Capital Planning Commission (NCP) for review and comment, pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code Section 1-201 et seq.

If you have any questions, contact me at the Office of Zoning on (202) 727-0340.

Sincerely,

A handwritten signature in cursive script, reading 'Sharon S. Schellin'.

Sharon S. Schellin
Secretary to the Zoning Commission

cc: David W. Levy (via e-mail)
Christine Saum (via e-mail)
Marjorie Marcus (via e-mail)

ZONING COMMISSION
District of Columbia

CASE NO. 05-05

EXHIBIT NO. 11

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;

NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 05-05

PAGE NO. 2

- (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.