

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

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Memorandum

TO: District of Columbia Zoning Commission
FROM: *ES* Ellen McCarthy, Interim Director
Office of Planning
DATE: February 14, 2005
SUBJECT: Preliminary Report and Pre-Hearing Statement – (Zoning Commission Case 05-05)
Proposed Text Amendment to Permit Emergency Shelters in the Commercial-Light
Manufacturing (C-M) Districts

Handwritten: CASE NO. 05-05
Stamp: ZONING COMMISSION
District of Columbia
EXHIBIT NO. 1

PROPOSAL

The Office of Planning (OP) proposes a text amendment to the Zoning Regulations to permit emergency shelters as a matter-of-right in the Commercial-Light Manufacturing (C-M) Districts.

RECOMMENDATION

The Office of Planning believes that the proposed text amendment will help alleviate some of the locational problems experienced by emergency shelter providers by expanding the zone districts within which emergency shelters are permitted. The Office of Planning recommends that the Zoning Commission set down for public hearing the proposed zoning text amendment to 11 DCMR, Chapter 8, Section 801.7(m) to permit emergency shelters in the C-M District.

BACKGROUND

The District Government has embarked on the *Homeless No More*¹ initiative that is a plan to end homelessness in Washington, D.C. by the year 2014. The directives of the plan are to address the social and economic problems of homelessness through: increasing homeless prevention efforts using local and federal resources; providing access to substantially more permanent and affordable housing; and the coordination of social services for homeless residents. The plan recognizes that homelessness will not be completely eliminated and therefore a system needs to be in place by which residents will not become stuck in homelessness but will be rapidly re-housed.

Residents who become homeless usually face one or more areas of crisis such as unemployment, mental illness, inability to find affordable housing, or substance abuse. In order to adequately address the

¹ *Homeless No More, A Strategy for Ending Homelessness in Washington DC by 2014, December 2004*

complex needs of residents, providers of relevant services have created a system called “*Continuum of Care*.” The Continuum of Care system begins with prevention efforts to help people stay in their homes and includes outreach to persons on the streets and those at risk of being forced into the streets. The system provides emergency shelter, transitional housing, permanent supportive housing, and support services.² The emergency shelter portion consists of both overnight-only shelters and twenty-four hour facilities. For most adults shelter is needed for less than sixty days out of the year, but for the chronically homeless it is often much longer. Emergency shelter for families is available twenty-four hours a day and the duration of stay is limited to less than six months.

ANALYSIS

The Zoning Commission held a public roundtable on September 23, 2004 to hear the public’s view on allowing emergency shelter and adult rehabilitation homes in the C-M zone district. At the roundtable, non-profit and for-profit operators, government agency representatives, ANC representatives, and members of the general public testified. Most of the testimony presented was focused on the adult rehabilitation homes. Problems identified that related to both types of facilities include the economic feasibility of smaller facilities, community opposition, and the price of real estate.

The petition to have adult rehabilitation homes in the C-M districts was not included in this application because the community has more concerns about the impact of the operation and size of adult rehabilitation homes. OP therefore decided to proceed with the request for the emergency shelters while additional information is gathered for the adult rehabilitation homes.

The District Government, private agencies, non-profit organizations, and the faith community operate homeless shelters within the District. In 2002 and 2003 the District estimated that throughout the year there were between 16,000 and 17,500 persons who lived in emergency shelters or on the streets, which was an increase over the former years. Over the past ten years, both the District and private providers have increased the number of beds and services available and there are currently enough beds to shelter approximately 8,875 persons.³ The District of Columbia government currently operates fifteen full-time emergency shelters and six other facilities that are open only during hypothermia season or hypothermia nights. The Office of the Deputy Mayor for Children, Youth, Families and Elders that operates some of the emergency shelters is currently in the process of upgrading their services under the *Continuum of Care* program by creating “homeless assistance centers.”

Under the *Homeless No More* plan and the *Continuum of Care* system, emergency shelters play a pivotal part in moving persons without shelter back onto the road to self-directed lives. Persons find themselves homeless for a myriad of reasons and emergency shelters are the first line of defense from being on the streets for many. In order to provide homeless residents with the needed housing and service providers are in need of buildings in which to operate.

It has been conveyed to OP by both public and private providers that they are experiencing difficulties in locating sites for emergency shelters throughout the city. Obstacles include the fact that real estate cost is prohibitive in many areas where emergency shelters are permitted, the restricted number of residents they can accommodate is usually not sufficient to house the number of persons who need shelter, and

² *The Community Partnership for the Prevention of Homelessness*

³ *Homeless No More*, pg. 4

community opposition similar to other community based residential facilities (CBRF) affects the ability to open new emergency shelters.

Economics of Operation

Many service providers testified at the roundtable that the size of facilities currently allowed by the Zoning Regulation has been a deterrent to providers who would like to provide more shelters to meet the need that exist. The largest number of persons that the regulations currently allow in emergency shelters is twenty in the R-5, SP, CR, and C-2, if approved by special exception and as a matter-of-right in the C-3, C-4, and C-5 Districts.

Providers state that to operate facilities that accommodate less than twenty persons and provide the best services is not always economically feasible. There is a consensus among providers that smaller facilities are more desirable because they are best integrated into the community and are more similar to a home setting to which the residents will be transitioned. However, other factors such as community opposition limits this option.

The economy of the District also plays a role in where providers chose or are able to locate their facility. The price of buildings and land in some areas of the City where emergency shelters are allowed are high and therefore a prohibitive factor. Some facilities were placed in vacant buildings when the City's economy was at it lowest. With the improvement in the economy, these and other building have appreciated in value emergency shelters are being forced to relocate. In addition, trying to find locations that meet their requirements such as size and proximity to public transportation has been problematic as the price of real estate rises.

Community Opposition

Generally, placement of CBRF around the city encounter great pressure and opposition from communities in which they try to locate due to a number of factors such as: fear of the unknown, facilities not living up to the standards of the community, security, government oversight, location in relation to other sensitive facilities in the community, and public safety. Many providers are afraid of this opposition and therefore tend to look to areas with the least resistance. Recently, some facilities operated by the District were closed because they were substandard and unfit for housing and new locations need to be found.

ZONING

Prior to 1981, the Zoning Regulations defined and permitted four types of facilities that provided residential accommodations with some type of supervision (emergency shelters was not defined). Residents of Adams-Morgan expressed concerns to the Zoning Commission that their community was unfairly burdened by halfway houses and social service centers and they were concerned about the contractual safeguards, supervision, and burden on the community of the many facilities. To address these issues, the Zoning Commission revised the regulations to define Community-based Residential Facilities and create seven sub-categories, one of which is "Emergency Shelter" that is defined as:

“A facility providing temporary housing for one (1) or more individuals who are otherwise homeless and who are not in need of a long-term sheltered living arrangement, as that arrangement is defined in the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986)(superseded).”⁴

The changes in the regulations were to permit community based residential facilities in all zones with the size of the facilities depending on the general density of the zone. Their decisions were guided by four principles:

1. Equitable distribution around the entire District of Columbia
2. No areas should contain a disproportionate share of facilities and be impacted by a concentration of facilities
3. Small facilities should be encouraged to lessen impact, increase compatibility and be an alternative to institutional settings.
4. The size and densities of facilities should be consistent with that permitted in the zone district.

The Commission was further guided by the need to balance the concerns of the community in which the facility is located and the needs of the occupants and operators of the facility. Based on these principles, potential impact and compatibility with the residences the Commission determined the zone district and under what circumstances the various kinds of facilities would be permitted. Emergency shelters are permitted as follows:

Table 1 - Emergency Shelters

ZONE	MATTER-OF-RIGHT	SPECIAL EXCEPTION
R-1	1-4 persons	5-15 persons ^{1, 3} 15+ persons ^{2, 3}
R-2, R-3, R-4	1-4 persons	5-15 persons ^{4, 5} 15+ persons ^{2, 5}
R-5, SP, C-R, W-1, W-2, W-3	1-4 persons	5-25 persons ^{4, 5} 25+ persons ²
C-1	1-7 persons	5-15 persons ^{4, 2, 5} 15+ persons ^{2, 5}
C-2	1-7 persons	5-25 persons ^{4, 5} 25+ persons ^{2, 5}
C-3, C-4, C-5	No Limit	N/A
C-M, M, W-0	Not Permitted	Not Permitted

¹Subject to requirements:

- no other CBRF for 7 or more persons in same square or within 1,000 ft.

⁴ “Sheltered living arrangement - a living arrangement in which a responsible adult oversees the activities of daily living of each resident so as to assist each resident in maintaining adequate personal hygiene; establishing social, community, and family contacts; and obtaining adequate medical, nursing, health, and social services. This type of living arrangement may include the supervision of the taking of medications prescribed for self-administration.” (22 DCMA § 3099.1 (2004)).

- adequate off street parking
- meet code and licensing requirements
- no adverse impact on neighborhood because of traffic, noise, operations, or number of similar facilities in the area

²If DC program goals/objectives cannot be achieved by smaller facility or reasonable alternative.

³The BZA may approve more than 1 CBRF in a square or within 1,000 ft. if cumulative effect will not have adverse impact on neighborhood because of traffic, noise, or operations.

⁴Subject to requirements:

- no other CBRF for 7 or more persons in same square or within 500 ft.
- adequate off street parking
- meet code and licensing requirements
- no adverse impact on neighborhood because of traffic, noise, operations, or number of similar facilities in the area

⁵The BZA may approve more than 1 CBRF in a square or within 500 ft. if cumulative effect will not have adverse impact on neighborhood because of traffic, noise, or operation.

Benefits of the C-M Zones

The C-M district is designed to “*provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize any adverse effect on other nearby, more restrictive districts.*” In this proposal, there is no limit on the size of the facility or spacing requirements due to the fact that emergency shelters are permitted as a matter-of-right in the C-3, C-4, and C-5 districts and the C-M district is a more intense zone.

Both private and public providers testified that amending the Zoning Regulations to allow emergency shelters in the C-M District will offer additional locational choices to providers as they will be able to access buildings and land that is more affordable and can accommodate a larger number of residents. The C-M district allows a greater FAR (3.0 to 6.0) that allows buildings to house a larger number of residents along with the required services. As shown on Attachment 1, there is not a large amount of land within the C-M Districts and size and transportation criteria may put limitations on areas where they may locate. The new locations would be outside of residential areas and some of the perceived negative impact on neighborhoods will be minimized and may therefore have less community opposition.

The opposition to the placement of emergency shelters in industrial districts argues that people should not be made to live in industrial areas where the uses permitted are not compatible with residential use. Again, it should be emphasized that under the *Homeless No More* program shelters will not become permanent residences for the homeless as stays will be limited and services provided are focused on enabling residents to return to a permanent place of residence. The *Homeless No More* program envision that homelessness within Washington DC will end by 2014 and even if this goal is not achieved the need for shelters will diminish.

COMPREHENSIVE PLAN

A major theme of the Comprehensive Plan is “Providing for Diversity and Overall Social Responsibilities” (Section 111).

“111.1 Each distinct neighborhood of the District is an integral part of a diverse larger community that contributes to the District attractiveness and strength:

- (a) Although many residents have sufficient means or individual support systems to be self-reliant, other residents are periodically more dependent on the larger community for support or assistance in their daily living; and*
- (b) While the District must strive to increase educational, employment, and other opportunities to reduce such dependency, all neighborhoods should share in the overall social responsibilities of the community including but not limited to, housing the homeless, feeding the hungry, accommodating the disabled, and welcoming residents of diverse backgrounds and needs.”*

The proposal to allow emergency shelters in the C-M districts is consistent with this theme of the Comprehensive Plan as it will provide more location options to accommodate homeless persons and provide the necessary services to improve their health and well being.

The Human Services element of the Comprehensive Plan states that its major goal for the District is to “ensure a broad range of community-based human services.” Policies in support of the human services delivery system is as follows:

- “1002.2 (a) Focus the full range of health and social services on major problems facing the District, such as infant mortality, the homeless, alcohol, drug abuse, Acquired Immune Deficiency Syndrome (AIDS), and the availability and cost containment of services;*
- (c) Maintain and improve services for all children and adults in twenty-four hour (24 hr. care facilities and ensure that victims of homelessness are cared for, especially when extreme weather conditions occur;”*

A major policy of the Housing Element of the Comprehensive Plan is that:

- “300.6 The District should continue to intensify its efforts to identify and address issues applicable to the elderly population, including institutional housing and community-based residential facilities. . . “*

The proposal is consistent with these policies as it is an attempt to provide services to residents that are underserved and will lead to a broader range of location options.

RECOMMENDATION

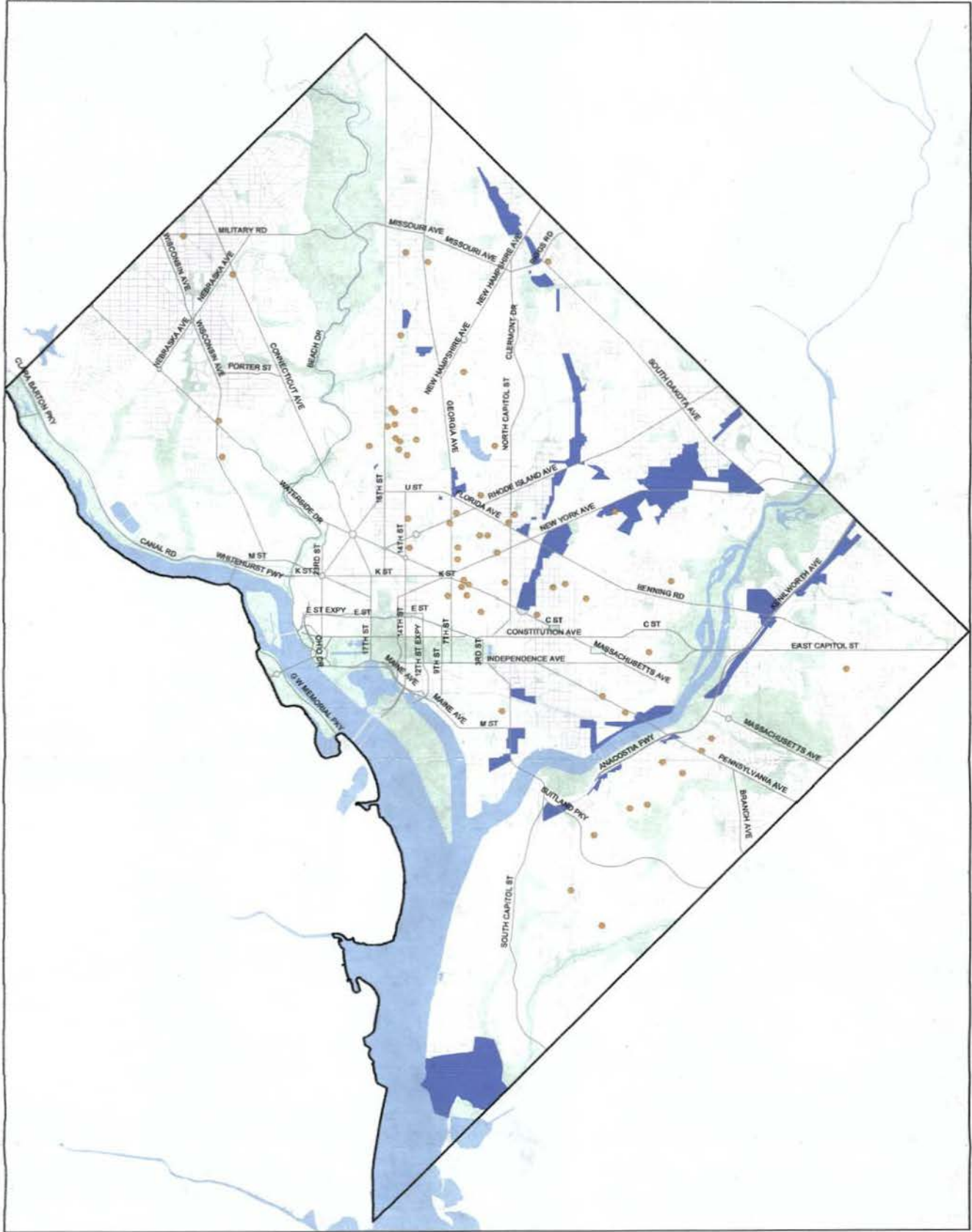
Due to the large number of homeless persons and families, the economics of operating small facilities, and community opposition new homeless facilities are extremely difficult to locate and open. Providers have testified that the nature and non-residential character of the C-M Zone will allow emergency shelters to be located in areas with minimal impacts on surrounding neighborhoods and some of their economies of scale issues. OP is recommending a text amendment to the Zoning Regulations to permit

emergency shelters in the C-M district. OP recommends that the application for the proposed text amendment be **setdown** for public hearing.

ATTACHMENTS:

1. Location of C-M Districts

EM/mbr AICP



Commercial-Light Manufacturing Districts and Emergency Shelters

Miles
 0 0.5 1 1.5
 Government of the
 District of Columbia
 Anthony A. Williams, Mayor
 Office of Planning - February 7, 2005
 This map was created for planning
 purposes from a variety of sources.
 It is neither a survey nor a legal document.
 Information provided by other agencies
 should be verified with them where appropriate.

- Emergency Shelters
- Commercial-Light Manufacturing Districts

