

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

Memorandum

TO: District of Columbia Zoning Commission

FROM: 
Ellen McCarthy, Director
Office of Planning

DATE: October 16, 2006

SUBJECT: Supplemental Report – Zoning Commission Case 05-05
Proposed Text Amendment to Permit Emergency Shelters in the Commercial-Light
Manufacturing (C-M-1 and C-M-2) Districts

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This Report addresses concerns expressed by the Zoning Commission at the Setdown presentation

Placement Concerns

The Zoning Commission expressed concerns that allowing emergency shelters in the CM districts would open them up to being located next to noxious uses. To alleviate this situation, the proposed advertised text of Section 802.21(c) recommends that emergency shelters not be located within 1,000 feet of a square containing a wastewater treatment facility or a solid waste handling facility. OP is also recommending that landfills and documented contaminated sites be added to the list (See Attachment 1).

In addition, the advertised text recommends that shelters not be within the same square or within 1,000 feet of each other. Emergency shelters will only be permitted by special exception and therefore each facility would be reviewed under the criteria outlined in the proposed text. As part of the review, the proposed facility will be assessed for compatibility with the surrounding neighborhood. This will ensure that the shelters will not be detrimental to the residents or the surrounding neighborhood.

Number of Persons

The proposed text will allow shelters to accommodate between 5 and 150 persons. The Commission expressed concerns that a facility with 150 persons could result in the warehousing of residents. As stated in the *Homeless No More* policy, it is necessary that facilities be of a size that will be able to provide necessary and required services as well as shelter. Therefore, economies of scale help to allow the provision of centralized services. OP consulted with the Office of the Deputy Mayor for Children, Youth, Families, and Elders, who stated that a 150 bed facility was manageable and not uncommon. OP continues to recommend that shelters house a maximum 150 persons, noting that the regulations do not preclude smaller shelters, and as part of the special exception review, the size of the facility in relation to its location would be assessed.

ZONING COMMISSION
District of Columbia
05-05

Equal Distribution

The Zoning Commission expressed concerns about the unequal distribution of emergency shelters around the City. In 1981 the Zoning Commission addressed the issue in Zoning Commission Order No 347 in which it outlined zones within which emergency shelters were permitted as a matter-of-right or as a special exception. It is the goal of the proposed text OP to improve the geographic dispersion of these facilities but the location of emergency shelters is both a function of zoning and market economics.

The Office of the Deputy Mayor for Children, Youth, Families, and Elders stated that their aim is to not only to offer decent housing, but also include social services that will support the residents in stabilizing themselves and becoming independent. They state that it is extremely difficult to identify sites for these shelters as they have to balance project affordability, access to public transportation, and community acceptance. They are also mindful of the need to locate shelters in various geographic areas throughout the City so as to honor both family ties and roots throughout the City as well as integrate them seamlessly into the neighborhoods. They believe that if such sites can be found in the C-M-1 and C-M-2 districts they would not compromise either the housing or the service offered. This proposal will allow the possibility that some emergency shelters are allowed to locate within the C-M districts thus expanding their location possibilities.

Accessibility

The Commission had a concern regarding the accessibility and security of the shelters. In conversations with providers, accessibility and proximity to public transportation is always a high criterion regarding the location of a facility. It should be noted that some residents have jobs and therefore need convenient access to metrorail and/or metrobus routes. Many shelters are operated by non-profits or religious groups who offer bus service to take residents to jobs, medical facilities, or training facilities. Many will also collect persons at a known location and provide overnight shelter, food and some training. Shelters have strict rules as to when patrons arrive and leave the facility. Generally, persons who work in the industrial districts leave at night and therefore there is not much activity in these areas which minimizes any potential security risk.

Industrial Land Use Study

OP is currently finalizing the industrial areas study. Generally, the study in its current draft is cautious about the location of emergency shelters or other residential uses within industrial districts. The study specifies some land to be retained for municipal uses which would include emergency shelters and identifies other areas that may be appropriate for transition from industrial to other uses generally land already identified for change or land already adjacent to residential neighborhoods. Some of these industrial areas are adjacent to residential or commercial areas which may be suitable for emergency shelters.

ATTACHMENT

1 Proposed text

ATTACHMENT 1

October 16, 2006

Zoning Commission Case # 05-05

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

Proposed Text Amendment

Chapter 8, Commercial-Light Manufacturing Districts (C-M)

Amend subsection 802.1 to read as follows: (new text is 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 be permitted in a the C-M-3 District”

Add a new subsection 802.21 to read as follows as follows:

“802 21 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 seven (7) 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 seven (7) or more persons within a radius of one thousand (1,000) feet from any portion of the property,
- (c) Emergency shelters shall not be located within one thousand (1,000) feet of a square containing a sewerage treatment plant, a waste treatment facility, a landfill, or a documented contaminated site,
- (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 facility shall not have any adverse impact on the neighborhood because or traffic, noise, operations, or the number of similar facilities in the area,

- (f) The Board may approve a facility for more than one emergency shelter in a square or within one thousand (1,000) feet only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- (g) The Board may approve a facility for more than one hundred and fifty (150) 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, 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 ”