

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING

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Office of the Director

**Memorandum**

**TO:** District of Columbia Zoning Commission  
**FROM:** *JSB*  
Harriet Tregoning  
Director  
**DATE:** February 2, 2007  
**SUBJECT:** Supplemental Information – 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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At the October 26, 2006 Public Hearing, the Zoning Commission requested that the Office of Planning (OP) make a recommendation as to whether Subsection 802.21(g) and (f) of the proposed text amendment should be; (a) deleted or (b) place a limit on the number of facilities within a square, and cap the maximum number of persons above 150 that the Board may approve

The advertised proposed subsection 802.21(g) and (f) reads as follows

- (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.

Homelessness in the District is a significant problem and one that has become worse in the wake of the housing boom. Persons usually become homeless for reasons including lack of affordable housing and poverty. The City's redevelopment has led to a reduction in the ability to access locations to house the homeless. Over the past ten years, the District has created a homeless care system to help relieve the immediate suffering of persons without shelter and help them obtain and keep permanent housing. However, while the number of homeless has increased, the number of beds and facilities has not grown at the same rate. The primary aim is to place facilities throughout the City to house the homelessness. But until that time, finding suitable locations to place facilities is of utmost importance. The Zoning Commission District of Columbia locations will enable the homeless to obtain shelter as well as access various social services.

CASE NO. 15-15

EXHIBIT NO. 8

them to regain control of their lives.<sup>1</sup> Further, the Draft Comprehensive Plan 2006, Housing Element, H-4.2, Meeting the Needs of Specific Groups, states that *“provisions to assist the homeless must include emergency shelters, transitional housing, and permanent housing, along with supportive services. On so many levels the need for such facilities and services outpaces the supply The shortfall will get worse if nothing is done, with more residents at risk of becoming homeless ”*

The Office of Planning met with the Department of Human Services and Office of Property Management who operate emergency shelters. Both agencies emphasized the option to place more than one shelter in a square or within 1,000 feet of each other and the option to allow over 150 persons in a facility was important to their ability to respond to the unpredictable and increasing service demand, and may put some citizens at risk who are in need of shelter.<sup>2</sup> However, if the Commission disagrees, they recommend a limit of two (2) shelters in a square or within 1,000 feet of each other and between 150 and 300 persons per facility with a maximum of 450 persons for all facilities within a square. Therefore, the proposed text would read as follows:

- "(f) Notwithstanding 802.21 (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"

OPM has an emergency shelter at 2210 Adams Place, N. E. which is located approximately 200 feet from an existing solid waste handling facility. They have requested that this property be exempted from the proposed requirements in Subsection 802.21(c).

- (c) Emergency shelters shall not be located within one thousand (1,000) feet of a square containing sewerage treatment plant, a wastewater treatment facility a solid waste handling facility, a landfill, or a documented contaminated site;

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<sup>1</sup> Homeless No More, A Strategy for Ending Homelessness in Washington D C by 2014, December 2004 and National Alliance to End Homelessness, July 17, 2006.

<sup>2</sup> The Washington Post reported in an article on November 19, 2006 that the "Metropolitan Washington Council of Governments counted 16,434 homeless men, women and children in January in a one-day survey of housing programs, emergency shelters, soup kitchens and suburban encampments -- 6 4 % increase over the 2005 count. less than 15 percent of the Washington area's homeless regularly live on the street, researchers say The rest are sustained by a network of shelters and other forms of housing " In December 2006, the Post reported that of the regions homeless, approximately 8,900 live in the District of Columbia

Section 802 4 which relates to solid waste handling facilities states

"Any establishment to be used as a solid waste handling facility shall be permitted only if the following requirements are met:

- (a) No portion of the facility, including any structure, loading dock, truck bay, storage container, transfer equipment, or any other processing equipment or operation, shall be located within three hundred feet (300 ft.) of a property in a Residence District used for residential purposes or within fifty feet (50 ft) of any adjacent property used as a public park or for retail, office, or institutional purposes;"

Large emergency shelters with their congregate living arrangements, staffing and on-site services operate more like an institutional use than a residential use. Based on the above text, the Zoning Regulations do not believe that solid waste handling facilities will have a negative impact on this use as it require a setback of 300 feet for residential use while institutional uses require a setback of 50 feet. The Commission expressed concerns about the adequacy of setbacks and asked OP to look at the issue. OP has worked with OPM and OAG on language that would address both the existing and new facilities. OP recommends a larger setback for any new facility. Subsection 802.21(c) is therefore recommended to be amended to read as follows:

- (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,

The Office of Attorney General noted that operation of a landfill within the District is already prohibited by District law and therefore the reference to the landfill is unnecessary. Similarly, open solid waste facilities are also prohibited

§ 8-1052. **Open solid waste facilities prohibited** [Formerly § 6-3452]

"No person shall operate an **open solid waste** facility in the District."

OP recommends that Subsections 802 21 (c), (f) and (g) be amended accordingly to reflect the above discussed items as shown on Attachment 1.

**ATTACHMENT:**

1. Proposed Text Amendment

HT/mbr

# ATTACHMENT 1

January 24, 2007

## Proposed Text Amendment to Add Emergency Shelters to the C-M-1 and C-M-2 Zones

Amend subsection 802.1 to read as follows: (new text is shown in bold underline strikethrough is to be deleted)

“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 the 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 for five (5) or more persons in the same square;
  - (b) There shall be no other property containing an emergency shelter 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;
  - (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 802.21 (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 802.1 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**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HUMAN SERVICES**



**Office of the Director**

November 15, 2006

Ms. Maxine Brown-Roberts  
Office of Planning  
801 North Capitol Street, NE  
Washington, DC 20002

Dear Ms Roberts

This is in response to your request for comments on a number of matters in Case No 05-05, "Emergency Shelters in Commercial-Light Manufacturing Districts." Our comments follow:

Subsection 802.21 (f)

This allows more than one emergency shelter in a square or within 1,000 feet under certain conditions. There is no limit to the number of shelters that may be approved, and we prefer this discretion. It is challenging to find appropriate shelter locations, and a limit would worsen the situation. If there must be a limit, we recommend setting it at two (2).

Subsection 802.21 (g)

This allows approval of a facility for more than 150 persons under certain conditions. There is no limit to the number of persons for which a shelter may be approved, and we prefer this discretion. It is difficult to predict service demand, and a limit may put some citizens who are in need of shelter at risk. If there must be a limit, we recommend setting it at 300 persons per facility.

Thank you for allowing us to participate in this matter. Please contact George Shepard, Acting Administrator of the Family Services Administration, at 202-671-4345 if more information is needed.

Sincerely,

Brian Wilbon  
Interim Director

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.

### **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 shelter 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

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:** March 3, 2006

**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-1 and C-M-2) Districts

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### PROPOSAL

The Office of Planning (OP) proposes a text amendment to the Zoning Regulations to permit emergency shelters as a special exception in the Commercial-Light Manufacturing (C-M-1 and C-M-2) 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 802 to permit emergency shelters by special exception in the C-M-1 and C-M-2 Districts. See proposed text in Attachment 2.

### BACKGROUND

The District Government has embarked on the *Homeless No More*<sup>1</sup> 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.

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

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 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.<sup>2</sup> 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 shelters 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.<sup>3</sup> 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

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<sup>2</sup> *The Community Partnership for the Prevention of Homelessness*

<sup>3</sup> *Homeless No More*, pg. 4

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 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 exists. 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, land costs, and access to necessary services, limit 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 and 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 CBRFs 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)."*

**A sheltered living arrangement** is defined as *"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 DCMR § 3099.1 (2004))

The changes in the regulations were to permit community based residential facilities in all residential, commercial and mixed use 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 residential zones, 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 <sup>1,3</sup><br>15+ persons <sup>2,3</sup>   |
| R-2, R-3, R-4               | 1-4 persons     | 5-15 persons <sup>4,5</sup><br>15+ persons <sup>2,5</sup>   |
| R-5, SP, C-R, W-1, W-2, W-3 | 1-4 persons     | 5-25 persons <sup>4,5</sup><br>25+ persons <sup>2</sup>     |
| C-1                         | 1-7 persons     | 5-15 persons <sup>4,2,5</sup><br>15+ persons <sup>2,5</sup> |
| C-2                         | 1-7 persons     | 5-25 persons <sup>4,5</sup><br>25+ persons <sup>2,5</sup>   |
| C-3, C-4, C-5               | No Limit        | N/A                                                         |
| C-M, M, W-0                 | Not Permitted   | Not Permitted                                               |

<sup>1</sup>Subject to requirements

- no other CBRF for 7 or more persons in same square or within 1,000 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
- <sup>2</sup>If DC program goals/objectives cannot be achieved by smaller facility or reasonable alternative

<sup>3</sup>The 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.

<sup>4</sup>Subject 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

<sup>5</sup>The 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.*” The C-M-1 and C-M-2 districts tend to be more light manufacturing activities because of the lower FAR and heights than that permitted in the more intense C-M districts.

|       | FAR | Height/stories    |
|-------|-----|-------------------|
| C-M-1 | 3.0 | 40 feet/3 stories |
| C-M-2 | 4.0 | 60 feet/no limit  |

Both private and public providers testified at the public roundtable held on September 23, 2004 that amending the Zoning Regulations to allow emergency shelters in the C-M District would offer additional locational choices 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 buildings to house a larger number of residents along with the required support 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. Because CM locations would be outside of residential areas, some of the perceived negative impact on neighborhoods would 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 may not be 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 envisions that homelessness within Washington DC will end by 2014 and even if this goal is not achieved the need for shelters will diminish.

Such a temporary stay is not dissimilar to a hotel, which is a permitted, matter-of-right use in the CM zones. The functional similarities between hotels and shelters include a common dining room, service

adjacent space, meeting facilities and administrative offices. While it may seem intuitive that hotel guests may not stay as long as someone at a shelter there is no zoning restriction to a hotel guest's length of stay.

It should be emphasized that the proposal to allow emergency shelters in the C-M-1 and C-M-2 district is just another option for providers to consider when trying to find locations for these services. Due to the concerns that shelters will be placed in areas with noxious uses, OP recommends the shelters not be allowed in close proximity to transfer stations, power plants, land fills and instead be in areas which could be considered a logical extension of an adjacent residential area.

On February 24, 2005, OP submitted a proposal to the Zoning Commission to consider allowing emergency shelters in the C-M Districts. The Commission had concerns which are addressed below.

#### ***Acreage of C-M District in the District.***

There is a total of 2,390 acres, or 5% of land in the District, within the C-M District. Of this, 1,040.4 acres are in the C-M-1 District and 189.3 acres are in the C-M-2 District.

#### ***Placement of Emergency Shelters***

As part of the amendment, OP proposes that emergency shelters not be placed within 1,000 feet of a square containing a sewage plant, a waste treatment facility, a waste transfer station, a landfill, or any documented contaminated site. In order to address the issue the "colonies" of emergency shelters may emerge in these areas, OP recommends that no other emergency shelter or other CBRF be within the same square or within 1,000 feet.

#### ***Number of Person***

The Commission expressed concerns that without a size limit it 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 are necessary to be achieved between the cost of having centralized services and the number of persons at the shelter. Therefore, after consultation with the Office of the Deputy Mayor for Children, Youth, Families, and Elders OP recommends that shelters house a maximum 150 persons.

#### ***Equal Distribution***

The Zoning Commission expressed concerns about the unequal distribution of emergency 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 OP to improve the geographic dispersion of these facilities but the location of emergency shelters is both a function of zoning and market economics. Therefore, this proposal is to allow the possibility that some emergency shelters are allowed to locate within the C-M districts

### Industrial Area Study

OP is currently finalizing an industrial areas study which is scheduled to be presented to the Zoning Commission in March 2006. Generally, the study is cautious about the location of emergency shelters within industrial districts. However, there are some industrial areas that are adjacent to residential or commercial areas which may be suitable for emergency shelters. The map outlining these specific locations is not currently available because the study is still under review but will be provided in the final report if the proposal is set down.

### **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 health and training services

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 to homeless facilities make it extremely difficult to locate and open new facilities. 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-1 and C-M-2 districts by special exception. OP recommends that the application for the proposed text amendment (Attachment 2) be setdown for public hearing.

## **ATTACHMENTS:**

1. Location of C-M-1 and C-M-1 Districts
2. Proposed Text Amendment
3. Person addressing Emergency Shelters at the Public Roundtable, September 23, 2004