

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 07-24

As Secretary to the Commission, I hereby certify that on SEP 28 2007 copies of this Z.C. Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|--|---|
| 1. <i>D.C. Register</i> | 7. Acting Zoning Administrator (Matt LeGrant) |
| 2. All ANC Chairs | |
| 3. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 8. Jill Stern, Esq.
General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| 4. All Councilmembers | 9. Office of the Attorney General
(Alan Bergstein) |
| 5. Office of Planning (Harriet Tregoning) | |
| 6. DDOT (Ken Laden) | 10. MLK Library (30 Copies) |

ATTESTED BY: _____

Sharon S. Schellin
Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia

CASE NO. 07-24

EXHIBIT NO. 3

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

COMMISSION
District of Columbia
CASE NO.07-24
EXHIBIT NO.3

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, November 8, 2007, 6:30 p.m. (1ST Case)**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 07-24 - Text Amendment – DCMR Title 11 - Text Amendment to Eliminate the Certificate of Occupancy Requirement for CBRFs Housing Six or Less Persons with Disabilities

THIS CASE IS OF INTEREST ALL ANCS

On September 6, 2007, the Office of Zoning received a petition from the District of Columbia Office of Planning (“OP a text amendment to the zoning regulations to eliminate the requirement that a certificate of occupancy (“C of O”) be obtained for community based residential facilities (“CBRF”) intended to house six or fewer unrelated persons with disabilities.

At present, the Zoning Regulations require C of Os for all uses except one-family dwellings. A “one-family dwelling” is defined as “a dwelling used exclusively as a residence for one (1) family”, 11 DCMR 199.1. A family is defined to include six or fewer unrelated persons. *Id.* Thus, six unrelated persons (whether disabled or not) constitute a “family” and may occupy a dwelling without first obtaining a C of O. However, if such individuals require one or more persons to live with them to provide “treatment, rehabilitation, assistance, or supervision in their daily living”, their dwelling would meet the definition of a community based residential facility and a C of O must be obtained. Thus, whether or not six unrelated persons must obtain a C of O for a dwelling depends solely upon whether the group needs an additional resident to provide the assistance needed for them to live in a non-institutional setting.

At its September 10, 2007 meeting, the Zoning Commission adopted the rule on an emergency basis¹ and set it down for a hearing at a later date. The Commission also waived § 3013.1 of its rules of procedure, which would have required a twenty-day waiting period before publication.

The proposed text amendment is as shown below.

Title 11 of the District of Columbia Municipal Regulations, ZONING, Chapter 32, ADMINISTRATION AND ENFORCEMENT, § 3203.1, is amended to read as follows (new language is shown in bolded text, deleted language is shown in strikethrough):

¹ A Notice of Proposed and Emergency Rulemaking appears elsewhere in this volume of the *D.C. Register*

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 07-24
PAGE 2

3203.1 Except as provided in §§ 3203.7, 3203.8, 3203.9, **or the second sentence of this subsection**, no person shall use any structure, land, or part of any structure or land for any purpose ~~other than a one-family dwelling~~ until a certificate of occupancy has been issued to that person stating that the use complies with the provisions of this title and the D.C. Construction Code, Title 12 DCMR. **The requirements of this subsection shall not apply to:**

- (a) **A one-family dwelling; or**
- (b) **A community based residential facility to be occupied by six or fewer persons with a handicap plus resident supervisors, as permitted by right in residence and commercial districts pursuant 11 DCMR §§ 201.1 (o) and 330.5 (i).**

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641 *et seq.* (2001).

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file in writing their intention to testify. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210-S, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of this particular case and your daytime phone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY JEFFRIES, JOHN G. PARSONS, AND MICHAEL G. TURNBULL, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLING, SECRETARY TO THE ZONING COMMISSION.



Dotti Love Wade, Chair
ANC 1A
2905 11th Street, N.W.
Washington, DC 20001

Dee Hunter, Chair
ANC 1B
P.O. Box 73710
Washington, DC 20056

Byran Weaver, Chair
ANC 1C
P.O. Box 21009
Washington, DC 20009

Gregg Edwards, Chair
ANC 1D
P.O. Box 43529
Washington, DC 20010

Asher Corson, Chair
ANC 2A
West End Branch Library
1101 24th Street, NW
Washington, DC 20037

Ramon Estrada, Chair
ANC 2B
DC Jewish Community Center
9 Dupont Circle, NW
Washington, DC 20036

Doris Brooks, Chair
ANC 2C
P.O. Box 26182
Washington, DC 20001

Sandra P. Perlmutter, Chair
ANC 2D
2153 California St., N.W., #502
Washington, DC 20009

Ed Solomon, Chair
ANC 2E
3265 S Street, NW
Washington, DC 20007

Charles Reed, Chair
ANC 2F
Washington Plaza Hotel
5 Thomas Circle, NW
Washington, DC 20005

Melissa Lane, Chair
ANC 3B
P.O. Box 32312
Washington, DC 20007

Nancy MacWood, Chair
ANC 3C
2737 Devonshire Place, NW
Washington, DC 20008

Rachel Thompson, Chair
ANC 3D
P.O. Box 40846
Washington, DC 20016

Amy B. McVey, Chair
ANC 3E
Lisner Home
5425 Western Avenue, NW
Washington, DC 20015



Catherine Wiss, Chair
ANC 3F
4401-A Connecticut Ave., NW - Box 244
Washington, DC 20008

Jerry Levine, Chair
ANC 3G
P.O. Box 6252
Washington, DC 20015

Stephen Whatley, Chair
ANC 4A
7600 Georgia Avenue, NW, Suite 404
Washington, DC 20012

Blondine Hughes, Chair
ANC 4B
6856 Eastern Ave., N.W., (314)
Washington, DC 20012

Joseph Martin, Vice-Chair
ANC 4C
P.O. Box 60847
Washington, DC 20039-0847

Everett Lott, Chair
ANC 4D
143 Kennedy Street, NW
Washington, DC 20011

William Boston, Chair
ANC 5A
1322 Irving Street, NE
Washington, DC 20017

William C. Shelton, Chair
ANC 5B
1355 New York Avenue, NE
Washington, DC 20002

Anita Bonds, Chair
ANC 5C
P.O. Box 77761
Washington, DC 20013

Joseph V. Fengler, Chair
ANC 6A
P.O. Box 75115
Washington, DC 20013

Julie Olson, Chair
ANC 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003

Karen Wirt, Chair
ANC 6C
P.O. Box 77876
Washington, DC 20013

Robert Moffatt, Chair
ANC 6D
25 M Street, SW
Washington, DC 20024

Pride Hiatt, Chair
ANC 7A
4201 D Street, S.E.
Washington, D.C. 20019



Yvonne Moore, Chair
ANC 7B
3200 S Street, SE
Washington, DC 20020

Muriel Chambers, Chair
ANC 7C
4651 Nannie Helen Burroughs Rd., N.E.
Washington, DC 20019

Dorothy Douglas, Chair
ANC 7D
5140 Nannie Helen Burroughs Ave., N.E.
Washington, DC 20019

Naomi P. Robinson, Chair
ANC 7E
5001 Hanna Place, SE, Ste. B
Washington, DC 20019

Anthony Muhammad, Chair
ANC 8A
2100-D M.L.K. Avenue, S.E.
Washington, DC 20020

David S. Brewer, Chair
ANC 8B
P.O. Box 30949
Washington, DC 20030-0949

Mary Cuthbert, Chair
ANC 8C
3125 MLK Jr., Avenue, SE
Washington, DC 20032

Maria Powell, Chair
ANC 8D
4601 M.L.K. Avenue, SE
Washington, DC 20032

Wanda D. Lockridge, Chair
ANC 8E
P.O. Box 7050
Washington, DC 20032

Vincent C. Gray, Chair
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 504
Washington, D.C. 20004

Carol Schwartz, At Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 404
Washington, D.C. 20004

Phil Mendelson, At Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 402
Washington, D.C. 20004

Jack Evans – Ward 2
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 106
Washington, D.C. 20004

Muriel Bowser – Ward 4
Council of the District of Columbia
Room 406
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Tommy Wells – Ward 6
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 408
Washington, D.C. 20004

Marion Barry – Ward 8
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 102
Washington, D.C. 20004

Kwame R. Brown, At Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 506
Washington, D.C. 20004

David A. Catania, At Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 110
Washington, D.C. 20004

Jim Graham – Ward 1
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 105
Washington, D.C. 20004

Mary M. Cheh – Ward 3
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 107
Washington, D.C. 20004

Harry Thomas, Jr. – Ward 5
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 108
Washington, D.C. 20004

Yvette M. Alexander – Ward 7
Council of the District of Columbia
Room 400
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Vincent C. Gray, Chair

