

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

In the Matter of:

Emergency Shelters in
Commercial-Light
Manufacturing

Case No. 05-
05

Thursday,
October 26, 2006
Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No.
05-05 by the District of Columbia Zoning
Commission convened at 6:30 p.m. in the
Office of Zoning Hearing Room at 441 4th
Street, N.W., Washington, D.C., 20001,
Anthony Hood, Vice Chairperson, presiding.

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ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Vice Chairperson
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Acting Secretary
DONNA HANOUSEK	Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
MAXINE BROWN-ROBERTS

The transcript constitutes the minutes from the Public Hearing held on October 26, 2005.

A G E N D A

OPENING REMARKS 4
Vice Chairman Hood

OFFICE OF PLANNING 7
Ms. Maxine Brown-Roberts

OFFICE OF PROPERTY MANAGEMENT 39
Mr. Peter May

1

P-R-O-C-E-E-D-I-N-G-S

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(202) 234-4433

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1 6:38 p.m.

2 VICE CHAIRPERSON HOOD: Good evening,
3 ladies and gentlemen. This is a Public Hearing
4 of the Zoning Commission of the District of
5 Columbia for Thursday, October 26th, 2006.

6 My name is Anthony J. Hood. Joining
7 this evening are Commissioners, Jeffries, Parsons
8 and Turnbull.

9 The subject of this evening's hearing
10 in Zoning Commission Case No. 05-05. This is a
11 request by the Office of Planning for text
12 amendments to Title XI of the District of
13 Columbia Municipal Regulations of Zoning to
14 expand the zoning districts within which
15 emergency shelters are permitted.

16 The notice of today's hearing was
17 published in the D.C. Register on July the 7th,
18 2006. Copies of today's hearing announcement are
19 available to you and are located on my left on
20 the table near the door. You know, it's hard
21 talking to empty -- but anyway.

22 The hearing will be conducted in

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1 accordance with the provisions of 11 DCMR 3021.

2 The order of procedures will be as follows:

3 Preliminary matters, presentations by
4 the Office of Planning, reports of other
5 Government agencies, report of the ANC,
6 organizations and persons in support,
7 organizations and persons in opposition.

8 The following time constraints will
9 be maintained in this hearing. Organizations
10 five minutes, individuals three minutes.

11 The Commission intends to maintain
12 these time limits as strictly as possible in
13 order to hear the case in a reasonable period of
14 time. The Commission reserves the right to
15 change the time limits for presentations, if
16 necessary. Notice that no time shall be seeded.

17 All persons appearing before the
18 Commission are to fill out two witness cards.
19 These cards are located to my left and near the
20 door. Upon coming forward to speak to the
21 Commission please give both cards to the reporter
22 sitting to my right before taking a seat at the

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1 table.

2 Please be advised that these
3 proceedings are being recorded by a Court
4 Reporter and is also Webcast live. Accordingly,
5 we must ask you to refrain from any disruptive
6 noises or actions in the hearing room. When
7 presenting information to the Commission, please
8 turn on and speak into the microphone, first
9 stating your name and home address. When you are
10 finished speaking, please turn your microphone
11 off so that your microphone is no longer picking
12 up sound or background noise.

13 The decision of the Commission in
14 this case must be based on the public record. To
15 avoid any appearance to the contrary, the
16 Commission requests that the persons present not
17 engage the members of the Commission in
18 conversation during a recess or at any other
19 time.

20 The staff will be available
21 throughout the hearing to discuss procedural
22 questions. Please turn off all beepers and cell

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1 phones at this time so not to disrupt these
2 proceedings.

3 At this time, the Commission will
4 consider any preliminary matters.

5 Does the staff have any preliminary
6 matters?

7 MS. HANOUSEK: No, sir.

8 VICE CHAIRPERSON HOOD: Okay. We'll
9 go straight to the Office of Planning, Ms. Brown-
10 Roberts.

11 MS. BROWN-ROBERTS: Good evening, Mr.
12 Chairman and Members of the Commission. I'm
13 Maxine Brown-Roberts from the Office of Planning.

14 I think what I will do is just sort
15 of highlight some of the concerns that were
16 expressed by the Commission the last time when we
17 had the set-down hearing and just address some of
18 those issues.

19 I think the first one is concerning
20 the placement of emergency shelters. There was
21 some concern that having them in the CM-1, the
22 Industrial District, that they would be placed in

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1 close proximity to some of, what we call, noxious
2 facilities.

3 One of the things that we have done
4 is to place -- that facilities cannot be within
5 1,000 feet of a square and also that we don't
6 have more than one emergency shelter within a
7 square.

8 Also, we have used the special
9 exception process so that all the facilities that
10 come in within the industrial zones will be
11 reviewed. So, there will be some review as
12 against if they were as a matter of right.

13 I think this will help to make sure
14 that these facilities, as part of the review,
15 that they will be assessed for compatibility with
16 the neighboring community and other uses that are
17 within that area.

18 There was also concern about the
19 number of persons and we had proposed that they
20 be limited from a lower 5 up to 150 persons. The
21 Commission did express some concerns that these
22 were large facilities. I think we stuck with the

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1 maximum of 150 persons. We consulted with the
2 Office of the Deputy Mayor for Children, New
3 Families and Elders. And they informed us that
4 this was a sizeable facility that was manageable
5 and this was not uncommon. And they were able to
6 accommodate economies of scale in serving these
7 people.

8 Again, through the special exception
9 review, I think when these facilities come in for
10 review that the number of persons in the facility
11 will be something that will be assessed as part
12 of that review.

13 The unequal distribution of emergency
14 shelters and usually for just about all community
15 based residential facilities has been something
16 that has been a concern for all of us. And
17 regarding the emergency shelters, I think that
18 that is a goal that we will keep in mind, I
19 think, during the review of these facilities.

20 Also, we are also mindful that the
21 facilities, we want them to be located in areas
22 where they will be integrated seamlessly into the

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1 neighborhoods and we believe that some of these
2 sites can be found in the CM-1 and CM-2
3 Districts.

4 Accessibility is also something that
5 will control the location of some of these
6 facilities, because one of the things that
7 providers look for is their accessibility to both
8 the Metrorail and Metro buses, because a lot of
9 these people, a lot of people who are in these
10 facilities are either working or they have to go
11 to work. And so in the majority of cases, they
12 do not have vehicles. So, one of the things that
13 will also help to limit their location is
14 accessibility to public transportation.

15 The Industrial Land-Use Study is also
16 something that is currently ongoing. And the
17 draft that the Office of Planning has is very
18 cautious about the location of emergency
19 shelters. However, the study also specifies that
20 areas be retained for municipal uses and we will
21 consider that the emergency shelters fall within
22 that category. And, therefore, we do not see a

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1 conflict with the Industrial Land-Use Study as it
2 stands at this time.

3 I will open the floor for any
4 additional questions.

5 Thank you, Mr. Chairman.

6 VICE CHAIRPERSON HOOD: Thank you,
7 Ms. Brown-Roberts.

8 Any questions?

9 Mr. Turnbull?

10 COMMISSIONER TURNBULL: Thank you,
11 Mr. Chairman.

12 I had one question. On the public
13 notice that went out for the hearing. It gives
14 the text on here. And Section 802.1 has the
15 underlying piece that says, "Except that
16 emergency shelters shall not be permitted in a
17 CM-3 District." Is that correct?

18 MS. BROWN-ROBERTS: That is correct.

19 COMMISSIONER TURNBULL: The only
20 thing I'm concerned about is in Attachment 1 of
21 the OP Report, 802.1 says "Except that emergency
22 shelters shall be permitted in a CM-3 District."

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1 Am I -- is that a typo?

2 MS. BROWN-ROBERTS: I'm sorry.

3 That's a typo.

4 COMMISSIONER TURNBULL: That's a
5 typo?

6 MS. BROWN-ROBERTS: Yes.

7 COMMISSIONER TURNBULL: Okay. Just
8 wanted to confirm that.

9 Thank you.

10 VICE CHAIRPERSON HOOD: Mr. Parsons?

11 COMMISSIONER PARSONS: I wanted to
12 deal with the issue of what the Board is able to
13 do. And I'm looking at B -- G. Where the Board
14 may approve of a facility for more than 150
15 persons. But it doesn't seem to give any limit.

16 Do we have any guidance from those
17 who you have talked to? I mean, is 500 too big?
18 Is 600 too big? Is 1,000 too big? I mean,
19 should be put a limit on what we mean by this?
20 Are we talking in the margins of maybe 10 more
21 people or 20 or is there no limit?

22 MS. BROWN-ROBERTS: I didn't --

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1 because -- one of the things that when I spoke to
2 the person from the Deputy Mayor for Children,
3 Youth, Families, I think one of the things that
4 they trying to move away are some of these larger
5 facilities under the Homeless No More initiative.

6 COMMISSIONER PARSONS: Right.

7 MS. BROWN-ROBERTS: And 150 was sort
8 of the number they gave me.

9 COMMISSIONER PARSONS: Right.

10 MS. BROWN-ROBERTS: They really
11 didn't say that, you know, that was an absolute
12 number.

13 COMMISSIONER PARSONS: So, I wonder
14 if there is some way we could insure that this
15 wasn't going to go to 300 or 400 or 500? And
16 give the BZA some guidance that by 10 percent or
17 I shouldn't offer an opinion, but do you think
18 that would be wise to put a cap on this?

19 MS. BROWN-ROBERTS: I'm not sure at
20 this time, except that for in other uses, I think
21 some of the other community-based residential
22 facilities that are allowed on the special

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1 exception rules in the zoning, they also go up to
2 -- they also give this gap of 150 or -- and gives
3 the Board the jurisdiction to waive that amount
4 and not give a maximum amount. So, this would
5 sort of the anomaly to others.

6 COMMISSIONER JEFFRIES: But, Ms.
7 Brown-Roberts, I'm looking at the first page of
8 the opening memo and it says here that 150 at
9 that facility was manageable and not uncommon.
10 So, are you saying that there a move towards
11 having smaller ones but is the point --

12 MS. BROWN-ROBERTS: Yes. But at this
13 time, because they haven't -- they haven't -- I
14 mean, that initiative has not been implemented as
15 yet and that's something that they're looking
16 forward to doing. But some of the larger
17 facilities -- what I'm saying is some of the
18 larger facilities are that size.

19 COMMISSIONER JEFFRIES: So, then they
20 really shouldn't -- there shouldn't really be any
21 argument about putting a cap of 150 if that's
22 part of their plan to keep these facilities

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1 relatively smaller? I mean, they shouldn't have
2 a concern about that. Right?

3 MS. BROWN-ROBERTS: No, maybe not.
4 But at the same time I think what I'm also trying
5 to say is that in the Zoning -- in the Zoning
6 Regulations, there are other uses, similar
7 community-based uses, that are also maybe
8 permitted that give -- that uses this same
9 language and not have a cap there.

10 COMMISSIONER JEFFRIES: Well, I mean,
11 obviously, it's going to go through the special
12 exception and, you know, the community will get a
13 chance to sort of respond and so forth. But --

14 MS. STEINGASSER: We were trying get
15 this proposal to reflect some of the existing
16 text language which, I think, some of the medical
17 -- adult rehab facilities could go up and it
18 allows them, the BZA, to have the discretion to
19 consider larger numbers. We're trying to provide
20 as much flexibility.

21 I think the Homeless No More study
22 confirmed that smaller facilities are better

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1 facilities but they're also much more expensive
2 facilities. And to find two small facilities is,
3 I think, twice as hard as to find one large. But
4 just trying to provide as much flexibility as we
5 could to the providers to be able to locate where
6 they could.

7 I understand your concern about, you
8 know, is 1,000 bed homeless shelter excessive.

9 COMMISSIONER JEFFRIES: Well, even
10 200. I mean, you know. But, again, you're going
11 through the special exception process. I mean,
12 the community will be able to weigh in --

13 MS. STEINGASSER: Weigh in. Right.

14 COMMISSIONER JEFFRIES: -- and the
15 BZA will review it. My only point was that, you
16 know, if they're trying to move towards a
17 smaller, I mean, you know, then they should have
18 problems with that limit. But you speak of
19 flexibility.

20 COMMISSIONER TURNBULL: What is the
21 -- is there a bench mark or a standard square
22 footage that you use for planning a facilities

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1 per bed? I mean, 100 square feet per bed or how
2 do you --

3 MS. BROWN-ROBERTS: I don't know.

4 COMMISSIONER TURNBULL: I'm just
5 trying to get a handle on how big a facility
6 150 --

7 MS. STEINGASSER: I think Central
8 Union Mission on 14th Street is about 170 right
9 now.

10 COMMISSIONER TURNBULL: Is it?

11 MS. STEINGASSER: If I remember
12 correctly.

13 COMMISSIONER TURNBULL: Okay.

14 MS. STEINGASSER: It's evident
15 there's nothing inside it. But we were unable to
16 get any kind of hard data like that outside of
17 the fire code standards would be --

18 COMMISSIONER TURNBULL: Okay.
19 Thanks.

20 COMMISSIONER JEFFRIES: I really hate
21 to go here, but I really do. But I'm just trying
22 to get a sense of, I mean, in terms of the CM

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1 Zones, the majority of those zones are they in
2 any particular ward or are they pretty evening
3 distributed throughout the District?

4 MS. STEINGASSER: They're not evenly
5 distributed. They're not evening distributed.
6 And it's interesting that you would be wearing
7 purple as that's the color on the map in the
8 Industrial Zone.

9 They are predominately in Wards 5
10 followed by Wards 1, 7 and 8. But they are
11 scattered throughout. There's also -- they
12 follow the tracks.

13 COMMISSIONER JEFFRIES: Okay.

14 MS. STEINGASSER: That's the easiest
15 way to track. They follow the railroad tracks.

16 COMMISSIONER JEFFRIES: Right.
17 Right. Okay.

18 VICE CHAIRPERSON HOOD: I just have a
19 question. Everybody knows pretty much about CM-1
20 Zones where I come from and I'm glad that
21 Commissioner Jeffries mentioned that about where
22 they're located. And I'm glad that she started

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1 off with Ward 5.

2 But, anyway, I understand the
3 initiative and I'm supportive of it. But one of
4 the issues I want to make sure is that it's
5 across the board. And that's how I've always
6 been. I think I have never deviated from my
7 position on this.

8 Let me pose this question to Office
9 of Planning.

10 Right now in the CM-1 Zone, what do
11 we call it, temporary -- I don't want to call it
12 a case. But temporary prisons.

13 MS. STEINGASSER: Temporary
14 correctional facilities?

15 VICE CHAIRPERSON HOOD: And you
16 cannot sleep in a CM-1 Zone overnight. So, am I
17 correct? You cannot lay? I mean, have bedding
18 or whatever the term.

19 MS. STEINGASSER: You can't live in a
20 CM Zone. You can have artist residents,
21 caretakers, and hotels.

22 VICE CHAIRPERSON HOOD: So, you can't

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1 live in a CM Zone?

2 MS. STEINGASSER: Unless you're an
3 artist or a caretaker.

4 VICE CHAIRPERSON HOOD: Okay. So,
5 the reason we're doing this basically is because
6 of all the opposition that comes when we try to
7 put them in residential zones? Pretty much?
8 Basically. This is the easy way out?

9 MS. STEINGASSER: No. There's
10 nothing easy about it.

11 VICE CHAIRPERSON HOOD: This is
12 closer to being the easy way out.

13 MS. STEINGASSER: Yes.

14 MS. BROWN-ROBERTS: I think there is
15 also the economic reasons also. That's also
16 something that has been expressed to us.

17 VICE CHAIRPERSON HOOD: But in CM
18 Zones, most of us -- I don't think any of us up
19 here live in CM-1 Zones. I don't think.

20 MS. STEINGASSER: No. Right.

21 VICE CHAIRPERSON HOOD: Okay. My
22 problem is and I know people in the city probably

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1 won't agree with me, but I think human beings
2 should have the same right whether you're
3 homeless or you got plenty of money. And I know
4 I'm -- I know Office of Planning and everybody
5 probably agrees with me. But here we are. We're
6 setting up a mechanism where we're treating
7 people like cattle. And we're putting them in a
8 CM Zone with the kind of uses that are not in our
9 residential neighborhoods basically.

10 MS. STEINGASSER: That's correct, but
11 hotels are already allowed in the Industrial
12 Zones and the interesting thing about Washington
13 is we're not a heavy industrial city. We don't
14 have the kind of noxious manufacturing. We don't
15 have smelting plants. We don't have rendering
16 plants. We don't have that kind of egregious
17 industrious relationship. We have, you know,
18 some -- a few, very few asphalt concrete plants.

19 VICE CHAIRPERSON HOOD: And I know
20 where those are too.

21 MS. STEINGASSER: Exactly. And we
22 know where they are and we know where we

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1 encourage them to relocate.

2 But the question is not like we're
3 going to gather up the homeless and ship them to
4 the Industrial Zone. They've got no place to go.
5 These are run by nonprofits and local government
6 and FAG based groups, these shelters. And they
7 are having a tremendously difficult time
8 competing in the real estate market in Washington
9 to buy commercially zoned land. They're
10 competing against the JVGs and the Averages and
11 the, you know, the commercial developers for the
12 same kind of -- and they just can't compete.

13 And I think it was in today's paper
14 and then again on Sunday, they were taking about
15 just the enormous increase in homelessness in the
16 District both with its single men and with its
17 families. And, you know, the numbers just
18 increase and increase and the supply is
19 decreasing. So, we're just trying to find a way
20 to create more options that will allow them to
21 locate and, yes. Minimize the conflicts with the
22 residential neighborhoods, because residential

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1 neighborhoods are very uncomfortable with
2 homeless shelter, especially for just adult
3 homeless coming into their neighborhood. So, we
4 though this was a kind of a broadening of their
5 opportunities. We're not -- certainly not
6 restricting them from being a commercial area and
7 we encourage them to be in the commercial areas.
8 C3C allows them right now as a matter of right
9 with no limitations.

10 VICE CHAIRPERSON HOOD: Let me ask
11 you. Do you have any necessary areas already in
12 mind? Is there something already in the
13 pipeline?

14 MS. STEINGASSER: Not that I'm aware.
15 No.

16 COMMISSIONER JEFFRIES: Is some -- so
17 other might eat, are they part of -- are they --

18 MS. STEINGASSER: No.

19 COMMISSIONER JEFFRIES: They're not
20 part of --

21 MS. BROWN-ROBERTS: No.

22 COMMISSIONER JEFFRIES: They don't?

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1 Okay.

2 VICE CHAIRPERSON HOOD: Okay. All
3 right.

4 Any other questions?

5 COMMISSIONER PARSONS: Well, let me
6 say, Mr. Chairman, and ask for a reaction.

7 I am not persuaded that F and G and
8 we already talked about G about 150 persons --
9 beyond 150 persons. And F which would allow the
10 BZA to locate more than one in a square or within
11 1,000 feet are something we should do or support.
12 And to let you know that I'm interested in
13 removing both of those from this advertisement.
14 And wondered what trouble I'm causing.

15 VICE CHAIRPERSON HOOD: Well, let me
16 just say. I would support that and taking those
17 two out, F and G, I would be inclined to vote in
18 favor of this and I would agree with you. But I
19 know you want to hear from Office of Planning.

20 MS. STEINGASSER: The spacing
21 requirement reflects that that you see in the
22 residential zones where it comes out of the

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1 health care facilities, the emergency shelters
2 and the youth care residential shelters. They
3 currently have a 500 foot buffer.

4 Based on comments we heard during set
5 down about the Commission's concern, we upped
6 that to 1,000 because at that time, I think, if
7 I'm correct, the Commission didn't feel 500 was
8 sufficient. So, we upped that to 1,000.

9 COMMISSIONER PARSONS: But you also
10 added that you could put more than one in a
11 square.

12 MS. STEINGASSER: Yes. And that
13 again reflects the existing language of 305.

14 COMMISSIONER PARSONS: But those
15 aren't --

16 MS. STEINGASSER: 305.7 which is --

17 COMMISSIONER PARSONS: Those aren't
18 for 150 bed facilities, are they?

19 MS. STEINGASSER: It's unlimited. It
20 says the Board may approve a facility for more
21 than 15 persons and it puts no cap.

22 COMMISSIONER PARSONS: Oh.

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1 MS. STEINGASSER: So, that's right
2 now allowed --

3 COMMISSIONER PARSONS: I must have
4 voted for that. We got to fix --

5 MS. STEINGASSER: So we --

6 COMMISSIONER PARSONS: In my youth.

7 MS. STEINGASSER: -- were trying to
8 further define it so that the Commission was
9 comfortable. But it does reflect the
10 residentiallying, which is currently on the
11 books.

12 COMMISSIONER TURNBULL: Should we put
13 -- like Mr. parsons had said earlier. In that
14 case, if you're going to have more than one in a
15 square, should you put a cap on that?

16 COMMISSIONER PARSONS: Yes. I
17 just --

18 COMMISSIONER TURNBULL: Rather than
19 in a situation like that, not have it unlimited
20 or up to --

21 MS. STEINGASSER: Well, to date it
22 hasn't been a problem. We've had no conflicts

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1 since this text has been on the books where
2 there's been too many facilities of too large a
3 size in the special exception process.

4 COMMISSIONER JEFFRIES: I mean, I'm
5 just -- I guess from what I hear from the Office
6 of Planning, I mean, you're trying to capture as
7 many opportunities to put these shelters in and I
8 think if we start tinkering with this language,
9 we're going to, you know, I mean, you know, I'm
10 comfortable, at least, you know, giving the
11 Board, you know, a special exception scenario. I
12 mean, can really look at individual cases and
13 see. But I just would hate that we would put
14 more belts and suspenders onto this. Because it
15 sounds to me that this is just a purely, you need
16 more supply.

17 MS. STEINGASSER: We need more
18 supplies. We need more beds in the city.

19 COMMISSIONER JEFFRIES: Yes.

20 MS. STEINGASSER: I think one thing
21 that speaks to this is the silence of the ANCs.
22 Unless something came in today though, the Office

1 of Zoning, we've not heard from one ANC in the
2 city about this text amendment.

3 VICE CHAIRPERSON HOOD: At this
4 point?

5 COMMISSIONER PARSONS: No, I --

6 MS. STEINGASSER: At this point. But
7 this is the point at which they should be heard.

8 VICE CHAIRPERSON HOOD: But the city
9 doesn't operate like that.

10 MS. STEINGASSER: This is a public --

11 COMMISSIONER PARSONS: That's her
12 experience. The planning level, they don't --
13 it's when there is two 200-bed facilities in one
14 square. And that's what we're unleashing
15 potentially.

16 Well, the Zoning Commission thought
17 that, you know, we could have two in one square
18 or maybe even more and up beyond 150. And that's
19 what's troubling me about this.

20 COMMISSIONER JEFFRIES: But the Board
21 is the mechanism. I mean, it would difference if
22 there was no interim step here, you know. I

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1 mean, if there were two 200 square feet
2 facilities in a square, I mean, you know, that's
3 something that would get vented, you know,
4 through the BZA.

5 COMMISSIONER PARSONS: Well, if it
6 said, you know, you could have two in one square
7 but no more than a committal of 150 people. I
8 may be more inclined to deal with that. But this
9 says, you know, 150 but no limit and more than
10 one in a square but no limit.

11 VICE CHAIRPERSON HOOD: What it
12 basically is an out. It's an out for what we
13 have here on the -- in 802.21 A, B, C, D and E.
14 And I understand about getting more flexibility.
15 I just think that and I would agree with Mr.
16 parsons, F and G need to come out. I think this
17 is a strict application in what we're trying to
18 do. I mean, I would be more than happy to
19 revisit this at a later time. I mean, but right
20 now I would say, let's take out F and G and let's
21 move forward and let's pass that.

22 COMMISSIONER JEFFRIES: Okay. Let's

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1 just -- I mean, Office of Planning, we take out F
2 and G. What are the repercussions of that?

3 COMMISSIONER PARSONS: Well, you
4 could build 150 -- I shouldn't answer. You
5 didn't ask me.

6 COMMISSIONER JEFFRIES: Yes. I told
7 you, you go down there, you can --

8 MS. STEINGASSER: We would end -- you
9 would end up with one shelter per square of no
10 more than 150 people. Right? Isn't that --

11 MS. BROWN-ROBERTS: Yes. Right.

12 VICE CHAIRPERSON HOOD: Which is less
13 impact on a specific area. And I think that's
14 what we're trying to achieve.

15 COMMISSIONER JEFFRIES: And so we
16 should keep as many homeless people on the
17 streets?

18 VICE CHAIRPERSON HOOD: No. I'm not
19 saying that. I've never said that.

20 COMMISSIONER JEFFRIES: Because
21 you're reducing --

22 VICE CHAIRPERSON HOOD: I'm --

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1 residential areas, that's what I think.

2 COMMISSIONER JEFFRIES: You
3 potentially reducing the -- well, come on. I
4 mean that's not realistic. I mean, I don't want
5 a homeless shelter in front of my house.

6 VICE CHAIRPERSON HOOD: It's not
7 realistic. Well, see.

8 COMMISSIONER JEFFRIES: And then I'll
9 be honest.

10 VICE CHAIRPERSON HOOD: When you say
11 20 some houses back up?

12 COMMISSIONER JEFFRIES: No. But what
13 I'm saying --

14 VICE CHAIRPERSON HOOD: That's what
15 you just said.

16 COMMISSIONER JEFFRIES: No. No.
17 What I'm saying is that I am very much in favor
18 of these shelters --

19 VICE CHAIRPERSON HOOD: Well, then
20 we'll put one of them in front of your house.

21 COMMISSIONER JEFFRIES: Let me
22 finish.

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1 What I'm saying is that I am very
2 much in favor of them being in the CM Zones, but
3 the problem is, is that if you start to limit how
4 they can be included in those CM Zones, you're
5 still not dealing with the problem.

6 What I'm hearing from the Office of
7 Planning that is not enough supply. But that's
8 all I'm saying. It seems like we're watering it
9 down and you're really not allowing flexibility.
10 And it seems like we're tinkering and I just
11 don't think we should, as a Zoning Commission
12 should be doing that. We should leave it to the
13 BZA to do that.

14 VICE CHAIRPERSON HOOD: Mr. Jeffries,
15 I really think -- and I agree with you about
16 watering down, but I think what we're watering
17 down is what we have here in front of us is
18 watered down. Because we have a strict
19 application as I said in what is that, 802.21.
20 And then you water it down in F and G. That's
21 watering it down.

22 COMMISSIONER JEFFRIES: And where's

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1 the -- what's the first one?

2 VICE CHAIRPERSON HOOD: You have the
3 strict application 802.21 which says, for
4 example, there shall be no other property
5 containing emergency shelters other --

6 COMMISSIONER JEFFRIES: Right.
7 Right.

8 VICE CHAIRPERSON HOOD: Yes. So,
9 you're basically saying, here's your regulations.
10 But if we're not able to achieve that then let's
11 open it some more here in F and G. Let's get
12 some more options.

13 COMMISSIONER JEFFRIES: That's
14 exactly what I --

15 VICE CHAIRPERSON HOOD: But that's
16 watering it down.

17 COMMISSIONER JEFFRIES: Oh, I don't
18 see it as --

19 COMMISSIONER TURNBULL: Let's ask the
20 Office of Planning if they had an option on how
21 they would restructure two then. If they weren't
22 removed could you restructure it in another way

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1 to meet the intent of what we're talking about?

2 MS. STEINGASSER: Well, we could put
3 a cap as suggested, you know, possibly up to more
4 than 200 by special exception in one square. You
5 know, like Mr. Parsons was saying one facility of
6 150 maximum or, you know, multiple facilities.

7 COMMISSIONER JEFFRIES: There are
8 200, what's the number, you know?

9 MS. STEINGASSER: I was just picking
10 a number to try to buy comfort.

11 The other option is that we could
12 remove F and G to get something passed this
13 evening. We could give it two seasons and see
14 what happens. And if we find we're still not
15 meeting our need, we could come back in two years
16 and see the impact. And if there still -- maybe
17 we can get more providers in and get even more
18 comfort in how they're being placed throughout
19 the city.

20 COMMISSIONER PARSONS: I like that.

21 VICE CHAIRPERSON HOOD: I would be --

22 COMMISSIONER PARSONS: I guess I've

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1 got to get back to -- many, many years ago we
2 talked about this issue and the whole idea of
3 dealing with community-based residential
4 facilities or this issue is to have small family
5 level or clusters of people living together
6 trying to get back into the mainstream of society
7 and not to institutionalize them in some prison-
8 like environment. And that's what I'm worried
9 about is whether it's not working. I'm not sure.
10 But I think it's more economical to deal with 150
11 people.

12 COMMISSIONER JEFFRIES: Yes.

13 COMMISSIONER PARSONS: And that's why
14 we're where we are. It has nothing to do with
15 these people's future and whether they ought to
16 be in an environment where they can get a bus and
17 maybe get a job and so forth. And not to bring
18 them out into CM zones and create little mini
19 prisons.

20 I see Mr. Jeffries is not buying --

21 COMMISSIONER JEFFRIES: I am
22 certainly --

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1 COMMISSIONER PARSONS: That's where
2 this came from.

3 COMMISSIONER JEFFRIES: You know, I'm
4 certainly not in the homeless shelter industry.
5 But it somehow seems to me that, you know, what
6 you're saying is unidealistic, I mean, to me. I
7 mean, it just -- it somehow didn't seem like it
8 really reflects what's going on on the ground.
9 And, you know, I'm just concerned. I think
10 what's you're proposing is the right thing and I
11 think from a theory perspective, I think, you
12 know, we should all be aiming for that. But we
13 have very clear lack of resources in the District
14 of Columbia. And we don't have a lot of land.
15 We can't go up. We can't go out. I mean, we
16 have to use what we can. And I'm just somewhat
17 more sympathetic to, you know, what the Office of
18 Planning is trying to achieve here.

19 I mean, I clearly understand that,
20 you know, we don't want large scale homeless
21 shelters in the CM zones all over the place. I
22 got that. And we don't want to create that kind

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1 of business. But we certainly need to find a way
2 to get people off the streets, if that's the
3 alternative. If we're going to try to create all
4 these small little clusters which, again, is very
5 idyllic and we all want it, but short of that,
6 given all the stress you're going to get from
7 trying to put these in a residential zone, what's
8 the next step? And I'm just, you know --

9 COMMISSIONER PARSONS: As long as we
10 don't go to a square occupied by 500 to 700 to
11 1,000 people.

12 COMMISSIONER JEFFRIES: Put your
13 number up.

14 COMMISSIONER PARSONS: I mean, no.
15 You could. You could say, well, we want unit for
16 200 and there's one next to it. That we develop
17 an enclave in the city where the homeless live.
18 And that's what I'm trying to look at.

19 And not that the BZA is
20 irresponsible, but a little creep here, a little
21 creep there and before you know it, the Zoning
22 Commission didn't know what they were doing.

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1 Have we debated this long enough, Mr.
2 chairman?

3 VICE CHAIRPERSON HOOD: Yes. We have
4 and any other questions of the Office of
5 Planning, because we're going to move right
6 through this agenda and we can come and see how
7 we're going to proceed once we finish the agenda.
8 This is getting longer than I thought.

9 COMMISSIONER PARSONS: We have
10 another representative here.

11 VICE CHAIRPERSON HOOD: Okay. Any
12 other questions of the Office of Planning? No
13 other questions.

14 Do we have any other reports of
15 other Government agencies? We have in front of
16 us a letter from the Office of Property
17 Management from the Deputy Director of
18 Operations, Peter May.

19 Would you like to say a word of two
20 or do you want your letter to speak for itself?

21 It's good to see you.

22 MR. MAY: Hi. My name is Peter May.

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1 I live at 1017 C Street, N.E., Washington, D.C.

2 I had not come here intending to
3 testify and I had intended for the letter to
4 speak for itself. But I came down here for
5 another reason and happened to hear the
6 conversation and thought maybe there a few things
7 that I could tell you about the homeless shelter
8 business since it's one of the things that -- one
9 of the businesses that I'm now in.

10 I'm not sure exactly how the proposed
11 regulation is written. But I will say that when
12 we tried to put a very specific limit on the
13 number of people that can be at a shelter, you're
14 not necessarily making -- restricting it and in
15 the process creating better facilities.

16 Smaller facilities aren't necessarily
17 always the best. When you have a smaller
18 facility, essentially the smaller it gets, the
19 less services you can provide. And the trend, as
20 I understand it, and I am just a real estate
21 agent/architect for these sorts of things is you
22 wind up -- you need to have a certain critical

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1 mass of people in order to provide the kind of
2 wrap around services. And when you get to
3 smaller and smaller buildings, essentially what
4 you're doing is providing beds that they check
5 into at night and they leave first thing in the
6 morning. And so we need to have some flexibility
7 to have some larger facilities.

8 Now, if there is a concern that we
9 have too many congregated within a single square,
10 I don't know that we really have too many
11 circumstances where we're going to run into that.
12 But I will say that in the CM zones where we now,
13 you know, where we've been looking for property
14 for even other reasons, there just isn't that
15 much out there. And, you know, we may wind up in
16 a situation where we need to house a certain
17 number of people and the only way we could do it
18 is to have two shelters within the same square.
19 And it really is a matter of what that whole --
20 how that whole shelter will function or how both
21 shelters will function. More than the size and
22 more than strictly the number of beds in terms of

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1 how it will perform.

2 And that's why to the extent to which
3 we can make the individual case that a given
4 shelter is justified in an existing square, I
5 think that would serve us better in the long run.

6 I will also say that it is definitely
7 not our preference to locate shelters in CM
8 zones. In fact, it's sort of the last refuge in
9 many ways because we really want to put the
10 shelter where the people are. They tend not to
11 want to get on a bus and go to a different
12 location. If they're downtown all day long, they
13 want to sleep downtown. And, you know, it's just
14 a heck of a struggle trying to find beds downtown
15 and find buildings that we can make into the sort
16 of shelters with the kinds of services that we
17 need to be able to treat people right and to help
18 them get back on their feet. And, you know, this
19 is really just a measure that provides us some
20 greater flexibility with the blessing of the BZA
21 so there's appropriate community input and that
22 we don't wind up overloading any particular

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1 neighborhood.

2 VICE CHAIRPERSON HOOD: Mr. May, let
3 me just ask you.

4 Do you know of any particular project
5 that's in line to go into a CM-1 zone at this
6 point? Is there something that's triggering
7 this? I mean, other than we're trying to find
8 places for them. But is there something already
9 in the pipeline?

10 MR. MAY: There -- okay. There isn't
11 anything that specifically triggered this at this
12 time, except that there are hypothermia shelters
13 in CM-1 zones that have been previously permitted
14 by the Zoning Administrator. That's really what
15 prompted this amendment more than anything else.

16 I will say that there is at least one
17 property that we are actively looking at right
18 now for a hypothermia shelter on that same basis.
19 Not for the sake of putting in a homeless shelter
20 there permanently, but we need hypothermia beds
21 and hypothermia seasons starts November 1st and
22 runs through March 31st. And we need to have

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1 extra beds when that happens because we have a
2 legal obligation to provide beds for all of those
3 people.

4 VICE CHAIRPERSON HOOD: Can you tell
5 me which ward this is in?

6 MR. MAY: It's in Ward 5, I believe.

7 VICE CHAIRPERSON HOOD: Okay. All
8 right.

9 Commissioner Jeffries.

10 COMMISSIONER JEFFRIES: So, wait.
11 Emergency shelters, I've been saying homeless
12 shelters. I mean, what's the -- is it one in the
13 same? I mean --

14 MS. STEINGASSER: We're using --
15 we're using the terms interchangeably. But they
16 would be considered emergency shelters.

17 COMMISSIONER JEFFRIES: Okay.

18 VICE CHAIRPERSON HOOD: Any other
19 questions?

20 Well, thank you, Mr. May.

21 Oh, we have a question.

22 COMMISSIONER TURNBULL: I'd just ask

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1 Mr. May.

2 What optimum size? I mean, 150, is
3 that, I mean, will they go bigger?

4 MR. MAY: Well, there are certainly
5 some shelters that are significantly larger than
6 that. But that's not the ideal. I think the
7 ideal is more than 100. I can't tell you an
8 exact number. I think that the model facilities
9 that we have that have been built in the city in
10 the last few years, if you can really call them
11 model facilities, but the ones that we're trying
12 to do more of or trying to better of, tend to be
13 -- I think they're over 200.

14 MR. MAY: Really, yes.

15 COMMISSIONER TURNBULL: But I don't
16 know that for an absolute fact.

17 MR. MAY: Do you happen to know what
18 the new York Avenue facility is?

19 MS. STEINGASSER: I do not.

20 COMMISSIONER TURNBULL: No. But I do
21 think that one's over 200. I don't know the
22 exact size.

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1 VICE CHAIRPERSON HOOD: The facility
2 -- the New York Avenue facility is up and running
3 now?

4 MR. MAY: Yes.

5 VICE CHAIRPERSON HOOD: And which
6 ward is that in?

7 MR. MAY: That's in Ward 5.

8 VICE CHAIRPERSON HOOD: Two for two.
9 Maybe if I ask another questions, we can get
10 three.

11 COMMISSIONER PARSONS: How about the
12 one right over here?

13 MR. MAY: Would you like to know how
14 many homeless shelters are in Ward 6?

15 VICE CHAIRPERSON HOOD: Not tonight.
16 No.

17 COMMISSIONER JEFFRIES: And I think
18 that Ward 1 was in second place.

19 COMMISSIONER PARSONS: Isn't the
20 facility over here behind us the Mitch Snyder
21 Center, isn't that fairly substantial as well?

22 MR. MAY: Yes. Yes. Several many --

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1 VICE CHAIRPERSON HOOD: That's one of
2 your larger ones there.

3 MR. MAY: -- many beds. That's
4 the --

5 COMMISSIONER PARSONS: Five hundred
6 or --

7 MR. MAY: Oh, over that. It may be
8 1,000 people. It's --

9 COMMISSIONER PARSONS: It's the
10 biggest one in the city.

11 COMMISSIONER PARSONS: What ward is
12 that in? I'm kidding. Sounds like two to me.

13 COMMISSIONER JEFFRIES: Where is
14 that?

15 MR. MAY: That's Ward 6.

16 COMMISSIONER JEFFRIES: Where is it
17 located?

18 MR. MAY: It's at Second and D
19 Street, between D and E. It's essentially --

20 VICE CHAIRPERSON HOOD: One block
21 over.

22 MR. MAY: One block over on the other

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1 side of the freeway from here.

2 VICE CHAIRPERSON HOOD: You bring up
3 a good point, Mr. May, is hypothermia season.
4 You bring up a very good point.

5 Any other questions of Mr. May?

6 Mr. May, thank you for coming down
7 and testifying and it's always good to see you.

8 MR. MAY: Thank you very much. I
9 look forward to seeing you next week too.

10 VICE CHAIRPERSON HOOD: Oh, two times
11 in a few -- okay.

12 MR. MAY: I'll be a private citizen
13 then but --

14 VICE CHAIRPERSON HOOD: Oh, okay.
15 We'll be looking forward to that.

16 Okay. Do we have anyone in the
17 audience from any ANC? Anyone? Any ANC?

18 So noted. I don't see anyone.

19 Any organizations or persons in
20 support?

21 So noted. Not seeing anyone.

22 Organizations or persons in

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1 opposition?

2 So noted. Not seeing anyone.

3 Okay. Colleagues, would you all like
4 to deliberate right quick on this and move
5 forward or are we going to deal with this at a --
6 we can deal with it at our next public meeting.
7 Or would you like to do some type of proposed
8 action tonight?

9 COMMISSIONER JEFFRIES: It's not an
10 emergency here, is it?

11 VICE CHAIRPERSON HOOD: No.

12 COMMISSIONER JEFFRIES: So, can we
13 wait?

14 VICE CHAIRPERSON HOOD: Is that what
15 everybody --

16 COMMISSIONER TURNBULL: Well, where
17 did we end up on F and G?

18 VICE CHAIRPERSON HOOD: i really
19 think that I'm going to advocate for at least
20 starting this. And I don't mind revisiting
21 anything even if it takes a week or so. But I'm
22 advocating for -- I like what Ms. Steingasser

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1 said about if we were to take proposed action
2 tonight, doing away with F and G and let them go
3 to some source -- some way you were going and see
4 what impact. And then if we had to revisit it,
5 we would. That's my --

6 COMMISSIONER PARSONS: Two years.

7 VICE CHAIRPERSON HOOD: Is it two
8 years?

9 COMMISSIONER PARSONS: As I grasp it.

10 VICE CHAIRPERSON HOOD: Okay.

11 COMMISSIONER JEFFRIES: And so you're
12 fine with that?

13 MS. STEINGASSER: Just trying to find
14 a solution that would get all of us across the
15 line. Yes.

16 COMMISSIONER JEFFRIES: Is there any
17 way that we could --

18 VICE CHAIRPERSON HOOD: Go ahead. Go
19 ahead.

20 COMMISSIONER JEFFRIES: I'm sorry,
21 Vice Chair.

22 I mean, you know, based on our

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1 commentary today, is there anything else that you
2 might need to think about that you could put
3 before us? It's not an emergency.

4 COMMISSIONER TURNBULL: I guess I'm
5 just thinking about Mr. May's comment that if 200
6 is the optimum, I mean, I'm not saying that
7 bigger is better. But, I mean, if he's saying
8 that -- I mean, I'm wondering where we or are we
9 limiting at some point?

10 MS. STEINGASSER: I would request
11 that we be given time. If we're going to put an
12 absolute cap that we be given a week or two to
13 contact some of the -- at least the public --

14 COMMISSIONER PARSONS: Right.

15 MS. STEINGASSER: -- and FAG based
16 providers and see what that cap is a realistic
17 cap.

18 COMMISSIONER JEFFRIES: Talk to the
19 expects.

20 COMMISSIONER PARSONS: I'm willing to
21 compromise as long as it's 200 or something. And
22 then in F, you would not have more than -- more

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1 than 200 or whatever that number is in the
2 multiple shelters that are located -- in other
3 words, it would be 200 per square and 200 per
4 facility.

5 MS. STEINGASSER: So, it would be a
6 bed count as opposed to a shelter count.

7 COMMISSIONER PARSONS: That kind of
8 thing. Yes.

9 MS. STEINGASSER: Okay.

10 COMMISSIONER PARSONS: So, F and G
11 would be modified to give a cap on both.

12 COMMISSIONER JEFFRIES: Okay. So, F
13 would say the Board may approve more than one
14 200 --

15 COMMISSIONER PARSONS: No. One
16 emergency -- more than one as long as the total
17 amount did not exceed 200.

18 COMMISSIONER JEFFRIES: Okay.

19 COMMISSIONER PARSONS: A 50 bed and a
20 150 bed in other words is what I mean.

21 COMMISSIONER JEFFRIES: Well, doesn't
22 G sort of -- okay.

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1 COMMISSIONER PARSONS: No. This
2 is --

3 VICE CHAIRPERSON HOOD: We probably
4 can make that one though. From what you're
5 proposing, I probably could go with that. We
6 probably could that make that one. We can cut
7 out one of these alphabets then, because you've
8 getting the same thing. I don't now. I don't
9 want to start crafting language.

10 COMMISSIONER PARSONS: No. But the
11 idea is not to have more than 200 people in a
12 square.

13 VICE CHAIRPERSON HOOD: In a square.

14 COMMISSIONER PARSONS: And not more
15 than 200 people in a facility. So, F deals with
16 more than one facility.

17 COMMISSIONER JEFFRIES: I got you.
18 You're 200 in both F and G, but do we still want
19 to wait for --

20 COMMISSIONER PARSONS: Until they
21 come up with a number.

22 COMMISSIONER JEFFRIES: Yes. Until

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1 they come up with a number because I'd rather
2 that be researched.

3 VICE CHAIRPERSON HOOD: So, here are
4 our options.

5 What Mr. Parsons just proposed and
6 also deleting F and G. Okay? That's one options
7 and then what you proposed?

8 COMMISSIONER PARSONS: Yes. The
9 compromise.

10 Any other options?

11 COMMISSIONER JEFFRIES: Well, those
12 are --

13 COMMISSIONER PARSONS: He wants to
14 eliminate F and G.

15 COMMISSIONER JEFFRIES: I got it.
16 But I'm saying that, you know, Commissioner
17 Parsons recommended both of those.

18 VICE CHAIRPERSON HOOD: Right.

19 COMMISSIONER JEFFRIES: Right. Okay.

20 VICE CHAIRPERSON HOOD: Right. So,
21 we have one to delete F and G and then one to
22 come back and revise them?

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1 COMMISSIONER JEFFRIES: So, duly let
2 yourself off then?

3 VICE CHAIRPERSON HOOD: Okay. All
4 right. Well, it's lasted a little longer.

5 Do we need to close the record or
6 what do we need to do?

7 COMMISSIONER PARSONS: Yes. We do.

8 VICE CHAIRPERSON HOOD: We need to
9 close the record, but we need to leave it open
10 for the Office of Planning. Okay.

11 We don't need a date or anything, do
12 we?

13 All right. Well, I thank everybody
14 for their participation tonight and this hearing
15 is adjourned.

16 MS. BROWN-ROBERTS: And I'm sorry,
17 what time? I mean, what's the time frame for us
18 to submit something?

19 ACTING SECRETARY SCHELLIN: Ten days
20 before the meeting.

21 MS. BROWN-ROBERTS: Okay.

22 ACTING SECRETARY SCHELLIN: If you

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1 can. So, if you don't make it 10 days before the
2 November 13th meeting, then it will go on for
3 December.

4 MS. BROWN-ROBERTS: Okay.

5 VICE CHAIRPERSON HOOD: Adjourned.

6 (Whereupon, the above matter was
7 concluded at 7:22 p.m.)
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