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## D.C. Municipal Regulations and D.C. Register

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ZC Case Exhibits for IZIS

**ZONING COMMISSION  
District of Columbia**

CASE NO. 14-03

EXHIBIT NO. 3

**ZONING COMMISSION**  
District of Columbia  
CASE NO.14-03  
EXHIBIT NO.3

**ZONING COMMISSION OF THE DISTRICT OF COLUMBIA**  
**NOTICE OF EMERGENCY and PROPOSED RULEMAKING**  
**Z.C. Case No. 14-03**  
**(Text Amendment to § 2802.1))**

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797; D C. Official Code § 6-641 01 (2012 Repl )) and the authority set forth in § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat 1206, D C Official Code § 2-505(c) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to § 2802.1(f)(3) of the Zoning Regulations of the District of Columbia (Title 11 DCMR)) to permit the use of Building 27 on the District of Columbia General Hospital Campus as an emergency shelter for up to one hundred (100) persons

The request for emergency action was made by the Office of Planning on behalf of the Department of Human Services (DHS) in response to the need to renovate the existing emergency shelter in Building 9 and relocate the shelter to Building 27 while Building 9 is renovated or until a new off-site location is provided

DHS operates the Harriet Tubman Women's Shelter at the District of Columbia General Hospital Campus in Building 9. The shelter is a twelve (12) hour, low barrier, emergency shelter with a capacity for one hundred (100) homeless women. In 2013, an assessment of Building 9 revealed environmental hazards, such as elevated concentrations of airborne asbestos and the presence of materials containing lead. These hazards, coupled with an aging HVAC system and deteriorating plumbing infrastructure, prompted DHS and the Department of General Services (DGS) to plan abatement, demolition, and construction efforts for the building in order to ensure the health and safety of its residents.

Because Building 9 cannot be safely occupied during the demolition activities, DHS and DGS require a temporary location for the shelter within the campus, as it is familiar to users of the shelter. Building 27 was identified and determined as an appropriate location. With modest renovations of Building 27, the needs of the shelter would be met in a way that is cost effective for the District. Additionally, Building 27 would accommodate a complete transfer of the shelter's program and would not require a reduction of beds or common space. The one hundred (100) person shelter would be supported by a six (6) person staff from DHS, including security officers

Building 27 is located within the Hill East (HE) Zone District, which is governed by chapter 28 of title 11. Subsection 2802 1(f)(3) of that chapter permits only emergency shelters with up to four (4) persons. DGS cannot obtain the building permit needed to convert Building 27 into a shelter and expeditiously relocate the approximately one hundred (100) occupants of Building 9 until the regulations are amended to permit an emergency shelter with that capacity. The Commission therefore accepts the Department of Human Service's conclusion that the emergency adoption of this amendment is necessary for the "immediate preservation of the public .. health [and] safety." D C. Official Code § 2-505(c) (2012 Repl.)

Following the Commission's vote, the Office of the Attorney General noticed an erroneous cross-reference resulting from the alphabetizing of § 2802 1(f). The erroneous cross-reference to paragraph (o) has been corrected to reference paragraph (g) in order for this notice to be legally sufficient.

This emergency rule was adopted on March 10, 2014 and became effective on that date.

The Commission also gives notice of its intent to take final rulemaking action to adopt the following amendment to the Zoning Regulations in not less than thirty (30) days from the date of publication of this notice in the *D C Register* or 30 days following referral of this amendment to the National Capital Planning Commission, whichever occurs last.

The emergency rule will expire July 8, 2014, which is the one hundred-twentieth (120<sup>th</sup>) day after the adoption of this rule, or upon publication of a Notice of Final Rulemaking in the *D C Register*, whichever occurs first.

The proposed amendments to the Zoning Regulations are as follows:

Title 11 of the District of Columbia Municipal Regulations, ZONING, Chapter 28, **HILL EAST (HE) DISTRICT, § 2802, USES AS A MATTER OF RIGHT (HE)**, § 2802 1(f) is amended as follows:

The introductory phrase in § 2802.1 (f) is amended by striking the reference to “subparagraph (o)” and inserting a reference to “paragraph (g)” in its place; and

By amending § 2802 1(f)(3) by adding the phrase “, except that an emergency shelter for not more than one hundred (100) persons, not including supervisors or staff and their families shall be permitted in Building 9 and Building 27 provided that only one of the buildings may be used for an emergency shelter at any one time,” so that the subsection reads as follows:

2802.1 The following uses shall be permitted as a matter of right in the HE District, provided that no use may be located on a site that has not been designated for that use by the Master Plan:

- (a) Adult day treatment facility,
- (b) Antenna, subject to the standards and procedures that apply to the particular class of antenna pursuant to Chapter 27 of this Title,
- (c) Child/Elderly development center;
- (d) Church or other place of worship,

- (e) Clinic,
- (f) Community-based residential facility not described in paragraph (g), subject to the following limitations:
  - (1) Youth residential care home, community residence facility, or health care facility for not more than six (6) persons, not including resident supervisors or staff and their families,
  - (2) Youth residential care home or community residence facility for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, provided that there shall be no property containing an existing community-based residential facility for seven (7) or more persons either in the same Square or within a radius of five hundred (500) feet from any portion of the subject property, and
  - (3) Emergency shelter for not more than four (4) persons, not including resident supervisors or staff and their families, except that an emergency shelter for not more than one hundred (100) persons, not including supervisors or staff and their families shall be permitted in Building 9 and Building 27 provided that only one (1) of the buildings may be used for an emergency shelter at any one time,
- (g) Community-based residential facility to be occupied by persons with a handicap plus resident supervisors, as permitted by right in residence and commercial districts pursuant to 11 DCMR §§ 201.1 (f) and 330.5 (d);
- (h) Fire Station;
- (i) Government offices and facilities,
- (j) Hotel or inn;
- (k) Library, public or private,
- (l) Museum;
- (m) Office,
- (n) Park or open space,

- (o) Police Department Local Facility;
- (p) Private club, restaurant, fast food restaurant, or food delivery service; provided, a fast food restaurant or food delivery service shall not include a drive-through,
- (q) Public recreation and community center;
- (r) Public school,
- (s) Residential dwellings, including row dwellings, flats, and multiple dwellings, and
- (t) Retail sales and services involving the sale, lease, or servicing of new or used products to the general public, or which provide personal services or entertainment, or provide product repair or services for consumer and business goods.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D C Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W , Suite 200-S, Washington, D C. 20001, or signed electronic submissions may be submitted in PDF format to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov). Ms. Schellin may also be contacted by telephone at (202) 727-6311 or by email: at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address