

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 275

April 12, 1979

Case No. 78-12

EMERGENCY ORDER

Whereas, Paragraph 3104.312 of the Zoning Regulations concerning halfway houses or social service centers permits such uses with no limit on the number of residents as a matter-of-right in the R-4 and R-5 Districts if the building is "operated by an agency of the District of Federal Government or by an organization under contract to such agency and supervised by that agency;" and

Whereas, Paragraph 3104.47 permits halfway houses and social service centers with no limit on the number of residents as a special exception requiring the approval of the Board of Zoning Adjustment in the R-4 and R-5 Districts if the facility is "not operated by an agency of the District or Federal Government or an organization under contract to such agency and supervised by that agency;" and

Whereas, the Zoning Commission, in Case No. 78-12, has proposed to amend the Zoning Regulations concerning the location of personal care homes, convalescent and nursing homes, halfway houses and other community based residential facilities; and

Whereas, on November 27, 1978, the Zoning Commission conducted one public hearing on the matter and continued that hearing until February 15, 1979 to hear more public comment; and

Whereas, at its regularly scheduled public meeting held on February 8, 1979, at the request of citizens, public and private groups interested in the amendment, and the District of Columbia Office of Planning and Development, the Zoning Commission cancelled the February 15, 1979 hearing to provide an opportunity for further analysis of the issues and the preparation of a revised amendment; and

Whereas, on February 8, 1979, the Office of Planning and Development expressed its intention to submit to the Zoning Commission for its public meeting to be held on April 12, 1979 a revised proposed text amendment dealing with halfway houses and other community based residential facilities; and

Whereas, the Office of Planning and Development, by report dated April 6, 1979 has submitted to the Commission a proposed revised text, which text proposes to allow community based residential facilities in all residential, special purpose, waterfront, mixed use and commercial districts but limits the number of persons who may reside therein as a matter-of-right; and

Whereas, in response to community requests, on December 14, 1978, the Zoning Commission by Order No. 255 adopted amendments to the Zoning Regulations on an emergency basis to prevent the continued location without proper review, of large scale community based residential facilities which could be harmful to the general welfare of the District of Columbia and which could effectively negate part of the impact of the text changes then pending, and which could preclude the Commission from fully considering and implementing the proposed changes; and

Whereas, the amendments adopted by Order No. 255 expire on April 13, 1979 and the former paragraphs of the Regulations would go back into effect; and

Whereas, the process of holding hearings and adopting new zoning regulations for community based residential facilities will take several months to complete; and

Whereas, the Office of Planning and Development has informed the Zoning Commission that another facility, "Hope Village," is being established, to utilize six adjacent apartment buildings in the 2800 and 2900 blocks of Langston Place, S. E., to provide a 255 bed community based residential facility of institutional scale; and

Whereas, the Zoning Commission believes such a facility may have an adverse effect on the neighborhood within which it is located because of the size of the facility; and

Whereas, the Zoning Commission continues to believe that there may be proposals for other such facilities which are in accordance with the present Regulations but which do not conform to the Regulations the Commission is in the process of considering; and

Whereas, the Zoning Commission continues to believe that the continued location of such large facilities without proper review may be harmful to the general welfare of the District of Columbia, and may effectively negate part of the impact of the text changes now pending, and preclude the Commission from fully considering and implementing the proposed changes; and

Whereas, Section 1 of the Zoning Act (Act of June 20, 1938, 52 Stat. 797, also cited as Section 5-413 of the D. C. Code) establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia," and

Whereas, Section 1-1505 of the District of Columbia Code authorizes the Zoning Commission to take emergency action for a period not to exceed 120 days "for the immediate preservation of the public peace, health, safety, welfare, or morals,"

Now Therefore, the Zoning Commission resolves that an emergency exists, and that it is necessary to take action to protect the integrity of the proposed changes pending before the Commission and prevent adverse effects from occurring in R-4 and R-5 neighborhoods. It is therefore ordered that the Zoning Regulations are hereby amended as follows:

1. Paragraph 3104.312, regarding halfway houses as a matter-of-right in R-4 and R-5 Districts, shall read as follows:

3104.312 Halfway house or social service center provided that there are no more than eight persons in residence not including supervisors, caretakers or similar attendants, and further provided that there is no other halfway house or social service center within 600 feet of this proposed location.

2. Paragraph 3104.47, regarding halfway houses as special exceptions in R-4 and R-5 Districts, shall read as follows:

3104.47 Halfway house or social service center provided that:

3104.471 There shall be no more than thirty persons in residence not including supervisors, caretakers or similar attendants.

3104.472 There is no other halfway house or social service center within 600 feet of this proposed location.

3104.473 The proposed use will not have an adverse effect on neighboring properties because of noise, traffic or other objectionable conditions.

This order shall take effect immediately, and may be in effect for no longer than 120 days.

BY ORDER OF THE DISTRICT OF COLUMBIA ZONING COMMISSION


STEVEN E. SHER
Executive Director