

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

TIME AND PLACE: Thursday, July 7, 2022, @ 4:00 p.m. – 2nd Case
WebEx or Telephone – Instructions will be provided
on the OZ website by Noon of the Hearing Date

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 19-31 (Office of Planning - Text Amendment to Subtitles B, H, K, and U of the Zoning Regulations - Community Based Residential Uses)

THIS CASE IS OF INTEREST TO ALL ANC

Oral and Written Testimony

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/service/sign-testify> – see below: *How to participate as a witness – oral statements*. **On the day of the hearing**, call 202-727-0789 to sign up to testify.
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements*.

On December 2, 2019, the Office of Planning (OP) first filed a petition to the Zoning Commission (the “Commission”) proposing text amendments to the Zoning Regulations regarding Community Based Residential Facilities primarily to address discrepancies and conflicts in the Zoning Regulations that occurred in transitioning from the 1958 Zoning Regulations to the 2016 Zoning Regulations (ZR16). The Commission did not set down the proposal due to concern that the proposals were in response to current litigation.

On October 18, 2021, OP resubmitted the proposed text amendments to the Commission.

Similar to the 1958 Zoning Regulations, the proposed text amendments to Subtitles B, H, K, and U of ZR16 would specify each use by category. Specifically, the proposed amendments would:

- Amend Subtitle B, Chapter 1, Definitions to include the definition of all the community based residential uses and update references;
- Amend Subtitle B, Chapter 2, Use Permission to note that mental health treatment is included as Medical Care and update references;
- Amend Subtitle H, Chapter 11 and Subtitle K, Chapter 4 to replace “Community based residential facilities” with “Youth Rehabilitation Home and Adult Rehabilitation Home.”
- Amend Subtitle U, Use Permissions to reinstate Community Residence Facility, Youth Residential Care Home, Youth Rehabilitation Home, Adult Rehabilitation and Home Health Care Facility as a matter of right or special exception on the Use Permissions lists.
- Make technical corrections.

At its October 28, 2021 public meeting, the Commission voted to grant OP’s request to set down the proposed text amendments for a public hearing and authorized flexibility for OP to work with

the Department of Regulatory Affairs (DCRA) and the Office of Zoning Legal Division (OZLD) to make appropriate changes for clarity and legal sufficiency prior to the public hearing.

The OP setdown report also serves as the pre-hearing report required by Subtitle Z § 501.

The complete record in the case can be viewed online at the Office of Zoning' Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows: (text to be deleted is marked in ~~bold and strikethrough~~ text; new text is shown in **bold and underline** text):

I. Amendments to Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

Section 100, DEFINITIONS, of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended by revising § 100.2 to read as follows:

100 DEFINITIONS

...¹

100.2 When used in this title, the following terms and phrases shall have the following ascribed:

1958 Zoning Regulations: . . .

...

Adult Day treatment facility: . . .

Adult Rehabilitation Home: A facility providing residential care for one (1) or more individuals sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense, or any individual twenty-one (21) years of age or older, under pre-trial detention or sentenced court orders;

...

Community Service Use: . . .

¹ The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

Community Residence Facility: A facility that meets the definition for and is licensed under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 et seq.)

Health Care Facility: A facility that meets the definition for and is licensed under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ ~~32-1301~~ **44-501** et seq.)

Structures: . . .

Substance Abusers Home: A community residence facility that offers a sheltered living arrangement, for one (1) or more individuals diagnosed as abusers of alcohol, drugs, or other controlled substances and as defined and certified under District of Columbia, 22 DCMR, Chapter 63 (2015).

. . .

Yard, Side: . . .

Youth Rehabilitation Home: A facility providing residential care for one (1) or more individuals less than twenty-one (21) years of age who have been detained or committed by a court under the law of the District or under federal law.

Section 200, INTRODUCTION, of Chapter 2, USE CATEGORIES, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended to revise § 202(p) to read as follows:

200 INTRODUCTION

. . .

200.2 When used in this title, the following use categories shall have the following meanings:

. . .

(p) Medical Care:

- (1) A use involving the on-site licensed provision of medical **or mental health** diagnosis, treatment, or prevention of illness or disease of humans;
- (2) These facilities may provide **out-patient** medical or surgical care to patients or offer overnight care;

- (3) Examples include, but are not limited to: dentist, doctor, optician, hospitals, clinics, or medical offices. This use category also includes any facility that meets the definition for and is licensed under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ ~~32-1301~~ **44-501** *et seq.*); and
- (4) Exceptions: This use category does not include uses which more typically would fall within the community-based institutional facility or emergency shelter use category;

II. Amendments to Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES

Section 1105, SPECIAL EXCEPTION USES (NC-USE GROUP A), of Chapter 11, USE PERMISSIONS FOR NC ZONES, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by revising § 1105.1 to read as follows:

1105.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to applicable provisions of each section:

...

- (b) ~~Community-based institutional facilities~~ **Youth Rehabilitation Home, Adult Rehabilitation Home** provided that the use shall house no more than ~~to~~ fifteen (15) persons, not including resident supervisors or staff and their families;

Section 1107, SPECIAL EXCEPTION USES (NC-USE GROUP B), of Chapter 11, USE PERMISSIONS FOR NC ZONES, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by revising § 1107.1 to read as follows:

1107.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to applicable provisions of each section:

...

- (b) ~~Community-based institutional facilities~~ **Youth Rehabilitation Home, Adult Rehabilitation Home** provided that the use shall house no more than twenty (20) persons, not including resident supervisors or staff and their families;

III. Amendments to Subtitle K, SPECIAL PURPOSE ZONES

Section 410, USE PERMISSIONS (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4, of Subtitle K, SPECIAL PURPOSE ZONES, is amended by revising § 410.3 to read as follows:

410.3 The following uses are permitted in the HE zones:

...

(c) ~~Community-based institutional facility~~ **Youth Rehabilitation Home, Adult Rehabilitation Home** uses are permitted subject to the following provisions:

- (1) The uses shall not house more than six (6) persons, not including resident supervisors or staff and their families;
- (2) A use which houses seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, is permitted, provided that there shall be no property containing an existing ~~community-based institutional facility~~ **youth rehabilitation home or adult rehabilitation home** for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the subject property; and
- (3) A community-based residence facility not meeting these criteria may be approved by special exception in accordance with Subtitle K § 412.1;

IV. Amendments to Subtitle U, USE PERMISSIONS

Section 202, MATTER-OF-RIGHT USES – R USE GROUPS A, B, AND C, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, is amended by adding a new §§ 202.1(h) and 202.1(t) and renumbering the current §§ 202.1(h) through 202.1(r) to §§ 202.1(i) through 202.1(s) to read as follows:

202.1 The following uses shall be permitted as a matter of right in R-Use Groups A, B, and C subject to any applicable conditions:

...

(h) Community Residence Facility for one (1) to six (6) persons, not including resident supervisors or staff and their families.

(1) In R-Use Group A, the facility may accommodate seven (7) to eight (8) persons, not including resident supervisors or staff and their families, provided there shall be no property

containing an existing facility for eight (8) or more persons within a radius of one thousand feet (1,000 ft.) from any portion of the subject property; and

(2) In R-Use Groups B and C, the facility may accommodate seven (7) to eight (8) persons, not including resident supervisors or staff and their families, provided there shall be no property containing an existing facility for eight (8) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property;

- ~~(h)~~**(j)** Emergency shelter of not more than four (4) persons, not including resident supervisors or staff and their families;
- ~~(i)~~**(j)** Government, local uses;
- ~~(j)~~**(k)** Health care facility for not more than six (6) persons not including resident supervisors or staff and their families. The facility may accommodate seven (7) to eight (8) persons, not including resident supervisors or staff and their families, provided there shall be no property containing an existing health care facility for seven (7) or more persons either in the same square, or within a radius of one thousand feet (1,000 ft.) from, any portion of the subject property;
- ~~(k)~~**(l)** Institutional, religious-based uses, but not including rescue mission or temporary revival tents;
- ~~(l)~~**(m)** Private garage, as a principal use, designed to house no more than two (2) motor vehicles and not exceeding four hundred fifty square feet (450 sq. ft.) in area and subject to the requirements of Subtitle D, Chapter 50;
- ~~(m)~~**(n)** Public education buildings and structures, public recreation and community centers, and public libraries subject to the development standards of Subtitle C, Chapter 16;
- ~~(n)~~**(o)** Public schools, collocation of. Public schools may collocate with other permitted schools or uses provided all applicable requirements of this title are met. Public schools may share common on-site recreation space including gymnasiums, playgrounds, and field, and these shared recreation spaces may count toward the minimum lot area provided that the school is adjacent to the shared recreation space; on-site office use must be ancillary and necessary to the operation of the particular school;
- ~~(o)~~**(p)** Temporary buildings for the construction industry that is incidental to erection of buildings or other structures permitted by this section;

~~(p)~~**(q)** Temporary use of premises by fairs, circuses, or carnivals, subject to the provisions of Title 19 DCMR, Chapter 13 (Amusements, Parks, and Recreation);

~~(q)~~**(r)** Mass transit facility; and

~~(r)~~**(s)** Reuse of former District of Columbia public school subject to the conditions of Subtitle U § 252.

(t) Youth Residential Care Home for one (1) to six (6) persons, not including resident supervisors or staff and their families.

(1) In R-Use Group A, the home may accommodate seven (7) to eight (8) persons, not including resident supervisors or staff and their families, provided there shall be no property containing an existing home for eight (8) or more persons within a radius of one thousand feet (1,000 ft.) from any portion of the subject property; and

(2) In R-Use Groups B and C, the home may accommodate seven (7) to eight (8) persons, not including resident supervisors or staff and their families, provided there shall be no property containing an existing home for eight (8) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.

Section 203, SPECIAL EXCEPTION USES – R USE GROUPS A, B, AND C, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, is amended by adding a new § 203.1(e) and revising the current § 203.1(e) and renumber it as a new § 203.1(r), add a new § 203.1(s), and renumber the current § 203.1(r) as new § 203.1(t) to read as follows:

203.1 The uses in this section shall be permitted in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to applicable conditions of each paragraph below:

...

(e) Community Residential Facility subject to the following conditions:

(1) The use shall house nine (9) to fifteen (15) persons, not including resident supervisors or staff and their families;

(2) In the R-2, R-3, R-10, R-13, and R-17 zones there shall be no other lot containing a facility in the same square or within a

radius of five-hundred feet (500 ft.) from any portion of the lot;
and

(3) In all other R zones there shall be no other lot containing a facility in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the lot;

~~(e) Community based institutional facilities subject to the following conditions:~~

~~(1) The use shall house no more than fifteen (15) persons, not including resident supervisors or staff and their families;~~

~~(2) In the R-2, R-3, R-10, R-13, and R-17 zones there shall be no other lot containing a community based institutional facility use in the same square or within a radius of five hundred feet (500 ft.) from any portion of the lot; and~~

~~(3) In all other R-Use Groups A, B, and C there shall be no other lot containing a community based institutional facility use in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the lot;~~

(f) Continuing care retirement community, subject to the provisions of this paragraph:

(1) ...

(r) Youth Rehabilitation Home, Adult Rehabilitation Home-subject to the following conditions:

(1) The use shall house no more than eight (8) persons, not including resident supervisors or staff and their families;

(2) In the R-2, R-3, R-10, R-13, and R-17 zones there shall be no other lot containing a youth rehabilitation home or adult rehabilitation home use in the same square or within a radius of five-hundred feet (500 ft.) from any portion of the lot; and

(3) In all other R-Use Groups A, B, and C there shall be no other lot containing a youth rehabilitation home or adult rehabilitation home use in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the lot; and

(4) The Board of Zoning Adjustment may approve more than one youth rehabilitation home or adult rehabilitation home within five hundred feet (500 ft.) 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.

(s) Youth Residential Care Home nine (9) to fifteen (15) persons, not including resident supervisors or staff and their families,

(1) **In R-Use Group A, the Board of Zoning Adjustment may approve more than one facility within one thousand feet (1,000 ft.) 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; and**

(2) **In R-Use Group B and C, the Board of Zoning Adjustment may approve more than one facility within five hundred feet (500 ft.) 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;**

~~(t)~~ Any use within a District of Columbia former public school building that does not comply with the matter of right conditions of Subtitle U § 252 subject to the special exception conditions of Subtitle U § 252.

Section 301, MATTER-OF-RIGHT USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is amended by adding a new §§ 301.1(i) and 301.1(p), and renumber the current §§ 301.1(i) through 301.1(n) as new § 301.1(j) through 301.1(o) to read as follows:

301 MATTER-OF-RIGH USES (RF)

301.1 The following uses shall be permitted as a matter of right in an RF zone subject to any applicable conditions:

...

(i) Community Residence Facility for not more than six (6) persons not including resident supervisors or staff and their families. The facility may accommodate seven (7) to eight (8) persons, not including resident supervisors or staff and their families, provided there shall be no property containing an existing Community Residence Facility for eight (8) or more persons within a radius of five hundred feet (500 ft.) from, any portion of the subject property.

~~(j)~~**(i)** A corner store use subject to the matter-of-right conditions of Subtitle U § 254;

~~(k)~~**(j)** Any uses permitted within a District of Columbia former public school building subject to the matter-of-right conditions of Subtitle U § 252;

~~(l)~~**(k)** Medical care uses;

~~(m)~~**(l)** A multiple dwelling in Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, or 2589, in existence as of December 14, 2015 with a valid certificate of occupancy, or a building permit application for a multiple

dwelling that was officially accepted by DCRA as being complete prior to December 14, 2015, provided that the multiple dwelling shall not be expanded in gross floor area, lot occupancy, number of stories, building height, penthouse height, or number of units. Said multiple dwelling, however, may be repaired, renovated, remodeled, or structurally altered;

~~(m)~~**(n)** Child/elderly development center located in a building that was built as a place of worship and that has been used continuously as a place of worship since it was built; and

~~(n)~~**(o)** Child/elderly development center or adult day treatment facility, provided, that the use shall be limited to no more than sixteen (16) individuals, not including staff.

(p) Youth Residential Care Home for not more than six (6) persons not including resident supervisors or staff and their families. The facility may accommodate seven (7) to eight (8) persons, not including resident supervisors or staff and their families, provided there shall be no property containing an existing youth residential care home for eight (8) or more persons within a radius of five hundred feet (500 ft.) from, any portion of the subject property.

Section 320, SPECIAL EXCEPTION USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is amended by adding a new §§ 320.1(c), 320.1(g), and 320(h), and renumber the current §§ 320.1(c) through 301.1(e) as new § 301.1(d) through 301.1(f) to read as follows:

320.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to any applicable provisions of each section:

(a) ...

(c) Community Residential Facilities subject to the following conditions:

(1) The use shall house nine (9) to fifteen (15) persons, not including resident supervisors or staff and their families; and

(2) There shall be no other lot containing a community residential facility use within a radius of five hundred feet (500 ft.) from any portion of the lot.

~~(e)~~**(d)** A corner store use in a RF-1, RF-2, or RF-3 zone not meeting the matter-of-right conditions of Subtitle U § 254, subject to the special exception conditions of Subtitle U § 254.14;

~~(d)~~**(e)** Parks and recreation uses not meeting the conditions of Subtitle C, Chapter 16 subject to the following conditions:

...

~~(e)~~**(f)** Any use permitted within a District of Columbia former public school building that does not comply with the matter-of-right conditions of Subtitle U § 252, subject to the special exception conditions of Subtitle X, Chapter 9.

(g) Youth Rehabilitation Home, Adult Rehabilitation Home subject to the following conditions:

(1) The use shall house one (1) to fifteen (15) persons, not including resident supervisors or staff and their families;

(2) There shall be no other lot containing a youth rehabilitation home or adult rehabilitation home within a square; and

(3) The Board of Zoning Adjustment may approve more than one youth rehabilitation home or adult rehabilitation home within five hundred feet (500 ft.) 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.

(h) Youth Residential Care Home for nine (9) to fifteen (15) persons not including resident supervisor or staff and their families subject to the following conditions:

(1) There shall be no other lot containing a youth residential care home within a radius of five hundred feet (500 ft.) from any portion of the lot; and

(2) The Board of Zoning Adjustment may approve more than one youth residential care home within five hundred feet (500 ft.) 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.

Section 401, MATTER-OF-RIGHT USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is amended by adding a new §§ 401.1(e) and 401.1(h), and renumber the current §§ 401.1(e) and 401.1(f) as new § 401.1(f) and 401.1(g) to read as follows:

401.1 The following uses shall be permitted as a matter of right in an RA zone subject to any applicable conditions:

(a) . . .

(e) Community Residence Facility for not more than six (6) persons not including resident supervisors or staff and their families. The facility may accommodate seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families; provided there shall be no property containing an existing community residence facility for eight (8) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.

~~(e)~~**(f)** Recreation building, park, playground, swimming pool, athletic field, ice rink, or other similar athletic facility, public or private, operated on and using local or federal land and approved by a joint federal-local jurisdictional transfer agreement; subject to the following:

(1) . . .

~~(f)~~**(g)** Elderly development center or adult day treatment facility provided, that the use shall be limited to no more than twenty-five (25) individuals not including staff.

(h) Youth Residential Care Home for not more than six (6) persons not including resident supervisors or staff and their families. The facility may accommodate seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families; provided, there shall be no property containing an existing youth residential care home for eight (8) within a radius of five hundred feet (500 ft.) from, any portion of the subject property.

Section 420, SPECIAL EXCEPTION USES (RA), of Chapter 3, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle U, USE PERMISSIONS, is amended by adding a new §§ 420.1(c) and 420.1(k), and renumber the current §§ 420.1(c) through 420.1(i) as new §§ 420.1(c) through 420.1(l) to read as follows:

420.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

(a) . . .

(c) Community Residence Facility for sixteen (16) to twenty-five (25) persons not including resident supervisors or staff and their families.

(1) **The Board of Zoning Adjustment may approve more than one community residence facility with over twenty-five (25) persons and within five hundred feet (500 ft.) 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.**

~~(e)~~(d) A corner store shall not be permitted within the RA zones;

~~(d)~~(e) Commercial adjuncts to a hotel containing less than one hundred (100) rooms or suites subject to the following conditions:

(1) ...

~~(e)~~(f) A drive-through accessory to any use shall not be permitted;

~~(f)~~(g) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families subject to the following conditions:

(1) ...

~~(g)~~(h) Nonresidential adjunct uses as an accessory use within an apartment house, consisting of the sale of foods, drugs, and sundries and personal services designed to serve the tenants' daily living needs subject to the following conditions:

(1) ...

~~(h)~~(i) A parking garage constructed as a principal use on a lot other than an alley lot in an RA-5 zone subject to the following conditions:

(1) ...

~~(i)~~(j) In the RA-1 and RA-6 zones, a continuing care retirement community subject to the conditions of Subtitle U § 203.1(f), except for 203.1(f)(3).

(k) Youth Residential Care Home for sixteen (16) to twenty-five (25) persons not including resident supervisors or staff and their families.

1. The Board of Zoning Adjustment may approve more than one youth residential care home with over twenty-five (25) persons and within five hundred feet (500 ft.) 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.

(l) Youth Rehabilitation Home, Adult Rehabilitation Home subject to the following conditions:

(1) The use shall house no more twenty (20) persons, not including resident supervisors or staff and their families; and

(2) The Board of Zoning Adjustment may approve more than one youth rehabilitation home, adult rehabilitation home, or substance abusers home for more than twenty (20) persons within five hundred feet (500 ft.) 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.

Section 504, SPECIAL EXCEPTION USES (MU-USE GROUP A), of Chapter 3, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is amended by revising § 504.1(c) and § 504.1(d) and adding a new § 504.1(l) to read as follows:

504.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

(a) . . .

(c) ~~Community-based institutional facilities (CBIF)~~ **Youth Rehabilitation Home, Adult Rehabilitation Home** for one (1) to twenty (20) persons, not including resident supervisors or staff and their families, subject to the following conditions:

(1) There shall be no other property containing a ~~CBIF~~ **youth rehabilitation home or adult rehabilitation home** for seven (7) or more persons in the same square;

(2) There shall be no other property containing a ~~CBIF~~ **youth rehabilitation home or adult rehabilitation home** for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property;

(3) . . .

(d) Emergency shelter for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families subject to the conditions of Subtitle U § 504.1 (c); ~~CBIF~~;

(e)

(1) Youth Residential Care Home for sixteen (16) to twenty-five (25) persons not including resident supervisors or staff and their families.

(1) There shall be no other lot containing a youth residential care home within a radius of five hundred feet (500 ft.) from any portion of the lot; and

(2) The Board of Zoning Adjustment may approve more than one (1) youth residential care home within five hundred feet (500 ft.) 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.

Section 507, MATTER-OF-RIGHT USES (MU-USE GROUP C), of Chapter 3, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is amended by adding a new § 507.1(a)(4) and renumber the current §§ 507.1(a)(4) through 507.1(a)(18) as new §§ 507.1(a)(5) and 507.1(a)(19) to read as follows:

507.1 In addition to the uses permitted by Subtitle U § 501, the following uses shall be permitted in MU Use Group C as a matter of right subject to any applicable conditions:

(a) Any use within the following use categories

(1) . . .

(4) Community Residence Facility for not more than six (6) persons not including resident supervisors or staff and their families.

(A) The facility may accommodate seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, provided there shall be no property containing an existing community residence facility for eight (8) or more persons within a radius of five hundred feet 500 ft.) from, any portion of the subject property:

~~(4)~~**(5)** Daytime care;

~~(5)~~**(6)** Eating and drinking establishments, except a drive-through operation shall not be permitted;

- (6)(7) Emergency shelter for not more than four (4) persons, not including resident supervisors or staff and their families;
- (7)(8) Group instruction center or studio;
- (8)(9) Local government uses;
- (9)(10) Institutional uses, both general and religious;
- (10)(11) **Lodging;**
- (11)(12) Marine;
- (12)(13) Medical care facilities, including hospice care;
- (13)(14) Office uses, including chanceries;
- (14)(15) Parks and recreation;
- (15)(16) Pet grooming establishment;
- (16)(17) Retail;
- (17)(18) Service uses, both financial and general; and
- (18)(19) Theater, either private or public, for the purpose of entertainment, assembly, and performing arts; and

Section 508, SPECIAL EXCEPTION USES (MU-USE GROUP C), of Chapter 3, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is amended by revising § 508.1(b) and adding a new § 508.1(m) to read as follows:

508.1 Unless specifically prohibited by Subtitle U § 509, the following uses shall be permitted in MU-Use Group C if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the following conditions:

- (a) . . .
- (b) ~~Community-based institutional facilities~~ **Youth Rehabilitation and Adult Rehabilitation Home** for one (1) to twenty (20) persons, not including resident supervisors or staff and their families;

(1) There shall be no other lot containing a youth rehabilitation home or adult rehabilitation home within a radius of five hundred feet (500 ft.) from any portion of the lot.

(c) . . .

(m) Youth Residential Care Home for sixteen (16) to twenty-five (25) persons not including resident supervisors or staff and their families.

(l) There shall be no other lot containing a youth residential care home within a radius of five hundred feet (500 ft.) from any portion of the lot; and

Section 510, MATTER-OF-RIGHT USES (MU-USE GROUP D), of Chapter 3, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is amended by adding a new § 510.1(z) to read as follows:

510.1 The following uses shall be permitted in MU-Use Group D as a matter-of-right subject to any applicable conditions:

(a) . . .

(z) Youth Residential Care Home for not more than six (6) persons not including resident supervisors or staff and their families. The facility may accommodate seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, provided there shall be no property containing an existing youth residential care home within a radius of five hundred feet (500 ft.) from any portion of the subject property.

Section 511, SPECIAL EXCEPTION USES (MU-USE GROUP D), of Chapter 3, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is amended by revising § 511.1(b) and adding a new § 511.1(n) to read as follows:

511.1 The following uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section.

(a) . . .

(b) ~~Community based institutional facilities~~ Youth Rehabilitation Home, Adult Rehabilitation Home, for one (1) to ~~twenty fifteen~~ (2015) persons, not including resident supervisors or staff and their families; subject to the following conditions:

(1) There shall be no other lot containing a youth rehabilitation home or adult rehabilitation home use in the same square; and

(2) The Board of Zoning Adjustment may approve more than one youth rehabilitation home or adult rehabilitation home within five hundred feet (500 ft.) 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.

(c) . . .

(n) Youth Residential Care Home for nine (9) to fifteen (15) persons not including resident supervisors or staff and their families.

(1) There shall be no other lot containing a youth residential care home within a radius of five hundred feet (500 ft.) from any portion of the lot; and

(2) The Board of Zoning Adjustment may approve more than one youth residential care home within five hundred feet (500 ft.) 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.

Section 513, SPECIAL EXCEPTION USES (MU-USE GROUP E), of Chapter 3, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is amended by adding new §§ 513.1(d), 513.1(h), 513.1(q) and 513.1(r), and renumbering current §§ 513.1(d) through 510.1(n) as new §§ 513.1(d) through 510.1(s) to read as follows:

513.1 The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the following conditions:

(a) . . .

(d) Community Residence Facility for sixteen (16) to twenty-five (25) persons not including resident supervisors or staff and their families.

(1) The Board of Zoning Adjustment may approve more than one community residence facility with over twenty-five (25) persons and within five hundred feet (500 ft.) 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.

~~(d)~~**(e)** Emergency shelter . . .

~~(e)~~**(f)** Fast food establishments . . .

~~(g)~~ Gasoline service station . . .

(h) Health Care facility for sixteen (16) to three hundred (300) persons not including resident supervisors or staff and their families.

(1) The Board of Zoning Adjustment may approve more than one health care facility with over three hundred (300) persons and within five hundred feet (500 ft.) 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.

~~(i)~~ Massage establishment . . .

~~(j)~~ Motorcycle sales and repair;

~~(k)~~ Parking, . . .

~~(l)~~ Retail uses . . .

~~(m)~~ Retail, . . .

~~(n)~~ Service uses that are permitted with conditions, that do not comply with the prescribed conditions;

~~(o)~~ Utility (basic) uses, subject to the requirements for setbacks, screening, or other requirements, as the Board of Zoning Adjustment deems necessary for the protection of neighboring or adjacent property; and

~~(p)~~ Veterinary boarding hospital subject to the following conditions:

(1) . . .:

(q) Youth Rehabilitation Home, Adult Rehabilitation Home for one (1) to twenty (20) persons, not including resident supervisors or staff and their families;

(1) There shall be no other lot containing a youth rehabilitation home or adult rehabilitation home use within the square; and

(2) The Board of Zoning Adjustment may approve more than one youth rehabilitation home or adult rehabilitation home within five hundred feet (500 ft.) 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.

(r) Youth Residential Care Home for sixteen (16) to twenty-five (25) persons not including resident supervisors or staff and their families.

(1) There shall be no other lot containing a youth residential care home within a radius of five hundred feet (500 ft.) from any portion of the lot; and

(2) The Board of Zoning Adjustment may approve more than one youth residential care home within five hundred feet (500 ft.) 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.

~~(n)~~**(s)** Any use permitted as a matter of right in MU-Use Group E that does not comply with the required conditions for MU-Use Group E may apply for permission as a special exception except firearms retail sales establishments.

Section 515, MATTER-OF-RIGHT USES (MU-USE GROUP F), of Chapter 3, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is amended by revising § 515.1(d), adding new §§ 515.1(e), 515.1(j), 515.1(p) and renumbering current §§ 515.1(e) through 515.1(n) as new §§ 515.1(p) through 515.1(q) to read as follows:

515.1 The following uses shall be permitted in MU-Use Group F as a matter of right, subject to any applicable conditions:

(a) . . .

(d) ~~Community based institutional facilities;~~ **Youth Rehabilitation Home and Adult Rehabilitation Home**

(e) Community Residence Facility;

~~(e)~~**(f)** Eating and drinking establishments with no restrictions;

~~(f)~~**(g)** Electronic Equipment Facility (EEF) . . .

~~(g)~~**(h)** Emergency shelter;

~~(h)~~**(i)** A gasoline service station . . .

(j) Health Care Facility;

~~(j)~~**(k)** Laundry or dry cleaning establishment, not exceeding five thousand square feet (5,000 sq. ft.) of gross floor area;

~~(k)~~**(l)** An establishment that has a principal use

~~(l)~~**(m)** Motorcycle . . .

~~(m)~~**(n)** Printing, . . .

~~(n)~~**(o)** Accessory uses customarily incidental and subordinate to the uses permitted by this section. **and**

~~(o)~~**(p)** **Youth Residential Care Home.**

Section 518, SPECIAL EXCEPTION USES (MU-USE GROUP G), of Chapter 3, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is amended by adding new §§ 518.1(f), 518.1(j), 518.1(r) and renumbering current §§ 518.1(f) through 518.1(p) as new §§ 518.1(f) through 518.1(s) to read as follows:

518.1 The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the following conditions:

(a) . . .

(e) Community Residence Facility for not more than sixteen (16) to twenty-five (25) persons not including resident supervisors or staff and their families.

(1) There shall be no other lot containing community residence facility within five hundred feet (500 ft.) of an existing facility;

(2) The Board of Zoning Adjustment may approve more than one community residence facility with over twenty-five (25) persons and within five hundred feet (500 ft.) 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.

~~(e)~~**(f)** College . . .

~~(f)~~**(g)** Emergency shelter . . .

~~(g)~~**(h)** Experimental . . .

~~(h)~~**(i)** Health care facility . . .

~~(i)~~**(j)** Hospital or clinic . . .

- ~~(j)~~**(k)** Light manufacturing, . . .
- ~~(k)~~**(l)** A Metropolitan Police . . .
- ~~(l)~~**(m)** Retail, . . .
- ~~(m)~~**(n)** Utilities, . . .
- ~~(n)~~**(o)** Warehouse . . .

(p) Youth Rehabilitation Home, Adult Rehabilitation Home for one (1) to twenty (20) persons, not including resident supervisors or staff and their families. There shall be no other youth rehabilitation home or adult rehabilitation home within five hundred (500) of the facility.

(q) Youth Residential Care Home for sixteen (16) to twenty-five (25) persons not including resident supervisors or staff and their families.

(1) There shall be no other lot containing a youth residential care home within a radius of five hundred feet (500 ft.) from any portion of the lot; and

(2) The Board of Zoning Adjustment may approve more than one youth residential care home within five hundred feet (500 ft.) 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.

(p)**(s)** Other uses neither identified as permitted or not permitted, subject to the provisions of this section:

Section 801, MATTER-OF-RIGHT USES (PDR), of Chapter 3, USE PERMISSIONS PRODUCTION, DISTRIBUTION AND REPAIR (PDR) ZONES, of Subtitle U, USE PERMISSIONS, is amended by revising § 801.1(f) to read as follows:

801.1 The following uses shall be permitted in a PDR zone as a matter of right, subject to any applicable conditions:

- (a) Agricultural . . .
- (f) ~~Community-based institutional facility;~~ **Youth Rehabilitation Home and Adult Rehabilitation Home.**

Proposed amendments to the Zoning Regulations 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 § 6-641.01, *et seq.* (2018 Repl.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5. (Title 11, Zoning Regulations of 2016 in the D.C. Municipal Regulations), which includes the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing on OZ’s website at <https://dcoz.dc.gov/> or by calling Ron Barron at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, **all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing.** The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Ron Barron at (202) 727-0789 for further assistance.

“Great weight” to written report of ANC

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, AND JOSEPH IMAMURA ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY

SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer ? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译),请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለሙሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።