

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

TIME AND PLACE: **Thursday, February 8, 2018, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W. Suite 220-S
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 17-20 (Office of Planning – Text Amendments to Subtitles B, U, and K regarding the Daytime Care Use Category to address the need to establish and expand Child Development Centers)

THIS CASE IS OF INTEREST TO ALL ANCs

On October 20, 2017, the Office of Zoning received a report that served as a petition from the Office of Planning (OP) proposing text amendments to Subtitles B, U, and K of Title 11 DCMR to expand daytime care uses as a matter of right with no pre-established limitation on number of persons in high density residential, mixed-use, and other zone districts; in RA residential zones, daytime care uses would continue to be permitted by special exception but there would no longer be a limitation on number of persons. The overall goal of the proposed amendments is to increase the District’s supply of child care services by limiting some of the barriers associated with development of child care facilities. According to the Office of Planning the District’s growing population of infants and toddlers requires expansion of the number of child development centers and homes. On October 27, 2017, the Office of Zoning received a supplemental report from OP clarifying the proposed text amendment language in Subtitle U § 510 and Subtitle K § 913.2. At a public meeting on October 30, 2017, the Zoning Commission set down this case for a public hearing. However, the Commissioners noted the potential for the proposed text amendments to have broad reaching effects on residents within mixed use zones, and stressed the importance of OP collaborating with the Office of the State Superintendent of Education (OSSE) and the Department of Consumer and Regulatory Affairs (DCRA) in community outreach efforts prior to the public hearing. Both the OP report and the supplemental report served as the supplemental filing described in Subtitle Z § 501.

Since the petition only sought changes to the text of the Zoning Regulations, and not the zoning map, the Commission’s decision to hear the petition did not change the *status quo*. Any building permit application that being reviewed during the pendency of this proceeding will be processed in accordance with the Zoning Regulations then in place unless or until the proposed amendments are adopted and become effective.

As always, the Commission reserves the right not to adopt any or all of the proposed text and testimony in support of retaining the existing rules will be received and considered.

The following amendments to the Zoning Regulations are proposed. New text is shown in **bold underlined text** and text to be deleted is shown in ~~strikethrough~~.

1. Subtitle B § 200.2(i) is amended as follows:

200 INTRODUCTION

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

...

(i) Daytime Care:

(1) The non-residential licensed care, supervision, counseling, or training, for a fee, of individuals who are not related by blood, adoption, or marriage to the caregiver, and who are present on the site for less than twenty-four (24) hours per day;

(2) Examples include, but are not limited to: an adult day treatment facility, child development center ~~child care centers and programs~~, pre-schools, nursery schools, before-and-after school programs, child development homes, expanded child development homes, and elder care centers and programs;

(3) Exceptions: This use category does not include uses which more typically fall within the medical care or parks and recreation use categories. This use does not refer to home-based care given by parents, guardians, or relatives of the individuals requiring care and uses which ~~does~~ do not require a certificate of occupancy;

...

2. Subtitle U § 301.1(m) is amended as follows:

301 MATTER OF RIGHT USES (RF)

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

...

(m) 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; ~~provided, that all of the play space required for the use by the licensing regulations shall be located on the same lot on which the center or facility is located; and~~

...

3. Subtitle U § 401.1(c) is amended as follows:

401 MATTER-OF-RIGHT USES (RA)

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

...

- (c) ~~Child/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;~~

4. Amend Subtitle U § 510.1(f) as follows.

510 MATTER-OF-RIGHT USES (MU-USE GROUP D)

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

...

- (f) ~~Daytime care uses for no more than five (5) persons, not including resident supervisors or staff and their families, except a child development home or an expanded child development home shall be permitted as an accessory use incidental to the uses permitted in MU-Use Group D; provided:~~
 - (1) ~~The dwelling unit in which the use is located shall be the principal residence of the caregiver; and~~
 - (2) ~~The use otherwise shall meet the definition of a home occupation;~~

5. Amend Subtitle U § 511 by deleting Subtitle U § 511.1(c).

511 SPECIAL EXCEPTION USES (MU-USE GROUP D)

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.

...

- (c) ~~**[DELETED]**Daytime care for six (6) and fifteen (15) persons, not including resident supervisors or staff and their families;~~

...

6. Amend § 512.1 and U § 515.1 by deleting U § 512.1(c) and U § 515.1(e) as follows:

512 MATTER-OF-RIGHT USES (MU-USE GROUP E)

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

...

- (c) ~~**[DELETED]**Daytime care uses for not more than twenty (20) persons, not including resident supervisors or staff and their families;~~

...

515 MATTER-OF-RIGHT USES (MU-USE GROUP F)

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

...

- (e) ~~[DELETED] Daytime care uses for not more than twenty (20) persons, not including resident supervisors or staff and their families;~~

...

7. Subtitle K is amended as follows:

Section 911, 911. USE PERMISSIONS (WR, §§ 911.2(f), 911.4(f), and 911.8(f), are amended as follows:

911.2 The uses in this section shall be permitted as a matter-of-right in the WR-2, WR-3, WR-4 and WR-5 zones, subject to any applicable conditions:

...

- (f) Daytime care; ~~subject to the conditions of Subtitle K § 912.6;~~

...

911.4 The uses in this section shall be permitted as a matter-of-right in the WR-7 zones, subject to any applicable conditions:

...

- (f) Daytime care; ~~subject to the conditions of Subtitle K § 912.6;~~

...

911.8 The uses in this section shall be permitted as a matter-of-right in the WR-8 zones, subject to any applicable conditions:

...

- (f) Daytime care; ~~subject to the conditions of Subtitle K § 912.6;~~

...

Section 912, **CONDITIONAL USES (WR)**, is amended by deleting § 912.6 as follows:

912.6 ~~[DELETED] Daytime care uses shall be permitted as a matter of right subject to the following conditions in the WR-2, WR-3, WR-4, WR-5, WR-7, and WR-8 zones:~~

- ~~(a) — A daytime care use is permitted as a matter of right for no more than twenty five (25) persons not including resident supervisors or staff and their families;~~
- ~~(b) — Any outdoor play area shall be located on the same lot as the daytime care use; and~~
- ~~(c) — Daytime care uses not meeting the above conditions may be permitted by special exception subject to Subtitle K § 913.2(c) and the special exception criteria of Subtitle X, Chapter 9.~~

Section 913, SPECIAL EXCEPTION USES (WR), is amended by deleting § 913.2(c) as follows:

913.2 The following uses shall be permitted as a special exception WR-2, WR-3, WR-4, and WR-5 zones if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

~~(c) — Daytime care uses not meeting the conditions of Subtitle K § 912.6 shall be permitted by special exception, subject to the following conditions:~~

- ~~(1) — The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance; and~~
- ~~(2) — Any off site play area shall be located so as to not endanger individuals traveling between the play area and the center or facility;~~

...

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*)

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of Subtitle Z, Chapter 5.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. 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 applicable time limits for oral testimony are described below. Written

statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

Time limits.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

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 |

The Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, 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 mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON 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 ከስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ከስፈለገዎት እባክዎን ከስተባባሪው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።