

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Maxine Brown-Roberts, Development Review Specialist
JLS
Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

DATE: December 30, 2022

SUBJECT: ZC Case 19-31A – Set Down Report, Text Map Amendment to add the Definition of Youth Residential Care Home

I. RECOMMENDATION

The Office of Planning recommends that the Zoning Commission **set down for a public hearing**, text amendment to Subtitles B of the Zoning Regulations.

This proposed text amendment would:

- Amend Subtitle B, Chapter 1, Definitions to include the definition for Youth Residential Care Home.

This report also serves as the prehearing report required by Subtitle § Z § 501.

II. PROPOSED TEXT AMENDMENT

The proposed amendment to the text of the Zoning Regulations is to add a definition for Youth Residential Care Home as follows: (new text is shown in **bold and underline**):

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

Section 100, DEFINITIONS, of Chapter 1, DEFINITIONS, is amended by revising § 100.2 to read as follows:

100 DEFINITIONS

...¹

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.

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

1958 Zoning Regulations: . . .

. . .

Youth Rehabilitation Home: . . .

Youth Residential Care Home: A facility providing safe, hygienic, sheltered living arrangements for one (1) or more individuals less than eighteen years of age, not related by blood, adoption, or marriage to the operator of the facility, who are ambulatory and able to perform the activities of daily living with minimal assistance.

Zone: . . .

III. BACKGROUND

As stated in Zoning Commission Case 19-31, changes made to the zoning regulations through the 2016 rewrite resulted in some of the uses and definitions not being carried forward which made it difficult for the Department of Consumer and Regulatory Affairs (“DCRA”) to interpret and give guidance if a use is permitted in a particular zone and/or if it is permitted as a matter-of-right or by special exception.

In the OP set down report for Case 19-31, (Exhibit 3) the definition of Youth Residential Care Home was included and was also included on the Use Permissions list. However, in a recent Board of Zoning Adjustment case it was noted that Youth Residential Care Home was approved as a use, but the definition of Youth Residential Care Home was inadvertently not included in the Public Hearing Notice or the Zoning Commission Order. This amendment would only add the definition for the Youth Residential Care home.

VI. COMPREHENSIVE PLAN

The proposed amendment would further Comprehensive Plan policy objectives, particularly with respects to policies within the Citywide Housing Element. The most significant of the Housing Element policies are:

Policy H-4.1.1: Integration of Vulnerable Populations and Residents with Disabilities
Integrate residents with disabilities or vulnerable populations through housing that includes wraparound supportive services throughout Washington, DC rather than segregating them into neighborhoods that already have a significant presence of such housing. 516.3

Policy H-4.1.2: Emphasis on Permanent Housing
Emphasize permanent housing-first solutions for persons with disabilities or vulnerable populations, rather than building more temporary, short-term housing facilities. Permanent housing is more conducive to the stability of its occupants and generally has greater support from communities than transient housing. 516.4

Policy H-4.1.3: Coordination of Housing and Support Services

Coordinate the siting of housing for persons with disabilities or vulnerable populations with the location of the key services that support the population being housed. The availability of affordable public transportation to reach those services also should be considered. 516.5

Policy H-4.3.6: Persons with Behavioral Health Issues

Support the production of housing for people with behavioral health issues through capital and operating subsidies. Improve the availability and coordination of such housing with wraparound behavioral health and other human services. Steps should be taken to prevent the eviction of persons experiencing behavioral health issues from publicly financed housing, so long as they are following the rules of tenancy, and to maintain each individual’s housing if they need to be hospitalized. 518.15

Racial Equity Lens

The Implementation Element calls for “*the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis*”2501.8. In approving Case 19-31, the Commission found the uses, including Youth Residential Care Home, to be not inconsistent with the Comprehensive Plan when viewed through a racial equity lens.

The Comprehensive Plan encourages the integration of vulnerable populations and persons with disabilities (§516) into the general population and encourages steps be taken to reduce the stigma associated with housing. Further, the Plan states that “*A history of racist policies has led to Black and Hispanic residents disproportionately experiencing homelessness, being part of the foster care system, interacting with the juvenile justice system, living with HIV/AIDS, serving time in correctional facilities and experiencing behavioral health issues.*”

The amendments in case 19-31 address the issue of racial equity as they result in improving housing opportunities for residents who suffer discrimination. The uses also help to fulfill the Districts commitment to “. . .*community-based housing options and services that encourage independent living across all Planning Areas.*” (§516.2)

The proposed text amendment to include the omitted definition of Youth Residential Care Home would not be inconsistent with the Comprehensive Plan and OP therefore recommends that the proposal be set down for public hearing.