



## Delegated Action of the Executive Director

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<b>PROJECT</b> Text Amendment for Continuing Care Retirement Community - DC Office of Planning Washington, DC	<b>NCPC FILE NUMBER</b> ZC 17-01
	<b>NCPC MAP FILE NUMBER</b> 00:00(06.00)44536
<b>REFERRED BY</b> Zoning Commission of the District of Columbia	<b>DETERMINATION</b> Approval of report to the Zoning Commission of the District of Columbia
	<b>REVIEW AUTHORITY</b> Advisory per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a)

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The Zoning Commission has referred a text amendment that will clarify the Continuing Care Retirement Community (“CCRC”) land use definition that was adopted as part of the 2016 zoning regulations. The Office of Planning (OP) included clarification language as part of the technical correction case ZC 08-06G. There were many comments submitted to the record regarding the proposed technical correction to the definition of CCRC which focused on whether the use would still be eligible as a special exception use under the 2016 definition if the use only had dwelling units for independent living.

The Zoning Commission excluded the proposed amendment to the definition from final action in the case, ZC 08-06G, and asked the Office of Planning to return with clarifying text regarding the definition of CCRC and provisions for the use as a special exception in R, Residential House, the RF, Residential Flat, and the RA-1 and RA-6, Residential Apartment zones. The proposed text amendment updates the definition and would allow a CCRC to include independent living, assisted living and skilled nursing care, or any combination thereof, with review criteria to avoid objectionable conditions.

### Subtitle B § 100.2 – Amend Definition

Continuing Care Retirement Community: A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This facility includes dwelling units for independent living, ***and*** assisted living facilities, ***and may include*** plus a skilled nursing care facility of a suitable size to provide treatment or care of the residents; it may ***also*** include ancillary facilities for the further enjoyment, service or care of the residents. The facility is restricted to persons sixty (60) years of age or older or ***married*** couples ***or domestic partners*** where either the husband or wife ***spouse or domestic partner*** is sixty (60) years of age or older.

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

(a) ...

(f) Continuing care retirement community, **subject to the provisions of this section.**

- 1) **The use shall be for persons sixty (60) years of age or older or married or domestic partner couples where either spouse or domestic partner is sixty (60) years of age or older;**
- 2) **The use shall include one or more of the following services:**
  - a) **Dwelling units for independent living,**
  - b) **Assisted living facilities, or**
  - c) **A licensed skilled nursing care facility;**
- 3) **If the use does not include assisted living or skilled nursing facilities, the number of residents shall not exceed eight (8);**
- 4) **The use may include ancillary uses for the further enjoyment, service or care of the residents;**
- 5) **The use and related facilities shall provide sufficient off-street parking spaces for employees, residents and visitors;**
- 6) **The use, including any outdoor space provided, shall be located and designed so that it is not likely to become objectionable to neighboring properties because of noise, traffic, or other objectionable conditions; and**
- 7) **The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.**

Subtitle U 420.1 – Amend the Special Exception

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)...

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

Subtitle U 401.1 - Amend Matter of Right Use in RA Zoning Districts

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

(a)...

(d) Except for the RA-1 and RA-6 zones:

- 1) Multiple dwellings provided that in an apartment house, accommodations may be provided only to residents who stay at the premises a minimum of one (1) month; and
- 2) Hotel in existence as of May 16, 1980, with a valid certificate of occupancy or a valid application for a building permit; provided, that the gross floor area of the

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hotel may not be increased and the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts may not be increased. An existing hotel may be repaired, renovated, remodeled, or structurally altered; and

3) **A continuing care retirement community; and**

Based upon staff's analysis, the proposed text amendment is not inconsistent with the 2016 *Comprehensive Plan for the Federal Capital*, nor will it affect any other federal interests.

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Pursuant to delegations of authority adopted by the Commission on August 6, 1999 and per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a), I find the proposed Text Amendment for Continuing Care Retirement Community (CCRC) provisions - DC Office of Planning, is not inconsistent with the *Comprehensive Plan for the National Capital* nor would it adversely affect other federal interests.

//Original Signed//

April 27, 2017

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Marcel Acosta  
Executive Director

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Date