Government of the District of Columbia
OFFICE OF ZONING

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MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Alberto P. Bastida, AICP
Secretary to the Zoning Commission

DATE: January 25, 2002

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on February 1, 2002:

1. Zoning Commission Case No. 00-30TA Final Rulemaking and Z.C. Order 943-B; and
2. Zoning Commission Proposed Rulemaking (Z.C. Case No. 02-01)

Received By

Date

Attachments

441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001
Tel: (202) 727-6311 • Fax: (202) 727-6072
E-Mail: zoning info@dcoz.dcgov.org • Web Site: http://dcoz.dcgov.org/

ZONING COMMISSION
District of Columbia
Case 02-02
Exhibit 2
ZONING COMMISSION
District of Columbia
CASE NO.02-02
EXHIBIT NO.2

RULEMAKING TRANSMITTAL FORM

DATE AND TIME RECEIVED
Office of Documents use only

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES
☐ FINAL RULES ☒ PROPOSED RULES ☐ COMBINED

AGENCY: Zoning Commission/Office of Zoning

AGENCY REPRESENTATIVE: Alberto P. Bastida, AICP

ADDRESS: 441 4th Street, N.W., Suite 210 South TELEPHONE: 727-6311

TITLE AND DESCRIPTION OF RULES: Amendment to Title 11, DCMR (Zoning), Chapters 2 and 3, §§ 205.9 and 330.5(d); Z.C. Case No. 02-02; Text Amendment – Child/Elderly Development Centers.

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: 11 DCMR §§ 205.9 and 330.5(d).

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: _____ DCR _____ DATE:

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules:

Sections 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799, as amended; D.C. Code, 2001 Ed. §§ 6-641.01 and 6-641.07(d) (formerly codified at D.C. Code §§ 5-413 and 5-424(d) (1994 Repl.))).

LEGAL CERTIFICATION: I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.
DATE: 01/25/02 SIGNED: _____ PHONE: 442-9777

☑ FINAL ☐ CONDITIONAL NAME: Alan H. Bergstein TITLE: Assistant Corporation Council

PROMULGATOR: Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)
Zoning Commission for the District of Columbia TITLE:

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes the issuance of the substance of these rules: Sections 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799, as amended; D.C. Code, 2001 Ed. §§ 6-641.01 and 6-641.07(d) (formerly codified at D.C. Code §§ 5-413 and 5-424(d) (1994 Repl.))), and 11 DCMR § 3030 (Consent Calendar).

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE:

APPROVAL OF ATTEST: Alberto P. Bastida, AICP _____
TITLE: Secretary to the Zoning Commission PHONE: 727-3030

Office of Documents use only:
THIS NOTICE PUBLISHED AT: VOL _____ DCR _____ DATE:

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. CASE N0. 02-02
(Text Amendment – 11 DCMR)
(Child/Elderly Development Centers)

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Code, 2001 Ed. §§ 6-641.01 and 6-641.07(d) (formerly codified at D.C. Code §§ 5-413 and 5-424(d) (1994 Repl.))), and 11 DCMR § 3030 (Consent Calendar), hereby gives notice of its intent to make minor modifications to 11 DCMR §§ 205.9 and 330.5(d), relating to child/elderly development centers in the R-1 and R-4 zone districts, published in the Commission's Notice of Final Rulemaking in Z.C. Case No. 98-8, at 46 DCR 8284 (October 15, 1999).

The proposed amendments will correct inconsistent terminology used to refer to "child/elderly development centers." In the 1999 Notice of Final Rulemaking, the Commission amended the definition of the term "child development center" and renamed the amended definition "child/elderly development center." As explained in the 1999 notice, the Commission had entertained using the term "child/elderly day care center" during the rulemaking process. The Commission ultimately decided to use the term "child/elderly development center" instead. The term "child/elderly day care center," however, survived in the amended §§ 205.9 and 330.5(d). This proposed rulemaking will correct §§ 205.9 and 330.5(d) to replace the term "child/elderly day care center" with the term "child/elderly development center." No substantive changes are proposed.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of the publication of this notice in the *D.C. Register*.

The following rulemaking action is proposed. Deleted wording is shown in strike-through lettering and added wording is shown bolded and underlined:

A. Amend chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, section 205, CHILD/ELDERLY DEVELOPMENT CENTERS, subsection 205.9, to read as follows:

205.9 Before taking final action on an application for use as a ~~child development and/or elderly day care center~~ **child/elderly development center**, the

Board shall submit the application to the D.C. Departments of Public Works and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and report.

B. Amend chapter 3, the R-2, R-3, R-4, AND R-5 RESIDENCE DISTRICT USE REGULATIONS, section 330, R-4 DISTRICTS: GENERAL PROVISIONS, subsection 330.5, paragraph (d), to read as follows:

330.5 The following uses shall be permitted as a matter of right in an R-4 District:

. . . .

(d) ~~Child development and/or elderly day care center~~ **Child/Elderly development center**; provided, that the center shall be limited to no more than sixteen (16) individuals;

All persons desiring to comment on this proposed rulemaking action should file comments in writing no later than thirty (30) days after the publication of this notice in the *D.C. Register*. Comments should be filed with Alberto P. Bastida, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.