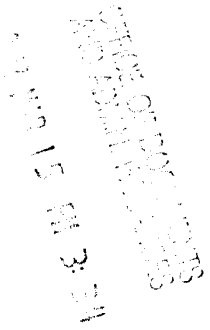
Government of the District of Columbia
OFFICE OF ZONING





MEMORANDUM

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

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

DATE: March 15, 2002

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on March 22, 2002:

1. Final Rulemaking and Order No. 959 for Z.C. Case No. 00-04TA; and
2. Final Rulemaking and Order No. 02-02 for Z.C. Case No. 02-02.

C Eckhaus
Received By

3/15/02
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 NO. 02-02
EXHIBIT NO. 3
Exhibit 3

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

FEB 15 PM 3:25

DATE AND TIME RECEIVED
Office of Documents use only

RULEMAKING TRANSMITTAL FORM

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If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: 11 DCMR §§ 205.9 and 330.5(d).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 FINAL RULEMAKING
and
ORDER NO. 02-02
Z.C. CASE NO. 02-02TA
(Text Amendment – 11 DCMR)
(Child/Elderly Development Centers)
March 11, 2002

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, 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), hereby gives notice of the adoption of minor amendments to §§ 205.9 and 330.5(d). These subsections, relating to child/elderly development centers in the R-1 and R-4 zone districts, were originally amended in the Commission's Notice of Final Rulemaking in Z.C. Case No. 98-8, at 46 DCR 8284 (October 15, 1999). On March 11, 2002, the Commission took final action to adopt these minor amendments to the amendments as published in 1999 Notice of Final Rulemaking. This final rulemaking is effective upon publication in the *D.C. Register*.

These amendments correct inconsistent terminology used in the Zoning Regulations 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 rulemaking corrects §§ 205.9 and 330.5(d) to replace the term "child/elderly day care center" with the term "child/elderly development center." These amendments are minor, technical corrections. There are no substantive changes to the existing regulations.

At its special monthly meeting on January 24, 2002, the Commission took proposed action pursuant to 11 DCMR § 3027.2 to approve the proposed amendments. A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 1, 2002, at 49 DCR 890, for a 30-day notice and comment period. Because this rulemaking was undertaken pursuant to the Commission's Consent Calendar procedures in 11 DCMR § 3030, no hearing was held. The Commission did not receive any comments from the public regarding this rulemaking. The Office of the Corporation has determined that this rulemaking meets its standards of legal

sufficiency. The Commission therefore took final action to adopt the proposed rulemaking as the final rulemaking.

Based on the above, the Commission finds that the proposed amendments are minor modifications to the previously approved 1999 rulemaking, in the best interests of the District of Columbia, consistent with the purpose and intent of the Zoning Regulations and Zoning Act, and not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission hereby orders **APPROVAL** of the amendments to the Zoning Regulations, Title 11 DCMR, as set forth in the Commission's Notice of Proposed Rulemaking at 49 DCR 890.

Vote of the Zoning Commission taken at its special public meeting on January 24, 2002, to approve the proposed rulemaking: **4 – 0 – 1** (Carol J. Mitten, Peter G. May, Anthony J. Hood, and James H. Hannaham, to approve; John G. Parsons, not present, not voting).

This order was adopted by the Zoning Commission at its public meeting on March 11, 2002, by a vote of **5 – 0 - 0**. (Anthony J. Hood, Carol J. Mitten, James H. Hannaham, Peter G. May, and John G. Parsons (by absentee vote)), to **ADOPT** Z.C. Order No. 02-02).

In accordance with 11 DCMR § 3028.9, this order shall become effective upon publication in the *D.C. Register*.

ZONING COMMISSION ORDER NO. 02-02
Case No. 02-02TA
(Text Amendment – 11 DCMR)
(Child/Elderly Development Centers)
March 11, 2002

The full text of this Zoning Commission order is published in the "Final Rulemaking" section of this edition of the *D.C. Register.*