GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF ZONING
441 4TH STREET, N.W., SUITE 210
WASHINGTON, D.C. 20001

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Timothy A. Jones, Chair
ANC 4C




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ZONING COMMISSION
District of Columbia
Case 03-10
Exhibit 26

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ZONING COMMISSION
District of Columbia
CASE NO.03-10
EXHIBIT NO.26

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**
**NOTICE OF FINAL RULEMAKING**
**and**
**ORDER NO. 03-10**
**Z.C. Case No. 03-10**
**(Text Amendments – 11 DCMR)**
**(Public Libraries)**
**December 8, 2003**

The Zoning Commission for the District of Columbia ("Commission"), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01); having held a public hearing as required by § 3 of the Act (D.C. Official Code § 6-641.03); and having referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to 11 DCMR §§ 3025.3 and 3028.1; hereby gives notice of the adoption of the following amendments to § 199 (Definitions), § 201 (Uses as a Matter of Right (R-1)), § 601 (Uses as a Matter of Right (CR)), Chapter 7 (Commercial Districts), § 901 (Uses as a Matter of Right (W)), Chapter 13 (Neighborhood Commercial Overlay), and Chapter 21 (Schedule of Requirements for Parking Spaces) of the Zoning Regulations (Title 11 DCMR). The amendments establish "public library" as a distinct permitted use, with corresponding parking requirements. The Commission took final action to adopt the amendments at a public meeting held on December 8, 2003.

This final rulemaking is effective upon publication in the *D.C. Register*.

Existing Regulations

The Zoning Regulations do not specifically authorize public libraries, most of which are in residential districts, as a permitted use. The use "library" is first permitted in the CR (Mixed Use) District. It continues as a use permitted as a matter of right in all C (Commercial), W (Waterfront), and C-M and M (Industrial) Districts, but is not permitted in any R (Residence) or SP (Special Purpose) Districts. Therefore, a use variance is currently required to establish, construct, or expand most of the District's public libraries.

Description of Text Amendment

The Commission initiated this rulemaking in response to a petition from the District of Columbia Public Library. The proposed text amendment established a new use, public library, which will be allowed as a matter of right in all R (Residence), W (Waterfront), and CR (Mixed Use) Districts and incorporated into the SP (Special Purpose), C (Commercial), C-M (Commercial

Light Manufacturing), and M (General Industry) Districts. The definition creates three subcategories for that use: Full-Service Neighborhood Public Library, Community Public Library, and Kiosk Public Library, for the purposes of establishing different parking requirements. Because of its low impact and size, a Kiosk Public Library, unlike the other two categories, is not required to provide parking. A special exception from the parking requirements is possible for any public library located within a one-half mile of a Metrorail station.

This rulemaking creates a use that is distinct from the uses permitted by the existing term "library", which has been clarified to read "Library (other than public library)". Now, public libraries may be expanded or established in a greater range of locations than other libraries. The Commission feels that treating public libraries differently from other libraries is justified, because public libraries are supported largely by public money and are specifically designed to benefit all residents.

Relationship to the Comprehensive Plan

The Comprehensive Plan, under § 608.2(h), recommends a policy to "*adopt measures to improve public library facilities*". The addition of public libraries to the Zoning Regulations will allow for the District to issue building permits for the improvement of the public libraries. The proposed text amendments will implement the following provisions of the Comprehensive Plan: § 1312.1 of the Ward 2 Element, which recognizes the role public facilities play within Ward 2; § 1336.1, which calls for strengthening Ward 2 libraries; § 1405.1 of the Ward 3 Element, which recognizes the role libraries play within Ward 3; § 1405.4 of the Ward 3 Element, which calls for physical renovation of public libraries; § 1516.1 of the Ward 4 Element, which calls for improving and maintaining public libraries; § 1616.1 of the Ward 5 Element, which calls for providing adequate public libraries; § 1618.1 of the Ward 5 Element, which calls for adequate planning and assessment of library facilities; and § 1916 of the Ward 8 Element, which acknowledges upgrading of public facilities.

Public Hearing

The Commission held a public hearing on the proposed text amendment on June 26, 2003. During the hearing, members of the Commission expressed concern about defining public libraries as a use and not as a structure.

Following the public hearing, the record was held open until July 10, 2003, to allow the Office of Planning ("OP") to revise the proposed three categories of public libraries and to submit a supplemental report in response to questions from the Commission.

Proposed Action

At the July 31, 2003 public meeting of the Zoning Commission, the Commission reviewed a letter submitted by the District of Columbia Public Library discussing the establishment of public libraries and library use. The Commission also considered the supplemental report of OP dated July 10, 2003, which addressed the Commission's concerns regarding the definition of the

three categories of libraries by deleting any reference to size and clarifying that the distance from a public library to a Metrorail station would be measured as a radius.

At the meeting, the Commission discussed the proposed amendments and decided to retain the definitions of the three categories of libraries as advertised but without reference to size, to retain the parking requirements as advertised with reference to gross floor area and not "patron use area", and to retain the advertised § 2104.2 requiring BZA approval for the reduction of parking within a one-half mile radius of a Metrorail station. The Commission did not accept the expanded definitions proposed by OP, preferring not to narrow the scope of the use.

The Commission then took proposed action pursuant to 11 DCMR § 3027.2 to approve the advertised text, with the modifications discussed above. A Notice of Proposed Rulemaking was published in the *D.C. Register* on September 5, 2003 at 50 DCR 7558, for a 30-day notice and comment period.

The proposed rulemaking was referred to the National Capital Planning Commission (NCPC) under the terms of § 492 of the District of Columbia Charter. NCPC, by report dated September 8, 2003, found that the proposed text amendments would not adversely affect the federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

No other comments and no report from any Advisory Neighborhood Commission were received.

Final Action

The Commission took final action to adopt the rulemaking at its regularly scheduled public meeting on December 8, 2003. No substantive changes were made to the advertised text. Several minor changes to the text were made to clarify that the pre-existing term "library" in the regulations does not include any public library.

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

The Office of the Corporation Counsel has determined that this rulemaking meets its standards of legal sufficiency.

In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following amendments to Chapters 1, 2, 6, 9, 13, and 21 of the Zoning Regulations, Title 11 DCMR. Added wording is in bold and underlined, and deleted wording is shown in strike-through lettering:

A. Chapter 1, § 199.1, Definitions, is amended by inserting the following definition in alphabetical order:

**Public Library – a facility that falls into one of the following categories:**

**a) Full-Service Neighborhood- A District of Columbia Public Library housed in a permanent structure that may include meeting rooms, staff work rooms, kitchen facilities and book overflow space. It contains space for a variety of activities, such as children's story hour, film showings and book talks, to take place simultaneously;**

**b) Community- A District of Columbia Public Library housed in a portable structure that may include a small staff and minimal space for activities; or**

**c) Kiosk- A District of Columbia Public Library housed in a portable structure with no space for activities.**

B. Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, § 201.1 is amended by adding new a paragraph (r), to read as follows:

**(r) Public library.**

C. Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, § 601.1 is amended as follows:

1) By amending paragraph (p) to read as follows:

(p) Library **(other than public library).**

2) By adding a new paragraph (u) to read as follows:

**(u) Public library.**

D. Chapter 7, COMMERCIAL DISTRICTS, § 701.6, paragraph (b) is amended to read as follows:

(b) Library **(other than public library).**

E. Chapter 9, WATERFRONT DISTRICTS, § 901.1 is amended as follows:

1) By amending paragraph (q) to read as follows:

(q) Library **(other than public library).**

2) By adding a new paragraph (v) to read as follows:

**(v) Public library.**

F. Chapter 13, NEIGHBORHOOD COMMERCIAL OVERLAY, § 1302.2(b) is amended to read as follows:

(b) Library **(other than public library).**

G. Chapter 21, OFF-STREET PARKING REQUIREMENTS, is amended by adding the following to the table following § 2101.1, under the heading "INSTITUTIONAL":

| USES | NUMBER OF PARKING SPACES PROVIDED |
|---|---|
| **Public Library** | |
| **Full-Service Neighborhood Public Library** | |
| **All residence districts** | **For libraries constructed after [INSERT effective date of this amendment] and in excess of 2,000 square feet of gross floor area, 1 space for each additional 1,000 square feet of gross floor area.** |
| **All other districts** | **For libraries constructed after [INSERT effective date of this amendment] and in excess of 3,000 square feet of gross floor area, 1 space for each additional 1,000 square feet of gross floor area.** |
| **Community Public Library** | |
| **All districts** | **For libraries constructed after [INSERT effective date of this amendment] in excess of 2,000 square feet of gross floor area, 1 space for each additional 1,000 square feet of gross floor area.** |
| **Kiosk Public Library** | |
| **All districts** | **No Requirement** |

2104 EXCEPTIONS TO THE SCHEDULE OF REQUIREMENTS: NONRESIDENTIAL STRUCTURES NEAR METRORAIL STATIONS

2104.1 **Except as otherwise provided in § 2104.2, the Board of Zoning Adjustment is authorized to reduce T**~~t~~he number of parking spaces required under § 2101.1 for a nonresidential building or structure located within a radius of eight hundred feet (800 ft.) of a Metrorail station entrance may be reduced by up to twenty-five percent (25%); provided:

(a) The building or structure is located in a nonresidential district and is at least eight hundred feet (800 ft.) from any R-1, R-2, R-3, or R-4 District; and

(b) The Metrorail station is currently in operation or is one for which a construction contract has been awarded.

**2104.2 The Board of Zoning Adjustment is authorized to reduce the number of parking spaces for a public library located within a one-half mile radius of a Metrorail station by fifty percent (50%), if the Metrorail station is currently in operation or is one for which a construction contract has been awarded.**

Vote of the Zoning Commission taken at its public meeting on September 8, 2003, to **APPROVE** the proposed rulemaking: **5-0-0** (John G. Parsons, Anthony J. Hood, James H. Hannaham, Carol J. Mitten, and Peter G. May to approve).

This final rulemaking and order were **ADOPTED** by the Zoning Commission at its public meeting on December 8, 2003, by a vote of **4-0-1** (Anthony J. Hood, John G. Parsons, and Carol J. Mitten to approve; Peter G. May to approve by absentee ballot; James H. Hannaham not present, not voting).

In accordance with the provisions of 11 DCMR § 3028.9, this order shall become effective upon publication in the *D.C. Register*; that is, on DEC 19 2003.

Carol J. Mitten
**CAROL J. MITTEN**
**CHAIRMAN**
**ZONING COMMISSION**

Jerrily R. Kress
**JERRILY R. KRESS, FAIA**
**DIRECTOR**
**OFFICE OF ZONING**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**
**NOTICE OF FINAL RULEMAKING**
**and**
**ORDER NO. 03-10**
**Z.C. Case No. 03-10TA**
**(Text Amendment – 11 DCMR)**
**(Public Libraries)**

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**Zoning Commission**

# ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
# NOTICE OF FINAL RULEMAKING
# and
# CORRECTED* ORDER NO. 03-14-A
# Z.C. Case No. 03-14
# (Text Amendment – 11 DCMR § 3202.5(a))
# July 31, 2003

The Zoning Commission (the "Commission") for the District of Columbia, pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Official Code § 6-641.01) (2001 Ed.) and 11 DCMR § 3030 (Consent Calendar), hereby gives notice of the adoption of an amendment to § 3202.5(a) of the Zoning Regulations (11 DCMR). The amendment inserts language inadvertently omitted from the most recent published version of Title 11 and restates language inadvertently repealed.

Because these actions are technical in nature, no hearing is required, pursuant to 11 DCMR § 3030. No changes were made to the text of the proposed rules, as published together with a notice of proposed rulemaking in the *D.C. Register* on May 16, 2003, at 50 DCR 3875. The Commission took final action to adopt the amendment at a public meeting on July 31, 2003. This final rulemaking is effective upon publication of this notice in the *D.C. Register.*

The commission initiated this rulemaking in response to a petition filed by Advisory Neighborhood Commission ("ANC") 3Fwith the Zoning Commission on March 26, 2003.

ANC 3F. By letter dated March 26, 2003, ANC 3F indicated that, at a duly-noticed public meeting, with a quorum present, the ANC voted to approve submission of the petition. By letter dated June 2, 2003, ANC 3F indicated that at a duly-noticed public meeting, with a quorum present, the ANC voted to support the proposed rulemaking, which differed slightly from the text advocated in their March 26, 2003 petition.

Proposed Rulemaking. At a special public meeting on April 28, 2003, the Commission took proposed action to approve proposed rulemaking, which was published in the *D.C. Register* on May 16, 2003, at 50 DCR 3875.

Section 3202.5 governs the way in which a building permit is processed when the Commission is considering rezoning a particular property. The following is a discussion of the history of this

* Correction made to footnote on page 5. The Final Rulemaking was published on October 17, 2003, at 50 DCR 8826.

section and an explanation as to why a correction is needed to the text as it appears in the February 2003 edition of Title 11.

## The Original 1958 Rule

The 1958 Zoning Regulations established that any application for a building permit filed before the effective date of the regulations "may be processed and any work to be authorized thereby may be carried to completion in accordance the zoning regulations in effect on the date such applications are filed" (§ 8103.6), provided that the application is accompanied by drawings, and plans (§§ 8103.6 and 8103.2). Those drawing and plans must include information necessary to determine compliance with the regulations (§ 8102.2).

When the Zoning Regulations were recodified, the provisions were renumbered 11 DCMR §§ 3202.2 and 3202.5. The text of § 3202.2 in the current version of Title 11 is unchanged from the 1958 text and indicates what a building permit application must contain. However, the text of § 3202.5 was eventually repealed. The current version of § 3202.5 was once § 3202.6. As will be explained, it was this repeal and renumbering that has engendered much of the confusion surrounding how the current version of § 3202.5 should read.

For ease of understanding, the repealed version of § 3202.5 will be referred to as "former § 3202.5" and the current version will be referred to as "renumbered § 3202.5".

The benchmark for the purposes of this discussion is January 5, 1987. Prior to that date, there was no set down rule and no § 3202.6. There was only former § 3202.5, which read as follows:

> 3202.5 All applications for building permits filed before May 12, 1958, may be processed, and any work to be authorized by the permits applied for may be carried to completion, in accordance with the Zoning Regulations in effect on the date the applications were filed; Provided, that the following requirements are met:
>
> (a) The applications shall be accompanied by the plans and other information required by § 3202.2, which shall be sufficiently complete to permit processing without substantial change or deviation;
>
> (b) Any approved building permit shall be taken out within six (6) months after May 12, 1958; and
>
> (c) All work authorized by the building permit shall be carried to completion in accordance with the terms of the permit.

**Zoning Commission Order No. 517, January 5, 1987**

In Order No. 516, January 5, 1987, the Commission promulgated § 3202.6, which provided that applications for a building permit filed on or before the date that the Commission makes a decision to hold a hearing on a new zoning designation would still be processed under the designation in effect (§ 3202.6(a)), but that applications filed after the decision to hold a hearing on a new zoning designation would be processed in accordance with the proposed designation or the designation in effect, whichever is more restrictive (§ 3202.6(b)). This is commonly referred to as the "set down rule".

As promulgated, this new § 3202.6 read:

> 3202.6 If an application for a building permit is filed when the Zoning Commission has pending before it a proceeding to consider an amendment of the zone district classification of the site of the proposed construction, the processing of the application, and the completion of work pursuant to the permit, shall be governed as follows:
>
> (a) If the application is filed on or before the date on which the Zoning Commission makes a decision to hold a hearing on the amendment, the processing of the application and completion of the work shall be governed by § 3202.4 and § 3202.5;
>
> (b) If the application is filed after the date on which the Zoning Commission has made a decision to hold hearing on the amendment, the application may be processed, and any work authorized by the permit may be carried to completion, only in accordance with the zone district classification of the site pursuant to the final decision of the Zoning Commission in the proceeding, or in accordance with the most restrictive zone district classification being considered for the site. . .

**Zoning Commission Order No. 562, January 19, 1988**

In Order No. 562, January 19, 1988, the Commission added language to former § 3202.5(a) that required that the application be accompanied by "any fee" and by "any other plans and information which are required to permit complete review of the entire application under any applicable District of Columbia Regulations." Because new § 3202.6(a) incorporated the requirements of former § 3202.5, the language applied to the set down rule as well. The amendment resulted from building permit applications being treated as "vested" under existing zoning even though "the applicant ha[d] not filed a complete application, or paid the fee which is required for the processing of the application." Order No. 562.

After that rulemaking, the above-referenced subsections should have read as follows (added language shown in bold):

3202.4 All work authorized by a building permit issued before May 12, 1958, may be carried to completion in accordance with the terms of that permit.

3202.5 All applications for building permits filed before May 12, 1958, may be processed, and any work to be authorized by the permits applied for may be carried to completion, in accordance with the Zoning Regulations in effect on the date the applications were filed; Provided, that the following requirements are met:

(a) The applications shall be accompanied **by any fee which is required, and by** the plans and other information required by § 3202.2, which shall be sufficiently complete to permit processing without substantial change or deviation~~;~~**, and by any other plans and information which are required to permit complete review of the entire application under any applicable District of Columbia regulations.**

(b) Any approved building permit shall be taken out within six (6) months after May 12, 1958; and

(c) All work authorized by the building permit shall be carried to completion in accordance with the terms of the permit.

3202.6 If an application for a building permit is filed when the Zoning Commission has pending before it a proceeding to consider an amendment of the zone district classification of the site of the proposed construction, the processing of the application, and the completion of work pursuant to the permit, shall be governed as follows:

(a) If the application is filed on or before the date on which the Zoning Commission makes a decision to hold a hearing on the amendment, the processing of the application and completion of the work shall be governed by § 3202.4 and § 3202.5;

(b) If the application is filed after the date on which the Zoning Commission has made a decision to hold hearing on the amendment, the application may be processed, and any work authorized by the permit may be carried to completion, only in accordance with the zone district classification of the site pursuant to the final decision of the Zoning Commission in

> the proceeding, or in accordance with the most restrictive zone district classification being considered for the site. . .

**Zoning Commission Order No. 588, September 15, 1988**

In Order No. 588, September 15, 1988, the Commission, after rejecting requests to repeal all of § 3202.6, redrafted § 3202.4, repealed former § 3202.5, and renumbered § 3202.6 as § 3202.5. The Order does not explain why former § 3202.5 was repealed. One possible explanation is that the provision only applied to applications filed before May 12, 1958, and that it was unlikely that there were applications still pending after thirty years.

However, in repealing former § 3202.5, the Commission unfortunately overlooked the fact that the newly renumbered § 3202.5(a) still cross-referenced the repealed provision. Thus, the Commission inadvertently[1] eliminated the prerequisites to vesting it had added just nine months before.

As a result of this rulemaking, § 3202.4 and renumbered § 3202.5, should have read as follows (repealed language indicated by strike out and added language shown in bold):

> **3202.4** ~~All work~~ **Any construction** authorized by a building permit ~~issued before May 12, 1958,~~ may be carried to completion ~~in accordance with the terms of that permit~~ **pursuant to the provisions of this title in effect on the date that the permit is issued, subject to the following conditions:**
>
> > **(a) The permit holder shall begin construction work within two years of the date on which the permit is issued; and**
> >
> > **(b) Any amendment of the permit shall comply with the provisions of this title in effect on the date the permit is amended.**
>
> ~~3202.5 All applications for building permits filed before May 12, 1958, may be processed, and any work to be authorized by the permits applied for may be carried to completion, in accordance with the Zoning Regulations in effect on the date the applications were filed; Provided, that the following requirements are met:~~
>
> > ~~(a) The application shall be accompanied by any fee which is required, and by the plans and other information required by § 3202.2, which shall be sufficiently complete to permit the~~

[1] The petitioners point out, after reading the orders and listening to the tapes of the related **public meetings**, that the provision was repealed without discussion.

~~processing without substantial change or deviation, and by any other plans and information which are required to permit complete review of the entire application under any applicable District of Columbia regulations.~~

~~(b) Any approved building permit shall be taken out within six (6) months after May 12, 1958; and~~

~~(c) All work authorized by the building permit shall be carried to completion in accordance with the terms of the permit.~~

~~3202.6~~**3202.5** If an application for a building permit is filed when the Zoning Commission has pending before it a proceeding to consider an amendment of the zone district classification of the site of the proposed construction, the processing of the application, and the completion of work pursuant to the permit, shall be governed as follows:

(a) If the application is filed on or before the date on which the Zoning Commission makes a decision to hold a hearing on the amendment, the processing of the application and completion of the work shall be governed by § 3202.4 and § 3202.5;

(b) If the application is filed after the date on which the Zoning Commission has made a decision to hold hearing on the amendment, the application may be processed, and any work authorized by the permit may be carried to completion, only in accordance with the zone district classification of the site pursuant to the final decision of the Zoning Commission in the proceeding, or in accordance with the most restrictive zone district classification being considered for the site. . .

**Errors in the 1991, 1994, and 1995 Editions of Title 11**

No substantive amendments to the above provisions have been made since this last amendment. Nevertheless, the versions of § 3202.5(a) that appeared in the 1991, 1994, and 1995 editions of Title 11 all contained the text of the former § 3202.5(a), rather than the text of the renumbered § 3202.5(a). The published language is shown in **bold underline**, the language that should have been published is shown in ***bold italic***.

3202.5 If an application for a building permit is filed when the Zoning Commission has pending before it a proceeding to consider an amendment of the zone district classification of the site of the proposed

construction, the processing of the application, and the completion of work pursuant to the permit, shall be governed as follows:

(a) ***If the application is filed on or before the date on which the Zoning Commission makes a decision to hold a hearing on the amendment, the processing of the application and completion of the work shall be governed by § 3202.4 and § 3202.5;*** **The application shall be accompanied by any fee which is required, and by the plans and other information required by § 3202.2, which shall be sufficiently complete to permit processing without substantial change or deviation, and by any other plans and information which are required to permit complete review of the entire application under any applicable District of Columbia regulations;**

**2003 Edition of Title 11**

The 2003 edition of Title 11 reads (with incorrectly deleted language indicated by strikeout and incorrectly substituted language indicated in bold), in relevant part:

3202.5 If an application for a building permit is filed when the Zoning Commission has pending before it a proceeding to consider an amendment of the zone district classification of the site of the proposed construction, the processing of the application, and the completion of work pursuant to the permit, shall be governed as follows:

~~(a) If the application is filed on or before the date on which the Zoning Commission makes a decision to hold a hearing on the amendment, the processing of the application and completion of the work shall be governed by § 3202.4 and § 3202.5;~~

**(a) If an application for a building permit is filed when the Zoning Commission has pending before it a proceeding to consider an amendment of the zone district classification of the site of the proposed construction, the processing of the application and completion of the work shall be governed by § 3202.4;**

(b) If the application is filed after the date on which the Zoning Commission has made a decision to hold hearing on the amendment, the application may be processed, and any work authorized by the permit may be carried to completion, only in accordance with the zone district classification of the site

> pursuant to the final decision of the Zoning Commission in the proceeding, or in accordance with the most restrictive zone district classification being considered for the site. . .

As in the prior editions of Title 11, the 2003 edition leaves out the language regarding the processing of the application filed on or before the date that the Commission decides to set down a proposed rezoning for hearing. Apart from being inaccurate, the published text largely duplicates language that immediately precedes it and is entirely redundant.

**Final Rulemaking**

In consideration of the above discussion, the Zoning Commission concludes that the text of 11 DCMR § 3202.5 (a) as it appears in the February 2003 edition of the Zoning Regulations should be corrected and, therefore, **APPROVES** an amendment to Title 11 (DCMR) so that subsection (a) will read as follows:

> (a) If the application is filed on or before the date on which the Zoning Commission makes a decision to hold a hearing on the amendment, the processing of the application and completion of the work shall be governed by § 3202.4. The application shall be accompanied by any fee that is required, and by the plans and other information required by § 3202.2, which shall be sufficiently complete to permit processing without substantial change or deviation, and by any other plans and information that are required to permit complete review of the entire application under any applicable District of Columbia regulations;

**Vote of April 28, 2003**

Vote of the Zoning Commission taken at the special public meeting held on April 28, 2003, to **APPROVE** the proposed text amendment: 5-0-0 (Carol J. Mitten, Anthony J. Hood, James H. Hannaham, and John G. Parsons to approve; Peter G. May to approve by absentee vote).

**Vote of July 31, 2003**

The Zoning Commission at its public meeting held on July 31, 2003, **ADOPTED** this order by a vote of 4-0-1 (Carol J. Mitten, Anthony J. Hood, John G. Parsons, and James H. Hannaham to adopt; Peter G. May, having not participated in the case, not voting).

In accordance with the provisions of 11 DCMR § 3028.9, this order shall become effective upon publication in the *D.C. Register*; that is on JAN - 9 2004.

**CAROL J. MITTEN**
**Chairman**
**Zoning Commission**

**JERRILY R. KRESS, FAIA**
**Director**
**Office of Zoning**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**
**NOTICE OF FINAL RULEMAKING**
**and**
**CORRECTED ORDER NO. 03-14-A**
**Z.C. Case No. 03-14**
**(Text Amendment – 11 DCMR § 3202.5(a))**
**July 31, 2003**

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