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Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. Z.C. 08-16A

DEC 08 2008

Zoning Commission for the
District of Columbia
2nd Floor, Suite 210 South
441 4th Street, NW
Washington, D.C. 20001

Members of the Commission:

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, I found that the proposed text amendment to the District of Columbia Zoning Regulations to modify the definition of Child/Elderly Development Center is not inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

Marcel C. Acosta
Executive Director

Enclosure

cc: Harriet Tregoning, Director
D.C. Office of Planning

Anthony Hood, Chairman
Zoning Commission

ZONING COMMISSION
District of Columbia

CASE NO. 08-16A

EXHIBIT NO. 6

ZONING COMMISSION
District of Columbia
CASE NO. 08-16A
EXHIBIT NO. 6

**TEXT AMENDMENT TO MODIFY THE DEFINITION OF A
CHILD/ELDERLY DEVELOPMENT CENTER**

Submitted by the Zoning Commission of the District of Columbia

Delegated Action of the Executive Director

NOV 25 2008

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, 40 U.S.C. §8724(a), and DC Code §2-1006(a), I find that the proposed text amendment to the District of Columbia Zoning Regulations to modify the definition of Child/Elderly Development Center is not inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests.

* * *

The Zoning Commission of the District of Columbia has taken a proposed action to approve a text amendment to Section 199 of the District of Columbia Zoning Regulations to the definition of a Child Development Center to include infants.

In April 2007, the child care regulations within the District of Columbia Municipal Regulations (DCMR) Chapter 3: Child Development Facilities were updated. At present time, the Zoning Regulations and the DCMR Chapter 3 have conflicting definitions. As a result, the District of Columbia Office of Planning has requested the text amendment to be consistent with the DCMR Chapter 3, along with Z.C. 08-16 which increases the number of children permitted by right in a Child Development Home and a Child/Elderly Development Center.

The proposed text amendment to the Zoning Regulations is as follows with old text marked through:

CHAPTER 1, THE ZONING REGULATIONS, Section 199 Definitions

Child/Elderly Development Center – a building or part of a building, other than a child development home or elderly day care home, used for the non-residential licensed care, education, counseling, or training of individuals ~~two (2) years old or older~~ under the age of fifteen (15) years of age and/or for the non-residential care of individuals age 65 or older, totaling six (6) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than

twenty-four hours per day. This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, before-and-after school programs, senior care centers, elder care programs, and similar programs and facilities. A child/elderly development center includes the following accessory uses: counseling, education, training, and health and social services for the person or persons with legal charge of individuals attending the center, including, but not limited to, any parent, spouse, sibling, child, or legal guardian of such individuals.

The proposed text amendment is not inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests.

A handwritten signature in black ink, appearing to read 'M. Acosta', is written over a solid horizontal line.

Marcel C. Acosta
Executive Director