

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



December 15, 2008

Via E-Mail & U.S. Mail:

Marcel Acosta
Executive Director
National Capital Planning Commission
401 9th Street, N.W., Suite 500
Washington, D.C. 20004

Re: Notice of Proposed Rulemaking: Z.C. Case Nos. 08-16 & 08-16A

Dear Mr. Acosta:

Please find attached a copy of the proposed rulemaking for the above-referenced case.

The proposed rulemaking will be published in the *D.C. Register* on December 26, 2008, for a 30-day comment period. The comment period will end on January 25, 2009. Accordingly, these cases will be considered for final action at the Zoning Commission's second public meeting scheduled for February 9, 2009.

The proposed decision of the Commission to approve the above-mentioned case is referred to the National Capital Planning Commission (NCPC) for review and comment, pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code Section 1-201 et seq.

If you have any questions, contact me at the Office of Zoning on (202) 727-0340.

Sincerely,

Sharon S. Schellin
Secretary to the Zoning Commission

cc: David W. Levy (via e-mail)
Carlton Hart (via e-mail)

08-16A
EXHIBIT NO. 7
CASE NO. 08-16A
ZONING COMMISSION
District of Columbia

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case Nos. 08-16 and 08-16A
(Text Amendment – 11 DCMR)
(Text amendments to Modify Definitions of Child Development Home and Child Development Center)

The Zoning Commission for the District of Columbia, 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), hereby gives notice of its intent to amend the definitions of “Child development home” and “Child/Elderly development center” in § 199 of the Zoning Regulations (Title 11 DCMR).

The proposed text amendments modify the definitions of Child development home and Child/Elderly development center to make the zoning definitions consistent with the definitions found in the regulations governing the licensure and inspection of these facilities found in Title 29 of the District of Columbia Municipal Regulations, Chapter 3.

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

The following rulemaking action is proposed (new text is shown **bolded** and underlined, deleted language is shown in ~~strikethrough~~ text):

CHAPTER 1, THE ZONING REGULATIONS, §199 Definitions, is amended by modifying the definitions of Child development home and Child/Elderly development center as follows:

Child development home - a dwelling unit used in part for the licensed care, education, or training of no more than ~~five (5)~~ six (6) individuals fifteen (15) years of age or less. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care center, day-care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities.

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 but~~ 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)~~ seven (7) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) 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.

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All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.