

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND

Z.C. ORDER NO. 10-15

Z.C. Case No. 10-15

(Text Amendment to 11 DCMR, Chapter 30, § 3004, Minutes and Transcripts)
November 8, 2010

The Zoning Commission for the District of Columbia (the "Commission"), pursuant to its authority under § 1 of the Zoning Act of June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01), hereby gives notice of its adoption of amendments to § 3004 of the Zoning Commission's Rules of Practice and Procedure, Chapter 30 of DCMR Title 11 (DCMR Title 11).

Description of Amendments

Section 3004 of the Zoning Regulations currently requires retention of the record and proceedings of Commission public hearings and meetings in the form of a summary of minutes. Current technology allows the Office of Zoning to provide access to the same case information through video-on-demand service, and to provide a transcript of the hearing or meeting within 11 days. Video-on-demand and transcripts provide more complete case information than summary minutes. The amendments remove all references to meeting minutes and replace them with references to meeting and hearing transcripts, address the availability of transcripts following hearings and meetings, and provide a more streamlined process for the correcting of errors in transcripts.

Procedures Leading to Adoption of Amendments

The Office of Zoning, in a request dated July 1, 2010, petitioned the Commission for text amendments to remove all references to meeting minutes in the Zoning Regulations. The Office of Planning provided its setdown report on July 2, 2010.

At its regular public meeting held July 12, 2010, the Commission set down this case for a public hearing.

Notice pursuant to § 13 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000 ("ANC Act"), effective June 27, 2000 (D.C. Law 13-135, D.C. Official Code § 1-309.10), was given to all Advisory Neighborhood Commissions. No written reports were received.

A public hearing was scheduled for and held on September 2, 2010.

ZONING COMMISSION
District of Columbia

CASE NO. 10-15

EXHIBIT NO. 11

Following the completion of the public hearing, the Commission authorized a notice of proposed rulemaking in the *D.C. Register*. No referral was made to the National Capital Planning Commission since these amendments are to the Commission's procedural rules.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on October 8, 2010, 57 DCR 9500, for a 30-day notice and comment period. No comments were received.

At a properly noticed, November 8, 2010, public meeting, the Commission took final action to adopt the text amendments, without making any change to the proposed text,

The Commission adopts the following amendments to Title 11 DCMR:

Chapter 30, **ZONING COMMISSION PROCEDURES RULES OF PRACTICE AND PROCEDURE**, § 3004, MINUTES AND TRANSCRIPTS, is re-titled "**PUBLIC MEETING AND HEARING TRANSCRIPTS**" and amended to remove all references to meeting minutes and to make other clarifications so that the provision will read as follows:

3004 PUBLIC MEETING AND HEARING TRANSCRIPTS

- 3004.1 The transcripts of Commission public meetings and hearings are a matter of public record and shall be open for inspection at the Office of Zoning.
- 3004.2 The public meetings and hearings shall be reported under the supervision of the presiding officer, by transcription or by other means, by an official reporter who may be designated from time to time by the Director (or designee) or who may be a regular employee of the Office of Zoning.
- 3004.3 The transcript prepared by the reporter shall be the sole official transcript of the public meetings and hearings.
- 3004.4 Copies of the transcript will be made available in the Office of Zoning fourteen (14) calendar days after the public meeting or hearing.
- 3004.5 A motion to correct a transcript may be made only when the alleged error is substantive.
- 3004.6 A motion to correct a transcript shall be filed with the Commission within ten (10) calendar days after the transcript has been made available in the Office of Zoning.
- 3004.7 Copies of the motion to correct a transcript shall be served simultaneously on all parties or their authorized representatives.

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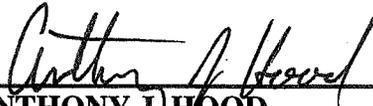
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- 3004.8 The Commission will rule on a motion to correct a transcript at a public meeting or hearing.
- 3004.9 Objections to the motion to correct a transcript shall be filed with the Commission within five (5) calendar days and served upon the parties.
- 3004.10 The Commission, on its own motion at a public meeting or hearing, may order changes to a transcript at any time for any reason.
- 3004.11 If a motion to correct a transcript is granted, the corrected transcript will be made available in the Office of Zoning fourteen (14) calendar days after the Commission grants the motion.

On September 2, 2010, upon a motion of Chairman Hood and seconded by Vice Chairman Schlater, the Zoning Commission **APPROVED** the proposed rulemaking at the public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Greg M. Selfridge, Peter G. May, and Michael G. Turnbull to approve).

On November 8, 2010, upon motion of Commissioner Turnbull, as seconded by Commissioner May, the Zoning Commission **ADOPTED** the Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Greg M. Selfridge, Peter G. May, and Michael G. Turnbull to adopt).

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 November 26, 2010.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



JAMISON L. WEINBAUM
DIRECTOR
OFFICE OF ZONING

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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
Office of Zoning



Z.C. CASE NOS.: 10-15

As Secretary to the Commission, I hereby certify that on NOV 26 2010 copies of this Z.C. Order No. 10-15 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register* (via e-mail)
2. All ANC Chairpersons (see attached list)
3. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
4. All Councilmembers (see attached list)
5. DDOT (Karina Ricks)
6. Melinda Bolling, Acting General Counsel
DCRA
1100 4th Street, S.W.
Washington, DC 20024
7. Office of the Attorney General (Alan Bergstein)

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "S. S. Schellin", is written over a horizontal line.

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning