

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 429

CASE NO. 84-8

JULY 9, 1984

Pursuant to the publication of a notice of proposed rulemaking and direct notice to the chairpersons of all Advisory Neighborhood Commissions (ANC), the District of Columbia Zoning Commission proposed amendments to its Rules of Practice and Procedure. The proposed amendments would clarify the responsibilities of ANCs in rulemaking proceedings before the Zoning Commission.

On December 19, 1983, by Z.C. Order No. 416, the Zoning Commission adopted new amendments to the Rules of Practice and Procedure which identified the rights and responsibilities of ANCs when participating in proceedings before the Zoning Commission. Specific amendments to those rules included a new Section 3.1d which read, in part, as follows:

"d. If an Advisory Neighborhood Commission (ANC) wishes to participate in a case, it shall file a written report with the Commission at least seven days in advance of the hearing."

In March 1984 the Zoning Commission conducted public hearings in a rulemaking proceeding. An ANC filed its written report less than seven days before the hearing in that case began. The Office of the Zoning Secretariat was prepared to return the ANC report for failure to meet filing requirements, but had reason to question the intent of the literal interpretation of Section 3.1d of the Rules.

Subsequent to a ruling from the Chairman of the Zoning Commission regarding the disposition of that particular ANC report, the Zoning Commission on April 9, 1984 clarified its intent regarding the responsibilities of ANCs that participate in rulemaking proceedings before the Commission.

On May 18, 1984, a notice of proposed rulemaking was published in the District of Columbia Register which required ANCs that participated in contested proceedings, only, to meet the seven-day filing deadline. There were no comments received resulting from that publication.

When adopting Z.C. Order No. 416, the Commission intended to have the seven-day filing requirement for the written reports of ANCs apply to contested case proceedings, only, rather than all proceedings. The Commission is mindful that, rulemaking proceedings are broader in scope than contested cases, and focus less on individual issues.

The Commission believes that the proposed amendments to clarify the Rules of Practice and Procedure before the Zoning Commission are in the best interest of the District of Columbia and the zoning process. In consideration of the reasons set forth herein, the Zoning Commission hereby orders APPROVAL of the following amendment to Section 3.1d of the Z.C. Rules of Practice and Procedure:

"d. If an Advisory Neighborhood Commission (ANC) wishes to participate in a matter being considered as a contested case proceeding under Chapter 6 of these Rules, the ANC shall file a written report with the Zoning Commission at least seven days in advance of the hearing. In a matter being considered as a rulemaking proceeding under Chapter 5 of these Rules, there is no filing deadline as long as the record in that case is open. All written reports shall contain the following:"

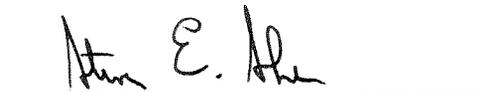
Vote of the Commission taken at the public meeting on April 9, 1984: 5-0 (Lindsley Williams, John G. Parsons, George M. White, Walter B. Lewis and Maybelle T. Bennett, to approve).

This order was adopted by the Zoning Commission at its meeting on July 9, 1984 by a vote of 5-0 (Lindsley Williams, John G. Parsons, George M. White, Walter B. Lewis and Maybelle T. Bennett, to adopt as amended).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this amendment to the Z.C. Rules of Practice and Procedure is effective upon publication in the D.C. Register, specifically on JUL 27 1984.



WALTER B. LEWIS  
Chairman  
Zoning Commission



STEVEN E. SHER  
Executive Director  
Zoning Secretariat