



## MEMORANDUM

**TO:** Zoning Commission for the District of Columbia

**FROM:** Jennifer Steingasser, Deputy Director for Development Review & Historical Preservation

**DATE:** July 2, 2010

**SUBJECT:** Zoning Commission Case No. 10-15 - Proposed Text Amendments to 11 DCMR, Chapter 30, Section 3004, Minutes and Transcripts

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## RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission (ZC) setdown the proposed text amendments to Chapter 30, Section 3004 as requested by the Office of Zoning (OZ) to:

1. Replace meeting and hearing summary minutes with meeting and hearing transcripts.
2. Address the availability of a transcript following a meeting or hearing.
3. Address the correction of an error in a transcript.

This report serves as the final report to the Commission.

## APPLICATION

On June 1, 2010, OZ submitted a request to amend 11 DCMR, Chapter 30, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, Section 3004, MINUTES AND TRANSCRIPTS to remove all references to meeting minutes and to make other clarifications. The proposed changes are part of the ongoing OZ initiatives to further improve its services.

## BACKGROUND

Currently, the Zoning Regulations require that the record and proceedings of a Zoning Commission public hearing or meeting be retained in the form of a summary of the minutes. However, with the advent of current technology, OZ has been providing other access to information including video-on-demand and the availability of the transcript within 11 days of the hearing or meeting. These allow and constitute complete access to all case information rather than just summary minutes to constituents. The proposal would therefore eliminate the requirement of hearing and meeting summaries. Other amendments to the section address the availability of transcripts and outline a more streamlined process for correcting substantial errors in a transcript.

## PROPOSAL

The following changes are proposed with deleted text shown with ~~strikethrough~~ and new text shown in **BOLD** and UNDERLINED:



- Amend Chapter 30, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, § 3004 as follows:

**3004        ~~MINUTES~~ MINUTES PUBLIC MEETING AND HEARING TRANSCRIPTS**

3004.1        The ~~minutes~~ 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 minutes of Commission meetings shall be summary in nature and include the vote of each member on each application or petition or procedural matter, and any ruling of the presiding officer.~~

3004.32        The **public meetings and** ~~hearings~~ shall be reported under the supervision of the presiding officer, ~~stenographically~~ **by** transcription or by other means, by an official reporter who may be designated from time to time by the ~~Commission~~ **Director (or designee)** or who may be a regular employee of the ~~Commission~~ **Office of Zoning.**

3004.43        The transcript prepared by the reporter shall be the sole official transcript of the **public meetings and** ~~hearings.~~

3004.5        ~~The transcript shall be open for inspection at the Office of the Zoning.~~

3004.64        Copies of the transcript shall **will** be **made** available to parties and to the public from the official reporter on payment of the charges fixed for the copies **in the Office of Zoning fourteen (14) calendar days after the public meeting or hearing.**

3004.7        ~~Parties shall be notified when the transcript is filed with the Commission.~~

3004.8        ~~Changes in the official transcript may be made only when they involve errors affecting substance.~~

3004.95        A motion to correct a transcript shall be filed with the Commission within ten (10) days after the transcript has been filed with the Commission **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.**

3004.407        Copies of the motion to correct a transcript shall be served simultaneously on all parties or their authorized representatives.

**3006.8        The Commission will rule on a motion to correct a transcript at a public meeting or hearing.**

- 3004.11~~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.
- ~~3004.12 The presiding officer may change the transcript at a public meeting to reflect any corrections.~~
- 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.**

### COMPREHENSIVE PLAN

The requested changes are to administrative procedures and have no impact on the 2006 Comprehensive Plan or the Zone Plan.

### CONCLUSION

The Office of Planning supports the proposal and recommends that the proposed text amendments be set down for public hearing.

JS/mbr

