Government of the District of Columbia
OFFICE OF ZONING

Z.C. CASE NO.: 05-29

As Acting Secretary to the Commission, I herby certify that on FEB - 6 2006 copies of this Z.C. Order No. 05-29 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*
2. All ANC Chairs
3. All Councilmembers
4. Gottlieb Simon
   ANC
   1350 Pennsylvania Avenue, N.W.
   Washington, D.C. 20004
5. Office of Planning (Ellen McCarthy)
6. Ken Laden, DDOT
7. Bill Crews, Zoning Administrator
8. Julie Lee, General Counsel
   DCRA
   941 North Capitol Street, N.E.
   Suite 9400
   Washington, D.C. 20002
9. Office of Attorney General (Alan Bergstein)

ATTESTED BY: Sharon S. Schellin
Sharon S. Schellin
Acting Secretary to the Zoning Commission
Office of Zoning

Case 05-29
Exhibit 10
ZONING COMMISSION
District of Columbia
CASE NO.05-29
EXHIBIT NO.10

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
ORDER NO. 05-29
Z.C. Case No. 05-29
(Text Amendments – 11 DCMR)
(Flexibility for Private Schools to Enroll Students Displaced by Hurricane Katrina)
January 9, 2006

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); having held a public hearing as required by § 3 of the Act (D.C Official Code § 6-641 03), and having referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to § 492 of the District of Columbia Charter; hereby gives notice of the adoption of amendments to § 206 of the Zoning Regulations (Residence District Use Regulations) The amendments temporarily permit private schools in the District of Columbia to enroll students displaced by the effects of Hurricane Katrina without having such students count against enrollment caps imposed by orders of the Board of Zoning Adjustment The rule limits the number of students who could be enrolled without counting towards such caps at ten percent of the maximum number permitted or twenty students, whichever is less, and will expire on July 1, 2006

The Commission took final action to adopt the amendments at a public meeting held on January 9, 2006

This final rulemaking is effective upon publication in the *D.C Register*

Existing Regulations

Section 206 of the Zoning Regulations authorizes private schools to locate in R-1 zone districts if approved as a special exception by the Board of Zoning Adjustment ("BZA") Many BZA orders granting private school special exceptions include enrollment caps limiting the number of students who may attend the school.

Description of Text Amendment

The amendment temporarily permits private schools in the District of Columbia to enroll students displaced by the effects of Hurricane Katrina without having such students count against enrollment caps imposed by orders of the Board of Zoning Adjustment The rule limits the

number of students who could be enrolled without counting towards such caps at ten percent of the maximum number permitted or twenty students, whichever is less, and will expire on July 1, 2006.

Relationship to the Comprehensive Plan

The amendment is not inconsistent with the Comprehensive Plan A major theme of the Plan is social responsibility. 10 DCMR § 101 1(j). The Plan acknowledges that District neighborhoods are part of a larger community, and all neighborhoods should share in the overall social responsibilities of the community. 10 DCMR § 111.1 The amendment advances this theme by allowing private schools located in residence districts to educate the victims of Hurricane Katrina on a temporary basis.

The Commission also recognizes the Plan's goal of controlling the external negative impact of non-residential uses in residential neighborhoods. 10 DCMR § 1104.1(k). The amendment minimizes any impact by limiting the increase in enrollment to ten percent or twenty students, whichever is less, and by making the enrollment increase temporary

Public Hearing and Proposed Action

The Commission held a public hearing on this case on November 28, 2005

Following the conclusion of the hearing, the Commission took proposed action pursuant to 11 DCMR § 3027 2 to approve the advertised text.

A Notice of Proposed Rulemaking was published in the *D C Register* on December 9, 2005 at 52 DCR 10720, for a 30-day notice and comment period. No comments were received.

On December 5, 2005, the proposed rulemaking was referred to the National Capital Planning Commission (NCPC), pursuant to the terms of § 492 of the District of Columbia Charter. After thirty days had elapsed, no response was received from NCPC

The Office of the Attorney General has determined that this rulemaking meets its standards of legal sufficiency

Final Action

The Commission took final action to adopt the rulemaking at its regularly scheduled public meeting on January 9, 2006. No changes were made to the advertised prepared text.

Based on the above, the Commission finds that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia, consistent with the purpose of the Zoning Regulations and Zoning Act, and not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following amendments to chapter 2 of the Zoning Regulations, Title 11 DCMR

Title 11 DCMR (Zoning) is amended as follows.

Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, is amended by adding new §§ 206 4 and 206 5 to read as follows·

206.4 Students who were displaced due to the effects of Hurricane Katrina may attend a private school existing as of September 15, 2005, without being counted against the limit on the number of students that may be a condition of an order of the Board of Zoning Adjustment; provided, that the number of students to be accommodated at a school shall not exceed ten percent (10%) of the maximum number permitted or twenty (20) students, whichever is less.

206.5 Subsection 206 4 shall expire on July 1, 2006

Vote of the Zoning Commission taken at its public meeting on November 28, 2005, to **APPROVE** the proposed rulemaking **4-0-1** (Anthony J Hood, Gregory N Jeffries, John G Parsons, Michael G. Turnbull to approve, Carol J Mitten, not having participated, not voting).

This Order was **ADOPTED** by the Zoning Commission at its public meeting on January 9, 2005, by a vote of **4-0-1** (Anthony J Hood, Gregory N. Jeffries, John G Parsons, Michael G Turnbull, to adopt; Carol J Mitten, not having participated, not voting)

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 FEB - 3 2006

ANTHONY J. HOOD
VICE-CHAIRMAN
ZONING COMMISSION

JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF ZONING

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
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ORDER NO. 05-29
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(Text Amendments – 11 DCMR)
(Flexibility for Private Schools to Enroll Students Displaced by Hurricane Katrina)
January 9, 2006

The full text of this Zoning Commission order is published in the "Final Rulemaking" section of this edition of the *D C Register*

AVERY® Address Labels Laser 5162®

Linda W. Cropp, At Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 504
Washington, D.C. 20004

Kwame R. Brown, At Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 406
Washington, D.C. 20004

Carol Schwartz, At Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 404
Washington, D.C. 20004

David A. Catania, At Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 110
Washington, D.C. 20004

Phil Mendelson, At Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 402
Washington, D.C. 20004

Jim Graham – Ward 1
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 105
Washington, D.C. 20004

Jack Evans – Ward 2
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 106
Washington, D.C. 20004

Kathleen Patterson – Ward 3
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 107
Washington, D.C. 20004

Adrian Fenty – Ward 4
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 408
Washington, D.C. 20004

Vincent B. Orange, Sr. – Ward 5
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 108
Washington, D.C. 20004

Sharon Ambrose – Ward 6
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 102
Washington, D.C. 20004

Vincent C. Gray – Ward 7
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 506
Washington, D.C. 20004

Marion Barry – Ward 8
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Room 400
Washington, D.C. 20004

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AVERY® Address Labels Laser 5162®

Mack James, Chair
ANC 1A
P.O. Box 73115
Washington, DC 20056

Dee Hunter, Chair
ANC 1B
P.O. Box 73710
Washington, DC 20056

Alan Roth, Chair
ANC 1C
P.O. Box 21009
Washington, DC 20009

Jack McKay, Chair
ANC 1D
P O Box 43529
Washington, DC 20010

Vince Micone, Chair
ANC 2A
St. Mary's Court
725 24th Street, NW
Washington, DC 20037

Darren Bowie, Chair
ANC 2B
9 Dupont Circle, NW
Washington, DC 20036

Leroy Thorpe, Jr., Chair
ANC 2C
1704 5th Street,N W
Washington, DC 20001

Sandra Perlmutter, Chair
ANC 2D
2122 California Street, NW
Washington, DC 20008

Ed Solomon, Chair
ANC 2E
3265 S Street, NW
Washington, DC 20007

Charles Reed, Chair
ANC 2F
Washington Plaza Hotel
5 Thomas Circle, NW
Washington, DC 20005

Melissa Lane, Chair
ANC 3B
Guy Mason Rec. Center
P.O Box 32312
Washington, DC 20007

Nancy MacWood, Chair
ANC 3C
2nd Dist. Police Station
2737 Devonshire Place, NW
Washington, DC 20008

Alma Gates, Chair
ANC 3D
P.O. Box 40846 - Palisades Station
Washington, DC 20016

Amy B McVey, Chair
ANC 3E
St. Mary's Church
5425 Western Avenue, NW
Washington, DC 20015

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Catherine Wiss, Chair
ANC 3F
Capital Memoral Church
4401-A Connecticut Ave., NW - Box 244
Washington, DC 20008

Robert Gordon, Chair
ANC 3G
Chevy Chase Community Center
P.O. Box 6252 - Northwest Station
Washington, DC 20015

James H. Jones, Chair
ANC 4A
7600 Georgia Avenue, NW
Washington, DC 20012

Judi Jones, Chair
ANC 4B
25 Sheridan Street, NW
Washington, DC 20011

Joseph Martin, Vice-Chair
ANC 4C
4230 4th Street, NW
Washington, DC 20011

Keith Jackson, Chair
ANC 4D
143 Kennedy Street, NW
Washington, DC 20011

Joseph L Bowser, Chair
ANC 5A
1322 Irving Streets, NE
Washington, DC 20017

William C. Shelton, Chair
ANC 5B
1355 New York Avenue, NE
Washington, DC 20002

James D. Berry, Jr., Chair
ANC 5C
140 Bates Street, NW
Washington, DC 20001

Joseph V. Fengler, Chair
ANC 6A
P.O. Bod 75115
Washington, DC 20013

Scott Cernich, Chair
ANC 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003

Mark Dixon, Chair
ANC 6C
P O Box 77876
Washington, DC 20013

Andy Litsky, Chair
ANC 6D
65 I Street, SW
Washington, DC 20024

Angela Thompson-Murphy, Chair
ANC 7A
4310 Texas Avenue, SE
Washington, DC 20019

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AVERY® Address Labels Laser 5162®

Raymond Keith, Chair
ANC 7B
2110 Suitland Terrace, SE
Washington, DC 20020

Muriel Chambers, Chair
ANC 7C
1027 46th Street, NE
Washington, DC 20019

Dorothy Douglas, Chair
ANC 7D
P.O. Box 64052
Washington, DC 20019

Naomi Robinson, Chair
ANC 7E
5001 Hanna Place, SE, Ste. B
Washington, DC 20019

Anthony Muhammad, Chair
ANC 8A
P.O. Box 73878
Washington, DC 20056

Jacque Patterson, Chair
ANC 8B
3521 21st Street, SE
Washington, DC 20020

Mary Cuthbert, Chair
ANC 8C
3325 MLK Jr. Avenue, SE
Washington, DC 20032

O.V. Johnson, Chair
ANC 8D
632 Elmira Street, SE
Washington, DC 20032

Sandra Seegars, Chair
ANC 8E
P.O. Box 7050
Washington, DC 20032

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