Government of the District of Columbia
OFFICE OF ZONING

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MEMORANDUM

TO: Arnold R Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Sharon S Schellin
Acting Secretary to the Zoning Commission

DATE: September 28, 2005

SUBJECT: Publication for the Office of Zoning

2005 SEP 29 PM 3 32

Please publish the following in the *D C Register* on October 7, 2005

1 Z C Notice of Filing (Case No 70-16A),
2 Z C. Notice of Filing (Case No 05-30),
3 Z C Notice of Emergency Rulemaking (Case No 05-29),
4 Z C Notice of Public Hearing (Case No. 05-22),
5 Z C Notice of Public Hearing (Case No 05-29),
6 Z.C Notice of Public Hearing (Case No 05-31),
7 Z C Order No 04-24, and
8 Z C Order No 05-14

Attachments

[redacted]
CASE NO. 05-29
EXHIBIT NO. 2

441 4th St N W Suite 210-S Washington D C 20001
Telephone (202) 727-6311 E-Mail Address zoning@dcoz.dc.gov Web Site www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO.05-29
EXHIBIT NO.2

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: [X] EMERGENCY RULES [ ] FINAL RULES [ ] PROPOSED RULES [ ] COMBINED

DATE AND TIME RECEIVED
Office of Documents use only

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: SHARON SCHELLIN

ADDRESS 441 4th Street, N W , Suite 210 South TELEPHONE 202-727-0340

TITLE AND DESCRIPTION OF RULES CASE NO 05-29 (TEXT AMENDMENT –FLEXIBILITY FOR PRIVATE SCHOOLS TO ENROLL STUDENTS DISPLACED BY HURRICANE KATRINA)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed Title 11 (Zoning) Sections 11 DCMR § 206

FINAL RULES ONLY Give the D C REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules DCR _____ DATE. _____

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, 799 D C Official Code § 6-641 01)

LEGAL CERTIFICATION I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient

DATE SEPTEMBER 22, 2005 SIGNED: Ellen Bergstein for PHONE (202) 442-9777

[ ] FINAL	[ ] CONDITIONAL	NAME: ROBERT J. SPAGNOLETTI TITLE ATTORNEY GENERAL

PROMULGATOR Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)

Zoning Commission For The District Of Columbia Title

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE 9-15-05

APPROVAL OF ATTEST Sharon J. Schellin

TITLE Acting Secretary to the Zoning Commission PHONE (202) 727-0340

Office of Documents use only	THIS NOTICE PUBLISHED AT	VOL	DCR	DATE

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF EMERGENCY RULEMAKING
Case No. 05-29
(Text Amendment –Flexibility for Private Schools to Enroll Students Displaced by Hurricane Katrina)
September 15, 2005

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, 799, D.C Official Code § 6-641-01) and the authority set forth in D.C Official Code § 2-505(c) hereby gives notice of the adoption, on an emergency basis, of an amendment to Title 11 of the District of Columbia Municipal Regulations ("DCMR") to permit private schools in the District of Columbia to enroll students displaced by the affects of Hurricane Katrina without having such students count against enrollment caps imposed by orders of the Board of Zoning Adjustment ("BZA"). 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.

Hurricane Katrina displaced thousands of persons, including countless numbers of children Private schools in the District of Columbia have expressed an interest in opening their doors to these students, at no cost, but many cannot do so without running afoul of enrollment caps imposed by BZA orders In order to avoid even further disruption in the lives of these young persons and alleviate, to some extent, the impact on area public school systems, it is necessary to make this limited and temporary relief effective immediately.

The emergency rulemaking took effect immediately upon its adoption on September 15, 2005 and will expire 120 days thereafter, i.e. January 13, 2006, or upon the publication of a notice of the final adoption of this rule in the D.C. Register, whichever is the first to occur

Title 11 (DCMR) is amended as follows:

Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, is amended by adding a new § 206.4 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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Monday, November 28, 2005, @ 6:30 P.M. – 1st Case**
Office of Zoning Hearing Room
441 4th Street, N.W. Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 05-29 (Flexibility for Private Schools to Enroll Students Displaced by Hurricane Katrina – Text Amendment)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning is requesting a text amendment to Title 11 of the District of Columbia Municipal Regulations (Zoning) to 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 would limit 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 would expire on July 1, 2006. This case was set down for hearing on July 11, 2005, at which time the Commission also adopted the rule on an emergency basis. The only difference between the proposed text amendment set forth below and the emergency rule is the addition of the July 1st expiration date. Although the emergency rule authorized the enrollment flexibility sought, adoption of a rule that would continue in effect during the current academic year will avoid uncertainty with respect to enrollment compliance throughout that period. The Commission also waived § 3013.1 of its rules of procedures, which would have required a twenty-day waiting period before publication.

Title 11 (DCMR) 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.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D C. Official Code § 6-641.01 (2001), *et seq*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of Section 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N W., Washington, D C , 20001. Please include the number of this particular case and your daytime telephone number **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY N. JEFFRIES, JOHN G. PARSONS, AND KEVIN L. HILDEBRAND, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, ACTING SECRETARY TO THE ZONING COMMISSION.