

**DISTRICT OF COLUMBIA PUBLIC SCHOOLS****NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Chancellor of the District of Columbia Public Schools, pursuant to section 103 of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172) (2007 Supp.), and Mayor's Order 2007-186 (August 10, 2007), hereby gives notice of the adoption of the following emergency rulemaking. This emergency rulemaking will amend Title 5, Chapter 21, Section 2106 of the *District of Columbia Municipal Regulations* to change the application date for out-of-boundary transfers, add a preference for students whose current school will close in the upcoming school year, reestablish the order for granting out-of-boundary transfers, and authorize the Chancellor to grant discretionary transfers in certain circumstances.

This emergency is necessitated by the need to ensure preservation of the public welfare in general and by the impending out-of-boundary lottery process. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days, unless earlier superseded by a notice of final rulemaking.

The proposed rulemaking will be submitted to the Council for a forty-five (45) day period of review. The Chancellor also hereby gives notice of the intent to adopt this rulemaking, in final, in not less than thirty (30) days from the publication of this notice in the *D.C. Register*, or upon approval of the rulemaking by the Council, whichever occurs later.

**CHAPTER 21 ATTENDANCE AND TRANSFERS****Section 2106.3 Out-Of-Boundary Transfers is amended to read as follows:**

2106.3 An adult student, an emancipated student, or a minor student's parent or guardian may apply for an out-of-boundary transfer for any of the following reasons:

- (a) His or her sibling currently attends the requested school;
- (b) He or she currently attends a school that is slated for closure in the upcoming school year;
- (c) He or she currently attends a school that, by virtue of location or being designated as a "feeder school" by the Chancellor, sends its students, upon completion of its program, to the requested school;
- (d) He or she resides within a three city-block radius, for elementary schools, or a five city-block radius for middle and junior high schools; or

- (e) The adult student or minor student's parent or guardian prefers the requested school to his or her designated in-boundary school.

**Section 2106.4 Out-Of-Boundary Transfers is amended to read as follows:**

2106.4 Applications for out-of-boundary transfers for the following school year shall be submitted in writing to the Chancellor, not earlier than January 28<sup>th</sup> nor later than March 12<sup>th</sup>, stating the reasons for the request. The Chancellor or his/her designee shall send a response to any such request no later than March 31<sup>st</sup>.

**Section 2106.5 Out-Of-Boundary Transfers is amended to read as follows:**

2106.5 In reviewing the request for discretionary transfers, the Chancellor shall certify stated reasons for the request and fairly administer a lottery held in DCPS headquarters, giving preferences to students in accordance with the reasons for their transfer requests in the following order until available spaces are filled or all requests are granted:

- (a) His or her sibling currently attends the requested school;
- (b) The student's current school will close in the upcoming school year;
- (c) He or she attends a school that, by virtue of location or its being designated as a "feeder school" by the Chancellor, sends its students, after school completion, to the requested school;
- (d) He or she resides within reasonable walking distance of the requested school (within a three city-block radius for elementary students and a five city-block radius for middle and junior high school students); or
- (e) The adult student of the minor student's parent or guardian prefers the requested school to his or her designated in-boundary school.

**Section 2106.6 Out-Of-Boundary Transfers is amended to read as follows:**

2106.6 The Chancellor, and only the Chancellor, is authorized to grant a discretionary transfer and set the duration of the approved transfer when there are extenuating circumstances that, in the judgment of the Chancellor, would result in (a) physical or emotional harm to the student involved, or (b) serious harm to the student's educational development were he or she to remain at his or her current school.

Comments on this rulemaking should be submitted, in writing, to Michelle Rhee, Chancellor, DCPS, at 825 North Capitol Street, NE, 9<sup>th</sup> Floor, Washington, DC, 20002, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of this rule are available from the above address.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF EMERGENCY RULEMAKING**

**Z.C. Case No. 07-08A**

**(Text Amendments – 11 DCMR**

**Temporary ballpark accessory surface parking lots)**

**February 11, 2008**

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in sections 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Official Code §§ 6-641.01 and 641.07) and the authority set forth in section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), hereby gives notice of the re-adoption, on an emergency basis, of amendments to §§ 601, 901, 2110 of the Zoning Regulations (DCMR, Title 11).

These text amendments allow temporary parking lots to also be located on Squares 603, 605, 657, 658, 661, 662, 662E, 664, 664E, and Square 658, Lot 7.

This emergency rule is identical to the one adopted on October 15, 2007, and published in the D.C. Register (“DCR”) on December 21, 2007 at 54 DCR 12388. Re-adoption of the rule on an emergency basis is necessary because the emergency conditions identified in the December 21, 2007 notice continue to exist, but the Zoning Commission’s consideration of a permanent rule is not yet completed.

The initial emergency rule was adopted because the Washington Nationals’ ballpark will begin operation on March 29, 2008, and absent immediate action by the Zoning Commission it was likely that adequate parking facilities will not be ready by that date. The ballpark is expected to generate a parking demand far in excess of the parking provided on the ballpark site. If additional facilities are not available to handle this short-fall in time for the opening, the Commission believes the resulting traffic problems pose a threat to public safety.

This emergency rule was adopted on February 11, 2008, and became effective on that date.

The emergency rule will expire on June 10, 2008, which is the 120<sup>th</sup> day after the adoption of the rule, or upon the publication of a Notice of Final Rulemaking in the Register, whichever occurs first.

The proposed amendments to the Zoning Regulations are as follows:

- A. Chapter 6, MIXED USE (CR) DISTRICTS, § 601 is amended by adding the following new text (additions to the existing text are **bold** and **underlined**):

601.1 (dd) Notwithstanding § 602.1, temporary surface parking lot accessory to the Ballpark shall be permitted on Squares **603, 605, 657, 660, 661, 662, 662E, 664,** 665, 700, 701, 882; and on **Square 658, Lot 7, Square 767,** Lots 44 - 47; Square 768, Lots 19- 22; and Square 769, Lot 19 and those portions of Lots 18 and 20 within the CR District; in accordance with § 2110. In the event that the cumulative parking limit established in § 2110.1 (a) is met, additional temporary surface parking spaces accessory

Z.C. NOTICE OF EMERGENCY RULEMAKING  
Z.C. CASE NO. 07-08A  
PAGE 2

to the Ballpark on Squares 603, 605, 657, 658, 660, 661, 662, 662E, 664, 665, 700, 701, 882; and on Square 658, Lot 7, Square 767, Lots 44 - 47; Square 768, Lots 19- 22; and Square 769, Lot 19 and those portions of Lots 18 and 20 within the CR District, shall be permitted as a special exception if approved by the Board of Zoning Adjustment pursuant to § 2110.2.

- B. Chapter 9, WATERFRONT (W) DISTRICTS, § 901 is amended by adding the following new text (additions to the existing text are **bold** and **underlined**):

901.1 (dd) Notwithstanding § 352.3, temporary surface parking lot accessory to the Ballpark shall be permitted on Squares 664E, 707, 708, 708E, 708S, or 744S, in accordance with § 2110. In the event that the cumulative parking limit established in § 2110.1 (a) is met, additional temporary surface parking spaces accessory to the Ballpark on Squares 664E, 707, 708, 708E, 708S, or 744S shall be permitted as a special exception in a W-2 District if approved by the Board of Zoning Adjustment pursuant to § 2110.2.

- C. Chapter 21, OFF STREET PARKING REQUIREMENTS, is amended by adding the following new text (additions to the existing text are **bold** and **underlined**):

2110 Temporary Surface Parking Lots and Spaces for the Ballpark

2110.1 Permitted Use - Notwithstanding §§ 602.1 and 902.1 and not subject to any otherwise applicable proximity requirement, a temporary surface parking lot accessory to the Ballpark shall be permitted as a temporary use on Squares 603, 605, 657, 658, 660, 661, 662, 662E, 664, 664E, 665, 700, 701, 707, 708, 708E, 708S, 744S, and 882; and Square 658, Lot 7, Square 767, Lots 44 - 47; Square 768, Lots 19 - 22; and Square 769, Lots 18 - 21 ("the subject squares") in accordance with §§ 2110.3 through 2110.5 and the following provisions:

- D. Chapter 21, OFF STREET PARKING REQUIREMENTS §2110.5 is amended by adding the following new subsection:

2110.5 (j) A minimum of 5% of parking spaces shall be reserved for a registered and recognized, publicly accessible car/ride-share program with a significant District user base and a mandate that is not commuter-oriented, such as GoLoco. These car/ride share spaces shall be located in premium, visible, bannered locations and will be available, for a fee, exclusively for this use until the start of the event on that day.