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85474	Submitted to ODAI	Proposed Rulemaking	Zoning Commission Notice of Proposed Rulemaking: Case No. 09-17A	12/11/2009 Vol 56/50	12/8/2009 07:04:55

ZONING COMMISSION
District of Columbia

CASE NO. 09-17A

EXHIBIT NO. 10

ZONING COMMISSION
District of Columbia
CASE NO.09-17A
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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 09-17A

(Text Amendment – 11 DCMR)

(Text amendments related to public libraries in the R Zone Districts)

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1, 3 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, .03, and .07), hereby gives notice of its intent to amend the §§ 402, 403, 404, 405, 2104, 2108 and 3104 of the Zoning Regulations (Title 11 DCMR).

The proposed text amendments would permit public libraries in the R-5-A and R-5-B Zone Districts to achieve a maximum FAR of 2.0, authorize the Board of Zoning Adjustment to allow a public library in any R District to exceed matter of right lot occupancy limits and have less than the amount of parking spaces required, and eliminate the need for a rear yard or side yard under certain circumstances.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following rulemaking action is proposed:

A. Chapter 4, RESIDENCE DISTRICT: HEIGHT, AREA, AND DENSITY REGULATIONS, § 402, Floor Area Ratio (R), is amended as follows:

1. By amending the chart appended to § 402.4 to insert specific FAR limitations for public libraries as follows:

ZONE DISTRICT AND STRUCTURE	MAXIMUM FLOOR AREA RATIO (FAR)
R-1-A, R-1-B, R-2, R-3, R-4	None prescribed
R-5-A Public libraries	2.0
All Other Structures	0.9
R-5-B Public libraries	2.0
All Other Structures	1.8
R-5-C All structures	3.0
R-5-D All structures	3.5
R-5-E Apartment house and hotel	6.0
Any other structure	5.0

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2. By adding a new § 403.4 to read as follows:

403.4 A public library may be permitted a lot occupancy in excess of that allowed by § 403.2 if approved by the Board of Zoning Adjustment, pursuant to § 3104.1.

3. By amending § 404.3 to insert the phrase “public library” as follows:

404.3 In the case of a lot proposed to be used by a public library, public school or a public recreation center that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, the required rear yard may be reduced or omitted.

4. By adding a new § 405.10 to read as follows:

405.10 In the case of a lot in an R District proposed to be used by a public library that abuts or adjoins along one (1) or both side lot lines a public open space, recreation area, or reservation, the required side yards may be reduced or omitted.

- B. Chapter 21, OFF-STREET PARKING REQUIREMENTS, is amended as follows.

1. Section 2104, EXCEPTIONS TO THE SCHEDULE OF REQUIREMENTS: NEAR METRORAIL STATIONS, is amended as follows:

- (a) Subsection 2104.1 is amended by striking the phrase “Except as provided in § 2104.2” as follows:

2104.1 The number of parking spaces required for a nonresidential building or structure shall be seventy-five percent (75%) of the amount otherwise ordinarily required under § 2101.1 if the building is located within a radius of eight hundred feet (800 ft.) of a Metrorail station entrance and:

- (a) The building or structure is located in a nonresidential district and is at least eight hundred feet (800 ft.) from any R-1, R-2, R-3, or R-4 District; and
- (b) The Metrorail station is currently in operation or is one for which a construction contract has been awarded.

(b) Subsection 2104.2 is repealed.

2. Subsection 2108.2 is amended by inserting the phrase "for a public library may be reduced by up to 100%, but for all other uses" as follows:

2108.2 The amount of required parking spaces for a public library may be reduced by up to 100%, but for all other uses shall not be reduced by more than twenty-five percent (25%); provided, that for a use that is in the category of "All Other Uses" in the table in § 2101.1, the amount of required parking spaces shall not be reduced by more than fifty percent (50%).

- C. Chapter 34, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, § 3104, Special Exceptions, is amended by inserting alphabetically the following new special exception into the chart appended to § 3104.1.

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Public library with a lot occupancy in excess of that permitted by § 403.2.	Any R District	§ 403.4

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon S. Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.