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181698	Submitted to ODAI	Notices, Opinions	Zoning Commission Notice of Final Rulemaking & Order No. 09-17A (Text Amendments Related to Public Libraries in the R Zone Districts)	3/5/2010 Vol 57/10	3/1/2010 17:22:57
181601	Submitted to ODAI	Final Rulemaking	Zoning Commission Notice of Final Rulemaking & Order No. 09-17A (Text Amendments Related to Public Libraries in the R Zone Districts)	3/5/2010 Vol 57/10	3/1/2010 17:22:00

ZONING COMMISSION
District of Columbia

CASE NO. 09-17A

EXHIBIT NO. 12

ZONING COMMISSION
District of Columbia
CASE NO.09-17A
EXHIBIT NO.12

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 09-17A
Z.C. Case No. 09-17A
(Text Amendment – 11 DCMR)
(Text Amendments Related to Public Libraries in the R Zone Districts)
January 11, 2010

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under §§ 1, 3, and § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 798, and 799; D.C. Official Code §§ 6-641.01, 641.03, and 641.07); hereby gives notice of adoption of the following text amendments to the Zoning Regulations of the District of Columbia, DCMR Title 11. A Notice of Proposed Rulemaking was published in the *D.C. Register* (“*DCR*”) on December 11, 2009, at 56 *DCR* 9336. The amendments shall become effective upon the publication of this notice in the *D.C. Register*.

The amendments permit public libraries in the R-5-A and R-5-B Zone Districts to achieve a maximum density of 2.0 FAR, and authorize the Board of Zoning Adjustment to allow a public library in any R Zone District to exceed matter-of-right lot occupancy limits and have less than the amount of parking spaces required. The amendments also eliminate the need for a public library to have a rear yard or side yard under certain circumstances. Finally, the amendments repeal § 2104.2, which is no longer necessary given the reduction in required parking spaces permitted by these text amendments.

Procedures Leading to Adoption of Amendments

A petition requesting the amendments was filed by the District of Columbia Public Library on October 13, 2009. At its October 19, 2009 public meeting, the Commission waived its rule requiring the Office of Planning (“OP”) to submit its setdown report at least ten days prior to placing on the agenda for setdown, voted to set down the proposal for hearing, authorized immediate referral of the proposed text to the National Capital Planning Commission (“NCPC”) and a 30-day advertisement period for the public hearing. At the same public meeting, the Commission also setdown a related application filed by the District of Columbia Public Library seeking a map amendment and special exception authorizing construction of a library at 3660 Alabama Avenue, S.E., Parcel 207/64.

In response to notice given pursuant to § 13 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000, effective June 27, 2000 (D.C. Law 13-135, D.C. Official Code § 1-309.10), Advisory Neighborhood Commission (“ANC”) 7B filed a report with the Commission stating that at a regularly-scheduled, properly-noticed meeting with a quorum present, held on November 19, 2009, ANC 7B had voted unanimously to support the petition. As indicated by its adoption of these amendments, the Commission found this advice to be persuasive.

A public hearing was scheduled for and held on December 3, 2009, after which the Commission authorized the referral of the proposed text to NCPC and the publication of a notice of proposed rulemaking in the *D.C. Register*.

NCPC, through a delegated action dated December 30, 2009, found that the proposed text amendments would not adversely affect the identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on December 11, 2009, 56 DCR 9336, for a 30-day notice and comment period. No comments were received.

At a properly noticed January 11, 2010 public meeting, the Commission took final action to adopt the text amendments as follows:

The Zoning Regulations, Title 11, DCMR, are amended as follows:

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

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 31, 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

On December 3, 2009, upon motion of Chairman Hood, as seconded by Commissioner Schlater Keating, the Zoning Commission **APPROVED** the proposed rulemaking at its public hearing by a vote of **5-0-0** (Anthony J. Hood, William W. Keating, III, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to approve).

On January 11, 2010, upon motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this rulemaking at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to adopt; William W. Keating, III, to adopt by absentee ballot).

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 March 5, 2010.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 09-17A
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(Text Amendment – 11 DCMR)
(Text Amendments Related to Public Libraries in the R Zone Districts)
January 11, 2010**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.