

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING¹

Z.C. Case No. 12-08E

Office of Planning

(Text Amendment – Subtitle K § 605.1 of St. Elizabeth’s East Campus Zones)

February 19, 2026

The Zoning Commission for the District of Columbia (Commission), 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 (2018 Repl.)) and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2016 Repl.)), hereby gives notice of its amendment of Subtitle K § 605.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified) to remove the ten-foot (10 ft.) front setback requirement for buildings within the St. Elizabeth’s East Campus 18 (StE-18) zone with the specific text at the end of this notice.

Petition

On November 20, 2025, the Office of Planning (OP) filed a petition (Petition/Setdown Report) with the Commission proposing an amendment to the Zoning Regulations to remove the ten-foot (10 ft.) front setback requirement for buildings within the St. Elizabeth’s East Campus 18 (StE-18) zone. The Petition states the proposed amendment is necessary on an emergency basis to allow construction of a new replacement District of Columbia library to commence before the end of 2025 on the southwest portion of Parcel 18 of the St. Elizabeth East Campus (located at 1547 Alabama Avenue, S.E., the Property) because:

- A new library to replace an existing one, which is considered operationally deficient, is funded and fully designed, but while in the permitting process it was discovered that the design did not include the front setback requirement in the zoning;
- At this juncture of the permitting process, in order to meet the front setback requirement, the building would require a significant redesign, which, because of the constraints on the site, could:
 - Result in a smaller building footprint;
 - Result in not being able to accommodate all the programs and services that are now planned with significant input from the community; and
 - Result in the library construction not being completed by the 2027 planned delivery date; and

¹ This Notice of Final Rulemaking shall also be known as Z.C. Order No. 12-08E only for Office of Zoning tracking purposes.

- Construction is anticipated to begin at the end of 2025 to allow coordination with the construction of 13th Street by the Deputy Mayor for Planning and Economic Development (DMPED), coordination with the Washington Metropolitan Area Transit Authority (WMATA) because the library will be directly above the Congress Heights Metro, and coordination of geothermal wells for the first District of Columbia Public Library (DCPL) net-zero energy library. The proposed amendment would only be applicable to that portion of 13th Street which abuts Parcel 18 (Exhibit [Ex.] 2).

Comprehensive Plan

The Office of Planning (OP) submitted a Setdown Report on November 11, 2025, and a Hearing Report on February 9, 2026 (hereinafter collectively, the OP Reports) (Ex. 2, 11). Below is a summary of the Comprehensive Plan consistency analysis provided in the OP Reports. The OP Reports stated that the proposed amendment would not be inconsistent with the Comprehensive Plan, including with the Property's designations of Mixed-Use Medium Density Residential and Medium Density Commercial on the Future Land Use Map and the Property's designations as Neighborhood Enhancement Area, Multi-Neighborhood Center, Future Planning Analysis Area, and Land Use Change Area on the Generalized Policy Map; would advance policies of the Land Use, Community Services and Facilities, and the Far Southeast and Southwest Area Element; and would further racial equity goals by providing a library use at a transit accessible location on the St. Elizabeth's East Campus thereby fulfilling the St. Elizabeth's East Master Plan (Ex. 2, 11). The OP Hearing Report noted that the text amendment is inconsistent with Community Services and Facilities Policy CSF-3.2.5: Libraries and Mixed Uses because it would facilitate a stand-alone library. However, OP noted that limited space and other constraints of the Property site preclude any further mix of uses on the site (Ex. 11).

Community Outreach and Engagement – The OP Reports state that the District of Columbia Public Library (DCPL), which operates twenty-six (26) libraries throughout the District, published a Master Plan for 2021-2030 to inform its growth decisions that was recently updated for Winter 2025. The OP Reports state that the recommendation to build a new placement library on the Property was included in the Master Plan and retained in the update. The OP Reports explain that during the development of the Master Plan, the update, and the design process for the replacement library, DCPL undertook substantial community outreach and engagement including workshops, focus groups, and online survey resulting in contact with four hundred fifty (450) stakeholders and neighbors. Further, ANC 8C, in which the Property is located, and ANC 8E, which is across the street from the Property, were both part of the community outreach efforts (Ex. 2, 11).

Disaggregated Race and Ethnicity Data – The OP Setdown Report provided disaggregated race and ethnicity data for the Far Southeast and Southwest Planning Area, in which the Property is located. The data shows that Black residents continue to make up the largest portion of the population for the 2019-2023 period though the population decreased slightly; the median income is significantly lower than Districtwide for both the 2012-2016 and 2019-2023 periods, although all groups in the Planning Area saw increases in median income for the latter period; and the percentage of owner occupancy in the Planning Area significantly increased from eighteen to twenty-two and three-tenths percent (18%-22.3%) between the 2012-2016 and 2019-2023 periods. OP concluded that collectively the data indicates that the services a public library can provide,

including a range of print and online resources, public space, and training, education, and career development opportunities, would be beneficial to residents of the area and particularly helpful to lower income and vulnerable populations (Ex. 2).

Setdown and Emergency & Proposed Action

At its November 20, 2025 public meeting, the Commission heard testimony from OP in favor of the proposed amendment. OP reiterated the conclusions in its Setdown Report and stated that taking emergency action to immediately adopt the amendments would allow construction of a new replacement library on the Property to commence before the end of 2025 and avoid the delay associated with redesigning the library to comply with the 10-foot front setback requirement. At the public meeting, the Commission voted to grant the Petition to:

- Take emergency action to adopt the Petition;
- Set the Petition down for a public hearing; and
- Authorize an immediate publication of proposed rulemaking for the Petition.

The Commission concluded that taking emergency action to adopt the Petition is necessary for the “immediate preservation of the public ... welfare,” as authorized by § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), to avoid delaying the construction of the new replacement library.

VOTE (November 20, 2025): 4-0-1

(Anthony J. Hood, Robert E. Miller, Tammy Stidham, and Gwen Wright to **APPROVE**; Joseph S. Imamura, not present, not voting)

Emergency Action

The emergency rule was effective as of the Commission’s November 20, 2025 vote, and will expire on March 20, 2026, which is the one hundred-twentieth (120th) day after the adoption of this rule, or upon publication of a Notice of Final Rulemaking in the *District of Columbia Register* that supersedes this emergency rule, whichever occurs first.

National Capital Planning Commission (NCPC) Referral and Report

The Commission referred the proposed text amendment to the NCPC on November 25, 2025 for the thirty (30)-day review period required by Section 492(b)(2) of the District Charter (Dec. 24, 1973, Pub. L. 93-198, title IV, § 492(b)(2)); D.C. Official Code 6-641.05 (2018 Repl.); Ex. 7).

NCPC filed a report dated December 31, 2025, stating that the proposed text amendment would not be inconsistent with the federal elements of the Comprehensive Plan for the National Capital nor would it adversely impact any other identified federal interests (Ex. 8).

Notice of Emergency and Proposed Rulemaking

The Commission published a Notice of Emergency and Proposed Rulemaking (NOEPR) in the December 5, 2025 *District of Columbia Register* (72 DCR 013759 *et seq.*) (Ex. 3, 4).

Notice of Public Hearing

Pursuant to Subtitle Z § 502, on November 25, 2025, the Office of Zoning (OZ) sent notice of the February 19, 2026 public hearing, and published notice of the public hearing in the December 5,

2025, *District of Columbia Register* (72 DCR 013715 *et seq.*) as well as on the calendar on OZ's website (Ex. 3, 5, 6).

Comments in Response to NOEPR

On February 3, 2026, Andrew Scott of WMATA submitted a letter in support of the amendment removing the ten-foot (10 ft.) setback requirement stating that it is necessary to accommodate construction of the new library on WMATA-owned property and requiring adherence to the ten-foot (10 ft.) setback requirement would necessitate substantial redesign of the library (Ex. 9).

On February 10, 2026, Brenda Lee Richardson, a Ward 8 resident, submitted a letter in support of the amendment stating that requiring the ten-foot (10 ft.) setback would result in a reduction of the library's footprint diminishing key community functions while removing the requirement would allow the library project to move forward without sacrificing the spaces and services the community has helped define (Ex. 12).

OP Hearing Report

On February 9, 2026, OP submitted a Hearing Report largely reiterating its findings and conclusions from its Setdown Report and recommending that the Commission take final action to permanently approve the text amendment as published in the NOEPR (Ex. 11). OP noted that since the Commission allowed the text amendment on an emergency basis, construction is now anticipated to begin in summer 2026 to allow varied coordination with DMPED and WMATA and coordination of geothermal wells and delivery of the new library by second quarter 2028.

District Department of Transportation (DDOT) Report

On February 6, 2026, DDOT submitted a report stating that it has no transportation concerns related to the removal of the setback requirement and has no objection to approval of the text amendment (Ex. 10).

Public Hearing

At the February 19, 2026 public hearing, OP presented testimony in support of the Petition reiterating that adoption of the text amendment will allow construction of the new library on the Property to proceed without delay. The Commission commented favorably on the library design and questioned OP about the implications of removing the setback requirement, noting that they will be minimal. No government agencies other than OP and a DCPL representative appeared to testify, and no entities or persons appeared to testify.

Final Action

At the February 19, 2026 public hearing, the Commission reiterated its support for the text amendment as stated at emergency and proposed action.

Authority and Evaluation Standard

Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), the Commission may amend the Zoning Regulations consistent with the standards of Subtitle X § 1300.2.

Subtitle X § 1300.2 requires the Commission to find that the text amendment petition is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject text.

“Great Weight” to the Recommendations of OP

The Commission must give “great weight” to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 504.6 (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

The Commission finds persuasive the analyses in the OP Reports and OP’s recommendation that the Commission take final action to permanently adopt the text amendment, as published in the NOEPR, and concurs in OP’s judgment. The Commission finds that the text amendment is not inconsistent with the Comprehensive Plan, on the whole, and finds any Comprehensive Plan inconsistencies to be outweighed by the goals and objectives that would be advanced by allowing construction of the new library to proceed as originally designed.

“Great Weight” to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 505.1. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978)) (citation omitted).

The Commission notes that no ANC² submitted a report in response to the text amendment.

At the close of its February 19, 2026 public hearing, the Commission voted to take **FINAL ACTION** to permanently adopt the text amendment and to authorize the publication of a Notice of Final Rulemaking.

VOTE (February 19, 2026): 5-0-0 (Anthony J. Hood, Robert E. Miller, Joseph S. Imamura, Tammy Stidham, and Gwen Wright to **APPROVE**)

² The Commission notes that notice of the public hearing was referred to all ANCs citywide; however, the affected ANCs per Subtitle Z § 101.8 are ANC 8C, in which the Property is located and ANC 8E, which is located directly across the street (Ex. 5, 6).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 12-08E shall become final and effective upon publication in the *District of Columbia Register*; that is, on March 27, 2026.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

The Zoning Map and the text of the Zoning Regulations are amended as stated below

TEXT AMENDMENT

The following amendments to the text of the Zoning Regulations are adopted:

I. Amendment to Subsection 605.1, FRONT SETBACKS (StE), of Chapter 6, ST. ELIZABETHS EAST CAMPUS ZONES StE-1 to StE-19, of Subtitle K, SPECIAL PURPOSE ZONES, is amended to read as follows:

605.1 Buildings within the StE-17 zone shall be setback not less than ten feet (10 ft.) from the property line that abuts Alabama Avenue and 13th Street.