

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

+ + + + +

THURSDAY
JUNE 26, 2003

+ + + + +

The Public Hearing was convened in the Office of Zoning Hearing Room, 441 4th Street, N.W., Suite 220, Washington, D.C. 20001, pursuant to notice at 6:30 p.m., Carol Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN Chairperson
ANTHONY J. HOOD Vice Chairperson
JAMES HANNAHAM Commissioner
PETER G. MAY Commissioner
(Architect of the Capital)
JOHN G. PARSONS Commissioner

COMMISSION STAFF PRESENT:

ALBERTO P. BASTIDA, Secretary, Zoning Commission
SHARON SCHELLIN, Office of Zoning

OTHER AGENCY STAFF PRESENT:

STEPHEN MORDFIN Office of Planning
JENNIFER STEINGASSER Office of Planning
KAREN THOMAS Office of Planning

I-N-D-E-X

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Case No. 03-15

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P-R-O-C-E-E-D-I-N-G-S

6:33 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, June 26, 2003. My name is Carol Mitten, and joining me this evening are Vice Chairman Anthony Hood and Commissioners Peter May and James Hannaham, and we expect to be joined by Commissioner John Parsons shortly.

We have two cases before us this evening, and they have different rules of procedure, so I'll call them separately. The first case for this evening is Zoning Commission Case No. 03-15. This is a request by the Bennett Career Institute for a map amendment for Lot 827 in Square 3657, from R-4 to C-1.

Notice of today's hearing was published in the D.C. Register on May 9, 2003, and if you'd like a copy of today's hearing announcement it's available to you on the wall bin near the door.

This hearing, the first hearing, will be conducted in accordance with the provisions of 11 DCMR Section 3022, and those are the rules of procedure for contested cases. The order of procedure will be as follows: preliminary matters, followed by the

1 presentation of the applicant's case, the report of
2 the Office of Planning, reports of any other
3 government agencies, report of the affected Advisory
4 Neighborhood Commission, and in this case it's 5C,
5 parties and persons in support, parties and persons in
6 opposition, and then rebuttal and concluding remarks
7 by the applicant.

8 The following time constraints will be
9 maintained in this hearing. The applicant will have
10 15 minutes, any parties will have 15 minutes,
11 organizations will have five minutes, and individuals
12 will have three minutes. The Commission intends to
13 adhere to the time limits as strictly as possible in
14 order to hear the case in a reasonable period of time.

15 The Commission reserves the right to change the time
16 limit for presentations if necessary and notes that no
17 time shall be ceded.

18 Parties may at any time object to a
19 question posed to a witness by another party or to
20 evidence sought to be introduced into the record if it
21 is irrelevant, immaterial, or unduly repetitious. The
22 Commissioners as well may request that such testimony
23 or evidence not be received or that such evidence be
24 struck from the record.

25 All persons appearing before the

1 Commission are to fill out two witness cards. Those
2 are the small cards on the table near the door. Upon
3 coming forward to speak to the Commission please give
4 both cards to the reporter who is sitting to our
5 right.

6 The decision of the Commission in this
7 case must be based exclusively on the public record.
8 To avoid any appearance to the contrary, the
9 Commission requests that persons present not engage
10 the members of the Commission in conversation during a
11 recess or at any other time. Staff will be available
12 throughout the hearing to discuss procedural
13 questions, and you can direct those questions to Mr.
14 Bastida or Ms. Schellin.

15 Please turn off all beepers and cell
16 phones at this time so as not to disrupt these
17 proceedings.

18 At this time, the Commission will consider
19 any preliminary matters.

20 Mr. Bastida, any preliminary matters?

21 MR. BASTIDA: The applicant has complied
22 with the posting and the maintenance of the posting,
23 and the staff believes that the Commission can proceed
24 ahead with the hearing.

25 CHAIRPERSON MITTEN: Thank you.

1 Are there any other preliminary matters
2 related to the first case?

3 MR. BASTIDA: No.

4 CHAIRPERSON MITTEN: All right.

5 Would all individuals who are planning to
6 testify in the first case, which is the Bennett Career
7 Institute, please rise now to take the oath. Anyone
8 planning to testify in the first case.

9 Ms. Schellin.

10 (Whereupon, the witnesses were sworn.)

11 MS. SCHELLIN: Thank you.

12 CHAIRPERSON MITTEN: Then we'll have the
13 applicant come forward now and make your presentation,
14 and I would just remind you that the case before us is
15 a rezoning case, so if you could limit your testimony
16 to the rezoning, while it's interesting to the
17 Commission the operation of the Career Institute, it's
18 really not relevant to the rezoning itself. So, that
19 would help us.

20 And, let the record reflect that we've now
21 been joined by Commissioner Parsons.

22 As you begin speaking, if you'd just state
23 your name for the record.

24 MR. RAY: Okay, my name is Todd Ray.

25 CHAIRPERSON MITTEN: Todd Ray?

1 MR. RAY: Todd Ray, I'm with Studio 27
2 Architecture.

3 CHAIRPERSON MITTEN: Go right ahead.

4 MR. RAY: All right, thank you.

5 First of all, thank you for taking us
6 tonight and hearing us this evening. I appreciate
7 that as an effort on your parts.

8 What I'd like to do is just very briefly
9 go over, partially because I'm losing my voice,
10 partially because I think you've all read through
11 this, so I'll try to be as brief as possible.

12 The Bennett Career Institute is a
13 vocational technical school for currently hair
14 styling, but it will be expanding that program into
15 other vocational programs. It's currently located in
16 the Ward 5 area, and it's going to be shown within the
17 Ward 5C area, and it will be staying within the Ward
18 5C area. It's very interested and it has been very
19 active in that community.

20 We saw many sites before selecting the one
21 that we are currently looking at and have been working
22 on, and so we've made, I think we visited about 20
23 different sites, and so we have not come to this one
24 without research.

25 So, in researching this one, I'll actually

1 just begin by showing you the site, it's in Appendix
2 A, and I'm looking at what the BZA has put together.

3 CHAIRPERSON MITTEN: Okay.

4 MR. RAY: What I just wanted to illustrate
5 is that you can see the proposed location of the
6 Bennett Career Institute, which is about the center of
7 the page, and it's currently zoned C-1. I mean, I'm
8 sorry, it's currently zoned R-4. I wish it was zoned
9 C-1, hope to get there. But immediately adjacent to
10 the property line to the north is a C-1 zoned
11 property, immediately to the right of the shared
12 property line is a property zoned CM-1, across Monroe
13 Street is an R-4, and then to the left of 7th Street to
14 the west is an R-5A, generally it's an R-5 district in
15 that area. So, those are the immediate contacts of
16 this property.

17 Currently, the property is about ? it's
18 just over 18,000 square feet, and it has a building on
19 it currently that is three stories plus a walk-out
20 basement, that's 28,000 square feet.

21 So, what we were interested in,
22 particularly on this building, is that the building is
23 much larger than a majority of the buildings within an
24 R-4 district, which it is currently zoned. Also, with
25 the immediate adjacencies of the C-1 neighborhood

1 shopping district to the north and the commercial zone
2 to the right we felt as though that it may be a very
3 good applicant for a C-1 rezoning consideration. We
4 felt like because of the separation of Monroe Street
5 and of 7th Street from any other R zonings that it
6 could be a good candidate for consideration for
7 rezoning.

8 Also, particularly because we were
9 proposing that it become a vocational program,
10 vocational school, it would fit in with the context of
11 the other institutional uses that are in the immediate
12 vicinity, namely, Catholic University covers 90
13 percent of the northern area that's pictured on this
14 map, and then also Trinity Seminary is on the western,
15 southwestern area of this map that you can see. There
16 is a small amount of R-4 use of primarily three-story
17 structures as its highest, small townhouses, row
18 houses, and I would say about 10 percent of those have
19 actually been converted into some sort of type of
20 commercial use, like a home office type use or some
21 use along those lines.

22 If you want to go to a larger context,
23 maybe that's good for consideration of the
24 comprehensive plan, the next page over on this
25 application you see under A, Exhibit A, you can see

1 that if you begin to extend along not only Monroe
2 Street but also Michigan Avenue you can see that we
3 have quite a bit of additional commercial zoning,
4 whether it's the CM-1, there's a C-2-A, and there's
5 also an industrial type use for the SP-1. That's in
6 the bottom part of this overall zoning map. And then
7 you can see the larger institutional clients, large
8 institutional uses that are being used in the R-5-A
9 and the R-5-A, to the left and to the bottom of the
10 page, which are that general area that's covered now
11 by Catholic University and Trinity College.

12 And so, as an overall idea, looking at
13 converting this to a C-1 use, which would permit us to
14 use it as a vocational school, we felt like it would
15 be, actually, at least the use as a vocational
16 educational program would be in keeping with the
17 immediate surroundings, but also to look at it as a C-
18 1 use it's also within the context of the larger site,
19 particularly because of the immediate adjacencies of
20 the properties, which are C-1 and CM-1.

21 We also wanted to show how it fit in with
22 the overall Comprehensive Plan. And so, immediately
23 when I went to the Office of Planning to talk to them
24 we pulled out the Comprehensive Plan and it's labeled
25 CM-1 as a future use, and so that was very exciting

1 for us, and so what we needed to find out is how can
2 we begin to make that applicable, and that was to do
3 our due diligence to really research this and find out
4 if the use was, indeed, comparable to the adjacent
5 uses.

6 We feel that it is. We feel it is
7 primarily because the existing site, which was once R-
8 4 and was made up of multiple smaller sites which were
9 all about the 1,800 square foot site use or site size
10 of a typical R-4 use, and I think at one time,
11 historically, it did have residential row houses along
12 that area, but since it's been redeveloped by, we
13 think it was, Trinity College, as a seminary,
14 dormitory, to classroom building, and that's the way
15 that it's programmatically currently broken down
16 today, and it's also about 18,000 square feet as a
17 site, which is ten times the normal site size within
18 the R-4 district.

19 I'm just going to really quickly in
20 closing, we wanted to make sure that it was also
21 consistent with the elements of the land use element
22 and the Ward 5 element, and so looking at those, or
23 the primary factors, we looked at how close it was to
24 the Metro Station, because it's really gone into Metro
25 redevelopment, and we find that they are trying to

1 seek greater concentrations of planning and
2 development, particularly, in redevelopment, which we
3 feel this building is, and new growth, which we feel
4 like this will foster, and also for the land use
5 element they'd like to plan for a mixed use
6 development as the designated rail stations,
7 particularly, the central employment areas, we feel
8 like this will become, in the future, a center hub for
9 a lot of employment, as well as the current training
10 that will be going on, the vocational program is going
11 to foster a lot of new jobs and new entrepreneurial
12 activities in this area.

13 CHAIRPERSON MITTEN: Anything else?

14 MR. RAY: That will be it.

15 CHAIRPERSON MITTEN: Okay. Let me see if
16 the Commission has any questions for you.

17 Any questions for Mr. Ray? Any questions?

18 Mr. Hannaham, did you have a question?

19 COMMISSIONER HANNAHAM: No, thank you,
20 Madam Chair.

21 CHAIRPERSON MITTEN: Okay, thank you.

22 Okay, thank you.

23 We'll move now to the Report by the Office
24 of Planning.

25 MS. THOMAS: Good evening, Madam Chair,

1 members of the Commission, I'm Karen Thomas with the
2 Office of Planning, presenting our recommendation on
3 the proposed map amendment set down in April by
4 Bennett Career Institute.

5 BCI requested a map amendment before the
6 Zoning Commission to rezone their property located at
7 700 Monroe Street, N.E., from the R-4 Zone to the C-1
8 Zone District. The applicant appeared before the
9 Board of Zoning Adjustment in March, 2003, to request
10 a use variance to allow the school to be established
11 in the current R-4 Zone. The board suggested that a
12 map amendment before the Zoning Commission was an
13 appropriate action, since the proposal was not
14 acceptable in the current R-4 Zone District, and the
15 amendment would be consistent to the general land use
16 map.

17 In our previous report before the
18 Commission on April 14, the Office of Planning
19 concluded that the proposed use and restrictions on
20 the property are consistent with the C-1 Zone
21 District, the Comprehensive Plan and the adjoining
22 property to the north of the site, which is similarly
23 zoned.

24 Therefore, we stand on our previous
25 conclusions and recommend approval of the map

1 amendment to allow rezoning of the subject lot from
2 the R-4 to the C-1 Zone.

3 Thank you.

4 CHAIRPERSON MITTEN: Thank you, Ms. Thomas.

5 Any questions from the Commission for Ms.
6 Thomas?

7 Did you have any questions for Ms. Thomas?

8 All right.

9 I don?t see anyone here from any other
10 government agencies, and I also don?t see a
11 representative from ANC-5C, but I would note that we
12 have in the record a letter from the Chairman of ANC-
13 5C in support, Mr. Berry, and we also have a letter of
14 support among other individuals, but especially I
15 wanted to note the letter of support from Council
16 Member Orange who represents Ward 5.

17 Is there anyone else who would like to
18 testify in opposition or in support of this
19 application?

20 All right.

21 Did you have any concluding remarks?

22 MR. RAY: We do have in the file a letter
23 requesting a reply.

24 CHAIRPERSON MITTEN: Requesting a bench
25 decision. Okay.

1 So, what's the pleasure of the Commission
2 on that score? I think we are getting a positive
3 sense.

4 VICE CHAIRMAN HOOD: Madam Chair, I would
5 make a motion that we rezone Lot 827, Square 3657,
6 from R-4 to the C-1 Zone District, which is filed by
7 the Bennett Career Institute. I think the record is
8 complete.

9 COMMISSIONER HANNAHAM: Second.

10 CHAIRPERSON MITTEN: All right.

11 We have a motion and a second to rezone
12 Lot 827 and Square 3657 to C-1 from R-4.

13 All those in favor please say aye.

14 (Ayes.)

15 CHAIRPERSON MITTEN: Those opposed would
16 say no.

17 Ms. Schellin?

18 MS. SCHELLIN: Yes, staff would record the
19 vote 5-0-0 to approve Zoning Commission Case No. 03-15
20 for proposed action, Commissioner Hood moving,
21 Commissioner Hannaham seconding, and Commissioners
22 Mitten, May and Parsons in favor.

23 CHAIRPERSON MITTEN: Thank you.

24 Now, this will then be referred to NCPC,
25 is that correct?

1 MR. BASTIDA: That is correct, Madam
2 Chairman.

3 CHAIRPERSON MITTEN: Okay, just so that you
4 know, unlike the BZA where they take a single vote, we
5 take a vote and then we refer everything to the
6 National Capitol Planning Commission, and they have,
7 basically, a 30-day window to get back to us and then
8 we can take final action. And, our July meeting is
9 scheduled for the 31st of July, so would you expect
10 that we would make that date?

11 MR. BASTIDA: I don't believe that the
12 National Capitol Planning Commission will take it
13 until its August meeting.

14 CHAIRPERSON MITTEN: Okay, so that means we
15 couldn't take final action until September.

16 I need your mike on.

17 MR. RAY: I'm sorry.

18 When could we get something in writing on
19 the position of this body?

20 CHAIRPERSON MITTEN: We don't write an
21 order until we've taken our final vote. So, the
22 actual order would not be written until after our
23 September meeting.

24 I guess what I can tell you is you can
25 draw a conclusion ? I mean, I assume there's a

1 contingency in the contract, is that correct?

2 MR. RAY: Yes, we are ? currently, the
3 decision that we're being presented with this evening,
4 all of the financing has been based and is holding
5 based upon this decision, and so we need to, in some
6 way, provide them with a document or otherwise that
7 will give them a sense of comfort that the funding can
8 move forward and the project can move forward.

9 What is your recommendation?

10 MR. BASTIDA: Madam Chairman?

11 CHAIRPERSON MITTEN: Yes.

12 MR. BASTIDA: I can provide them with a
13 copy of the referral to the NCPC that states your
14 action of today and so on, and that might be going a
15 long way to soothe any doubts of any of the financial
16 institutions.

17 MR. RAY: Okay.

18 CHAIRPERSON MITTEN: Let me also ask you,
19 is there any way to, I don't know how decisions are
20 made at NCPC, but this would be pretty low on their ?
21 it wouldn't be a big issue on their radar screen, so
22 is there any delegation to staff?

23 Mr. Parsons is on the NCPC staff.

24 MR. RAY: Oh, I'm sorry, okay.

25 COMMISSIONER PARSONS: The Planning

1 Commission meets on July 11th, and, of course, their
2 submission date is June 1st, so we are in that
3 sequence. I mean, I could make an inquiry and see if
4 there's some way we could expedite it tomorrow
5 morning, but --

6 CHAIRPERSON MITTEN: Well, we can ask Mr.
7 Bastida to make the inquiry, I just didn't know.

8 COMMISSIONER PARSONS: There is a mechanism
9 for the staff to deal with this, but it's always
10 referred to the Commission as a delegated action on a
11 consent calendar kind of device. So, whether they
12 could slide it in I'm not sure.

13 CHAIRPERSON MITTEN: Right.

14 COMMISSIONER PARSONS: But, I can't imagine
15 the federal interest will be --

16 CHAIRPERSON MITTEN: Right, that's why it
17 seems kind of ?

18 MR. RAY: That's exactly why we are asking.

19 COMMISSIONER PARSONS: I'll see if we can
20 help with this.

21 CHAIRPERSON MITTEN: Yes, here's what we
22 can do between Mr. Bastida and Mr. Parsons, we'll see
23 what we can do to expedite getting this on NCPC's
24 calendar. Short of that, we'll give you as much
25 documentation as we can, within our rules, to show

1 where we are in the process, and that's the best I can
2 offer you.

3 MR. RAY: Okay, that's appreciated.

4 CHAIRPERSON MITTEN: Okay.

5 MR. RAY: Thank you very much.

6 CHAIRPERSON MITTEN: Thank you. Thanks for
7 coming down.

8 All right, we're ready for the second case
9 of the evening, and this is Zoning Commission Case No.
10 03-10. It's a request by the Office of Planning on
11 behalf of the Public Libraries for a text amendment in
12 accordance with 11 DCMR, Sections 191, 201, 601, 901,
13 2101 and 2104, to permit the use of public libraries
14 as a matter of right within any residential, mixed
15 use, special purpose, commercial, commercial light
16 manufacturing, industrial or waterfront district.

17 Notice of this hearing was also published
18 in the D.C. Register on May 9, 2003, and the hearing
19 announcement for this hearing is also available to you
20 on the wall bin near the door.

21 This particular hearing will be conducted
22 in accordance with the provisions of 11 DCMR, Section
23 3021, which are the Rules of Procedure for Rulemaking
24 Cases.

25 The order of procedure in this case will

1 be as follows: preliminary matters, followed by the
2 presentation by the Office of Planning, reports of any
3 other government agencies, report by affected Advisory
4 Neighborhood Commissions, and in this case it would
5 affect all ANCs, if any choose to weigh in,
6 organizations and persons in support, organizations
7 and persons in opposition.

8 Again, we'll have the time constraints of
9 organizations will have five minutes and individuals
10 will have three minutes, and the balance of my opening
11 statement is the same so I won't repeat it, since I
12 don't think there's anyone else, anyone new here.

13 So, we'll move directly to any preliminary
14 matters that Mr. Bastida may have.

15 MR. BASTIDA: The staff has no preliminary
16 matters, Madam Chairman.

17 CHAIRPERSON MITTEN: Okay, then I think
18 we'll just move right to the report by the Office of
19 Planning. Mr. Mordfin, is this you?

20 MR. MORDFIN: Good evening, Madam Chair and
21 Members of the Commission, my name is Stephen Mordfin
22 with the Office of Planning, and this is Zoning
23 Commission Case No. 03-10, a text amendment to permit
24 the use of public libraries within the Zoning
25 Regulations.

1 The Office of Planning has reviewed and
2 addressed the concerns of the Zoning Commission from
3 the public hearing of March 10, 2003. Most of the
4 public library branches contain meeting rooms, but
5 none contain auditoriums, and the Zoning Regulations
6 do not contain a parking requirement for meeting
7 rooms.

8 There are some surrounding jurisdictions
9 that contain a parking requirement for auditoriums
10 without fixed seating, however, this is not
11 appropriate for a meeting room as it's a different
12 type of use.

13 Within the zoning ordinances and
14 regulations about the jurisdictions, none broke down
15 the uses of a branch library into its component parts.

16 As meeting rooms are a common part of many branch
17 libraries, it could be assumed that a meeting room is
18 considered as a possibility when the parking
19 requirements were established.

20 The applicant has indicated to the Office
21 of Planning that they visited all branch libraries and
22 found that sufficient parking existed at each library.

23 Therefore, the Office of Planning does not recommend
24 that additional parking be provided for the meeting
25 rooms.

1 The Office of Planning does recommend that
2 one loading space be provided at branch libraries to
3 accommodate the delivery vans that load daily at the
4 branch libraries.

5 The Office of Planning also did not
6 include the zoning of an unzoned branch libraries as a
7 part of this application, because this application is
8 a text amendment and the zoning of the libraries would
9 be a map amendment.

10 And, that concludes the presentation of
11 the Office of Planning.

12 CHAIRPERSON MITTEN: Thank you.

13 Any questions for the Office of Planning?

14 We have received a submission from
15 Lindsley Williams, and he raises some issues that I
16 don't know if you've had a chance to review his
17 submission or not. Can you let me know if you have?
18 Have you?

19 MR. MORDFIN: We did receive it this
20 afternoon.

21 CHAIRPERSON MITTEN: Did you have a chance
22 to take a look at it or not?

23 MR. MORDFIN: I did read through it.

24 CHAIRPERSON MITTEN: Okay.

25 I'd just ask you for your response to a

1 couple of the things that he raised. The first is the
2 notion of making a distinction between a public
3 library and a library. Do you have any thoughts on
4 that, whether that's a worthwhile distinction?

5 MR. MORDFIN: Well, we did make the
6 distinction when we put through this as a public
7 library, an amendment to add public libraries to the
8 Zoning Regulations. Currently in the Zoning
9 Regulations, there is a use called library that's
10 within some of the zoned districts, and we thought
11 that we would separate them because we thought that a
12 public library is more likely to be used by the people
13 within the surrounding area, whereas if you had a
14 larger library that might be a part of maybe a
15 national association or part of a university you are
16 probably drawing from a larger population, people
17 coming from different places, and people that would
18 more likely drive into the City to use, rather than
19 the branch library that's down the street. And, for
20 that reason we separated the two.

21 CHAIRPERSON MITTEN: Okay.

22 On that particular point, and this is a
23 point that he raises later about the size and the fact
24 that in the definitions the largest public library
25 under the definition that would be permitted at all is

1 20,000 square feet. So, where does the potentially
2 new main library fit into that?

3 MR. MORDFIN: Well, this didn't cover the
4 main library, because that's located within the
5 Central Area, and as such it is not subject to zoning.
6 And so, this was just meant to ?

7 CHAIRPERSON MITTEN: And, you consider that
8 it will always be in the Central Area, is that right?

9 MR. MORDFIN: That was our assumption.

10 CHAIRPERSON MITTEN: Okay.

11 MR. MORDFIN: That the central library
12 would be downtown.

13 CHAIRPERSON MITTEN: Okay.

14 There was also an issue that he raised,
15 just language issue, about saying for the smaller
16 facilities, the community public library and the kiosk
17 public library, using the term portable structure as
18 opposed to just saying a building. What's --

19 MR. MORDFIN: Well, for the definitions we
20 relied on the public library to tell us what these
21 uses were, and we thought that they were the best ones
22 for defining the different uses. And, we took their
23 definitions and incorporated them.

24 CHAIRPERSON MITTEN: Would you see that
25 there's any change in meaning if we were just to

1 substitute the word building for portable structure?

2 MR. MORDFIN: No, I think that would be
3 acceptable.

4 CHAIRPERSON MITTEN: Okay.

5 Anyone else have any questions? All
6 right.

7 Mr. May?

8 COMMISSIONER MAY: No, I just wanted to
9 emphasize that point, I also found that part of the
10 definition rather odd, and there?s also this ? let?s
11 see, there was something else that struck me about
12 these definitions, unfortunately I didn?t make a note
13 about it, portable is definitely an odd thing, and it
14 made it difficult for me to discern the difference
15 between the community public library and the community
16 ? or the public kiosk library. So, I?m glad that if we
17 move that to just a structure maybe I?ll ?

18 CHAIRPERSON MITTEN: You mean building
19 instead?

20 COMMISSIONER MAY: I?m sorry, building,
21 right, move it to building.

22 Hopefully, my other point will return to
23 me before we conclude this.

24 CHAIRPERSON MITTEN: Okay.

25 COMMISSIONER MAY: That?s it for now.

1 CHAIRPERSON MITTEN: Anyone else?

2 All right, I don?t know if there?s anyone
3 here from the District of Columbia Public Library
4 System who would like to testify, because we have a
5 statement in the record. All right.

6 Any other government agencies represented
7 here tonight? Okay.

8 Any ANCs represented here tonight that
9 would like to weigh on in this significant topic?

10 Anyone who would like to testify in
11 support come forward. Could you push the button in
12 the middle of the base to turn on the mike, and then
13 state your name for the record when you begin
14 testifying.

15 MS. JONES: Good evening. My name is
16 Thelma E. Jones. I live at 2217 T Place, S.E., and
17 I?m the President of the Fairlawn Citizens Association
18 and also a member of the Friends of Anacostia Library.

19 I am here today in support of the zoning change for
20 the District of Columbia for the text amendment to
21 Title 11 of the District of Columbia Municipal
22 Regulations 191, 201, 601, 901, 2101, and 2104, for
23 the text amendment to be included in the Zoning
24 Regulations of the District of Columbia. And, we are
25 in support of these regulations for them to be

1 included.

2 That's all I have to say. Thank you.

3 CHAIRPERSON MITTEN: Okay, thank you, Ms.
4 Jones, for coming down. Thank you.

5 Is there anyone else who would like to
6 testify in support?

7 Anyone else who would like to testify in
8 opposition? We need to have a middle category, how
9 about qualified support.

10 MS. ZARTMAN: My name is Barbara Zartman, I
11 live at 1642 35th Street, and I'm here this evening for
12 the Committee of 100 on the Federal City.

13 Until a short while ago I was going to
14 begin by saying we did not have concerns about kiosks
15 and portable facilities, but it's beginning to sound
16 like those portable buildings are the equivalent of
17 trailers, and I would find that a very troubling
18 change in residential zoning, to allow trailers in
19 which people come and go to be part of any residential
20 category.

21 And really, that's where the thrust of my
22 comments will go. Certainly, we all love libraries,
23 and have had our lives enriched by them, but the
24 question of how many additional public facilities with
25 their own requirements for parking and at times high-

1 volume activity are appropriate in residential zones,
2 certainly as a matter of right, as opposed to special
3 exception, where at least communities have some
4 opportunity to put on the record before decision
5 makers what they believe the troubling effects of the
6 proposed facility might be.

7 But, of particular concern are proposals
8 that we have heard recently for multi-use facilities
9 containing libraries on some floors of a structure,
10 and I think any rule making would have to address that
11 potential, because you would, I presume, want to
12 assure that the most restrictive zoning would apply if
13 you had a commercial residential building on which two
14 floors were a public library. And, that's, we think,
15 a shortcoming in the proposal as written.

16 We did wonder what has brought this issue
17 before you. Has there been a trouble in finding sites
18 for library facilities in the other accepting zones
19 across the City? We were unaware of any, and
20 certainly to go to matter of right to address a
21 problem that hasn't been articulated to my knowledge
22 raises questions. But, so does the fact that this is
23 part of a series of steps that the Commission has been
24 asked to undertake that would change residential
25 zoning, police facilities, broadcast facilities,

1 governmental uses, now libraries, and this gets to
2 mass up to be a serious enough question that I would
3 think this would be something that would be an
4 amendment to the Comprehensive Plan that would change
5 the scope and character of residential districts as a
6 whole, rather than doing it in the salami approach of
7 this case, and this case, and this case, because the
8 basis on which you are permitted to make decisions is
9 much narrower than that broader political decision of
10 what the character of residential neighborhoods in the
11 District of Columbia will be. And yet, by taking case
12 after case in a rule making fashion, we are making
13 changes, and I think the broader more open discussion
14 of the cumulative impact would be a good thing for
15 District neighborhoods.

16 We are, as I say, supportive of libraries,
17 but the question of whether facilities that, if they
18 are successful, are places where lots of people come
19 and go all the time, have meeting rooms, ANC meetings,
20 do all sorts of other things, if you are going to site
21 such very active large facilities in a residential
22 zone I think you want to be able to justify it as a
23 special exception, rather than offer a community no
24 opportunity to speak up about the change.

25 And, that was the thrust of the concerns

1 that we on the board wanted to share with you.

2 CHAIRPERSON MITTEN: Let me ask you about
3 the first concern that you raised about portable
4 structure and whether trailers would be used. It was
5 suggested, and I think there's some support on the
6 Commission, for just substituting instead of portable
7 structure building. Would you be in support of that
8 change to the two definitions that have portable
9 structure?

10 MS. ZARTMAN: Well, I presumed there was a
11 reason why the libraries asked for portability, I
12 presumed that this would be a moveable facility of
13 some kind, a library truck, but I guess we need
14 greater definition. The size difference is so great
15 that it doesn't raise the issues that a very large
16 facility would raise.

17 CHAIRPERSON MITTEN: I guess I was just
18 trying to ? I was just asking you to focus on the
19 first issue, which is, if we change the definition to
20 read building, you know, a District of Columbia public
21 library housed in a building containing whatever
22 amount of square footage, then that would eliminate
23 the potential for trailers. Would that address the
24 concern?

25 MS. ZARTMAN: It would address my concern,

1 I'm not sure it would address the library's.

2 CHAIRPERSON MITTEN: I understand that
3 part. Okay.

4 COMMISSIONER MAY: Madam Chair, can we get
5 some clarification from the Office of Planning. My
6 understanding of why it was phrased that way had to do
7 with these kiosks, which are theoretically portable
8 structures, but in fact are not moved with any
9 frequency. Is that correct?

10 MR. MORDFIN: Yes.

11 COMMISSIONER MAY: As far as, I mean, the
12 ones that I've seen have been there for many, many
13 years, and I don't know that any of them have been
14 moved from other locations.

15 I don't think there are ? there are no
16 trailers, per se, that are being used for libraries,
17 are there?

18 MR. MORDFIN: I'm sorry?

19 COMMISSIONER MAY: There are no trailers
20 that are being used for libraries, are there?

21 MR. MORDFIN: No, and none of them were
22 characterized by the libraries as trailers, they are
23 just, you know, small buildings.

24 COMMISSIONER MAY: So, I don't think that
25 that's a ? I think building would put it to rest and

1 would satisfy the applicant.

2 CHAIRPERSON MITTEN: Okay.

3 Any other questions for Ms. Zartman?

4 Go ahead.

5 COMMISSIONER HANNAHAM: Ms. Zartman, you
6 mentioned a concern about multiple use, a library in a
7 residential building, perhaps, do you know of any
8 instances where that's the case, or where there's a
9 public library?

10 MS. ZARTMAN: There's been some ? it is not
11 currently in a residential zone, but there's some
12 discussion about the Westend Library being made part
13 of a new multi-purpose structure, and it might be a
14 very productive approach, but I think it needs to be
15 addressed in the rule making currently beforehand.

16 COMMISSIONER HANNAHAM: Okay.

17 COMMISSIONER PARSONS: I think Ms. Zartman
18 has a point here. Similar to recreation centers,
19 where we have discovered during the hearing process
20 that there was a possibility these might have chapels
21 in them, and first aid facilities embellished to
22 become clinics, and there's more talk in that forum
23 about community centers. And, although our definition
24 here is obviously geared towards libraries as we know
25 them, maybe there's some reason to say what they won't

1 be, as we did with rec centers.

2 CHAIRPERSON MITTEN: I think that --

3 COMMISSIONER PARSONS: They'll be
4 restricted to books, compact discs, that kind of
5 thing, not that ? there's a large variety of book
6 titles that we should limit it to.

7 CHAIRPERSON MITTEN: Right.

8 I think when we were thinking about rec
9 centers we were thinking about the entity and what
10 might be inside of that entity. This I see as
11 somewhat different, which is, we are not saying that
12 you can have a library and then you can stuff all
13 these other things into it, it's that this use as a
14 library, whether it's a free-standing building or
15 whether it's several floors in another building, that
16 use is permitted as a matter of right, and whatever
17 else might be proposed as part of a mixed use
18 structure has its own rules. So, we just need to
19 clarify the language so that that's clear.

20 COMMISSIONER PARSONS: Yes, limited to,
21 rather than it contains this stuff.

22 CHAIRPERSON MITTEN: Yes.

23 COMMISSIONER PARSONS: Maybe some others if
24 somebody doesn't write it tighter.

25 CHAIRPERSON MITTEN: Right. I think we can

1 come up with some language there.

2 VICE CHAIRMAN HOOD: Madam Chair, let me
3 just say, I really hoped we would get some input from
4 ? I?m going to say it again, I sound redundant, but
5 from the subject matter experts. While I agree with
6 that, if we start getting into it, because things have
7 changed, and Ms. Zartman brought up a very good point,
8 the MPD, community centers and other things, how we
9 approach them. You know, we are moving in that
10 direction, we are starting to build case, by case, by
11 case, which goes to a larger issue, and that?s the
12 Comp Plan. I?m not exactly sure where OP and the City
13 Council are with the Comp Plan, but like I always say,
14 things have changed and maybe that needs to, hopefully
15 at some point in time in years to come, be reflected
16 in the Comp Plan, because things have definitely
17 changed.

18 While the citizens in this City want to
19 see MPD in their neighborhood, so, you know, I just
20 want to make sure that we are doing it in a fashion
21 that reflects what the citizens of the City want, not
22 just maybe what one or two of us may want, but what
23 all of us want as a whole.

24 And, I agree with your comment, I don?t
25 know if we can solve that problem here tonight, but we

1 probably will have to go back and revisit the Comp
2 Plan, having worked on that task force previously, and
3 I'm not sure exactly where we left off, and that's one
4 of OP's pieces.

5 CHAIRPERSON MITTEN: I think the new fiscal
6 year is supposed to bring hope of further progress.

7 VICE CHAIRMAN HOOD: I do believe that Ms.
8 Cropp has asked for them to move forward with the Comp
9 Plan. I'm not sure, I think OP wanted to delay it for
10 a while, but I think that was shot down, at least that
11 was the last that I have heard.

12 MS. STEINGASSER: We now have a long-range
13 comprehensive planning division within the Office of
14 Planning, and they are dedicated to the Comprehensive
15 Plan. They anticipate that in 2004 they'll be doing
16 the community outreach, they'll begin working with the
17 communities. Right now they are working on a vision,
18 a bigger kind of picture of where, what direction are
19 we heading. They'll be fine tuning that, and they
20 hope to have by 2005 the Comprehensive Plan updated
21 and completed.

22 VICE CHAIRMAN HOOD: And, that will go the
23 larger issue, I think, Madam Chair, that Ms. Zartman
24 had mentioned, but I do believe that we need a bigger
25 scope as opposed to doing it piecemeal.

1 Thank you.

2 CHAIRPERSON MITTEN: Let me just ? let me
3 see if I can ask the Office of Planning to give us
4 some additional input on the subject, and as I
5 characterize it tell me if I?m not capturing what the
6 distinction that we?d like to have made.

7 I think the distinction is, when we define
8 library we want it defined as a use and not as a
9 structure, because we don?t want somebody to be able
10 to hang a sign out that says, oh, this is a library
11 and then stuff things into it that we might not
12 consider to be compatible with what we had intended
13 when we said matter of right. We might want some
14 other uses to be examined in a different way.

15 So, we want it to be written as, this is
16 what constitutes library use.

17 MS. STEINGASSER: That is correct.

18 CHAIRPERSON MITTEN: Okay, that would be
19 helpful to us.

20 Thank you.

21 MS. ZARTMAN: Thank you.

22 CHAIRPERSON MITTEN: Anyone else who would
23 like to testify tonight about libraries?

24 Okay.

25 COMMISSIONER HANNAHAM: Madam Chair, I just

1 have one question before we wrap up.

2 I was looking at the proposed text here,
3 and there?s a section here that falls under 2104,
4 2104.1 cites, ?A structure located within a radius of
5 800 feet of a Metro Rail Station,? that?s a radius,
6 okay?

7 CHAIRPERSON MITTEN: Yes.

8 COMMISSIONER HANNAHAM: And then we go to
9 Section 2104.2, and we have, ?BZA is authorized to
10 reduce the number of parking spaces for a public
11 library within a half a mile,? are we speaking in
12 terms of the same sense of a radius? In other words,
13 as the crow flies is the way I look at a radius.

14 CHAIRPERSON MITTEN: Right.

15 COMMISSIONER HANNAHAM: That would be the
16 same here in both instances, right?

17 CHAIRPERSON MITTEN: Is that the intent
18 that it would be within a radius?

19 MR. MORDFIN: Yes.

20 CHAIRPERSON MITTEN: Okay, well, let?s
21 write that in now so we don?t forget.

22 COMMISSIONER HANNAHAM: Let?s make that
23 clear so there?s no doubt about that.

24 CHAIRPERSON MITTEN: Yes, that?s a good
25 idea. Thank you for catching that.

1 COMMISSIONER HANNAHAM: Thank you, Madam
2 Chair, that's all.

3 CHAIRPERSON MITTEN: Okay.

4 Then, let me ask the Office of Planning,
5 how long ? I just want to know how long we need to
6 keep the record open on this, in order to receive your
7 additional input on the distinction between library
8 use and library structure.

9 MR. MORDFIN: We would like to request two
10 weeks.

11 CHAIRPERSON MITTEN: Okay, two weeks will
12 put us at what date, Mr. Bastida?

13 MR. BASTIDA: That would be Thursday, July
14 the 10th.

15 CHAIRPERSON MITTEN: Okay.

16 So, the record in this case will remain
17 open until Thursday, July 10th, and all additional
18 filings will take place by that date, no later than
19 3:00 p.m., on that date, and then we will make a
20 decision on this case at one of our regular monthly
21 meetings. Those meetings are typically held on the
22 second Monday of each month at 1:30, although our July
23 meeting will be July 31st, which is not the second
24 Monday.

25 And then, if we propose affirmative

1 action, that needs to be published in the D.C.
2 Register as a proposed rule making and then there will
3 be an additional period for public comment. It will,
4 as in the previous case, be referred to NCPC for their
5 review, and then following receipt of the public
6 comments and the NCPC review we would take a final
7 action at that point.

8 So, I now declare our public hearing
9 adjourned. Thank you.

10 (Whereupon, the above-entitled matter was
11 concluded at 7:17 p.m.)

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