Frederick H. Fleming
3536 S Street NW
Washington, D.C. 20007
(202) 337-2660
FFleming10@Juno.com

Ms. Sheila Cross-Reid
Chairwoman
Board of Zoning Adjustment
One Judiciary Square
441 4th Street
Washington DC

January 30, 2001

D.C. OFFICE OF ZONING
RECEIVED
2001 FEB -1 PM 1:18

Dear Madam,

Attached please find my comments on the matter of the Georgetown Flea Market.

I apologise for being unable to sit through the entire hearing but the only parking I could find was eight blocks away on a two hour meter.

I was alarmed to think that the Office of Planning, the Zoning Administrator and the Zoning Staff had not seen fit to brief your members on why they are hearing this matter. I tried to explain from the floor but was told to wait my turn. I couldn't.

You were hearing the first of scores of such requests, unless the matter is set aright promptly.

As I understand it; Public Schools were always zoned for residential neighborhoods. They were assumed to be operating for the public good and simply exempted from Zoning Requirements. As were all DCG buildings. Mr. Johnson came in and called for DC owned buildings to be subject to the DCMR11 regulations. This raised the bar. (Probably as bad an idea as DCRA adopting the National Building Code and placing 80% of our Public School buildings in violation of the Building Code - and hence the Fire Code. What a debacle, well you may recall.)[i]

So Mr. Susman is asking for his variance and is the precedent.

But there is more enroute and you are down hill from all of it.

The larger concern is that many schools host outside events. Next to me Ellington rents out their Theater to the Savoyards (Gilbert and Sullivan musicals) and the Hexagon Club (Amateur political satire)

BZA
Case No. 16643
Exhibit No. 69

BZA
Case No. 16642
Exhibit No. 49

Board of Zoning Adjustment
District of Columbia
CASE NO.16643
EXHIBIT NO.69

through their development branch the Ellington Fund. And yes they do park us up mightily, even dangerously, blocking corners and alleyways we like to have open for fire trucks, if and when. Small potatoes.

However: Most of the After School programs in DC are run by PTAs. PTAs often host fundraising and community building events at their schools. Are all of these worthy efforts going to need variances and COO?

That is potentially a huge work load. If you look into it you will find there is potentially an immense amount of adjudication on the way, perhaps double what you face today. Things like afterschool programs are vital to working parents. If one tried to Suspend them, pending Variance hearings, this would create a huge workplace and childcare crisis for working families everywhere. I assume no one has been able to explain this to the BZA or Mr. Johnson..

You may find better use for your time. If you feel the need to explore better choices for regulatory zeal, I would like to help resolve this before it gets entirely out of proportion. It's been discussed among school advocates some, but most thought they could sit back and watch.

Well it already has gotten out of hand. Better than half the school based childcare/aftercare programs in the city are presently under shadow. But someone needs to step in before it gets to the point of evicting PTAs and afterschool kids into the community that relies on these aftercare programs.

On a similar note; Somehow the language of the DC Teacher's Union Contract wound up in the DCMR forcing DCPS schools to provide onsite parking for "Two spaces for every three employees". Since DCPS schools weren't built with parking lots, playgrounds across the city are being gobbled up for Staff parking, weather there is adequate parking on the neighborhood streets or not matters not. Gotta do it because DCPS is now subject -regardless of situation or structure, to Zoning regs.

It's just wrong to park on playgrounds. But that's another story. One you should hear, and I hope soon, but not today.

Thank you for you work on our behalf.

Sincerely;

[i] DCRA adopted the National Building Code, a very strict highly idealized Standard. Most DCPS Buildings predated these harsh standards. Once out of compliance with the new standard, hundreds of structures were automatically out of compliance with the DC Fire Code - which required compliance with the Building Code. We now have fire doors on all of our kindergarten rooms that can withstand a two hour fire - that a kindergartner cannot move or open (they weigh like 90lbs and are essentially steel clad concrete blocks). DCPS Kindergartens are always adjacent to the fire exits and evacuate in under two minutes. They don't need two hour doors. DCRA embarrassed (at great cost in dollars and prestige) the DCPS and no one ever said boo about it. We assume the DCRA never read the Code before adopting it. You all are next. But don't blame DCPS.

Comments before the

District of Columbia
Board of Zoning Adjustment

on the matter of the
Georgetown Flea Market.

January 30, 2001

Frederick H. Fleming
3536 S Street NW
Washington, D.C. 20007
(202) 337-2660
FFleming10@Juno.com

Thank you for the opportunity to speak today. I am a longtime neighbor of the Georgetown Flea Market living two blocks west and south of the site for the last fourteen years. For four of those years I was on the local ANC, #3B, which at the time united Burleith with Glover Park to the North, before the 1990 redistricting moved the Ward boundary to our northern perimeter and made us a part of the downtown wards. I was responsible for encouraging the use of that land for parking when the building (once Gordon Jr. High School) was Rosario Adult Education Center and ran three shifts of classes - mostly for recent emigrants. We made an agreement that parking would include space for Faculty and Staff from the three DCPS schools in that area, Rosario, Fillmore Art Center and Ellington High. That all predates the Flea Market.

The Flea Market is a good thing. We like it. It works well. You should visit it. It is exactly the sort of thing that makes our city worth living in. It has grown because it is popular. People really like it.

You need to support it.

The community does. Both the ANC and the Burleith Citizen's Association do, and always have. Remember too; these people are not pussycats.

Very few people oppose it. One lady, living now in a gated community five blocks away (and hence totally unaffected by the event, ever) sniffed that "No private school" would host such an event. Oh so what? One BOE Member and local stalwart said she thought the process should be bid competitively. I thought that a tad outrageous, since Sausman had built it up single-handedly and for years. What sort of competition? Pirates? It's Susman's show. Fair is fair. The Hardy School Principal made some noises about school property for school children, but most of his enrollees are from distant neighborhoods and aren't'' up in Burleith on the weekends ever. He already took back half the parking lot for playgrounds. And that's all to the good; but then he locks it up all weekend so the neighborhood kids can't play there anyway. (Grrr...) he complained about the portaJohns DCPS required being unlocked, but that was resolved. More Portajohns serving his asbestos abatement crew went unlocked for months, BTW. And if Safeway cannot control it's own parking lots they need to deal with the people that park their cars there directly, and stop blaming other events outside their property lines. It's not the Flea Market that parks there it's private individuals. Deal with it case by case, like everyone else does. With tickets and tow trucks and MPD.

The objections are few.

And silly.

The Flea Market is a nice thing. We like it. And you should know they do a better job of cleaning the trash every week up than Hardy ever did unassisted.

My family has lived two blocks away for fifteen years. Parking problems are constant and manageable. Ellington, Washington International and the new Corcoran Art School park us up all week long. The Ellington Theater's evening shows are awkward at times.

So what? We live downtown. Everyone has at least one off street parking spaces already. It's OK. Believe me it's nothing like trying to go to Mass at Holy Trinity down the street. We can live with it. We want to.

This is a good thing We can shop, look at weird stuff, stroll, visit, chat. We like it.

We need to encourage Community building events.

Thank you and good day.