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ZONING COMMISSION
District of Columbia

CASE NO. 03-10A

EXHIBIT NO. 10

ZONING COMMISSION
District of Columbia
CASE NO.03-10A
EXHIBIT NO.10

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING
1150th MEETING SESSION (8th of 2003)

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THURSDAY
JULY 31, 2003

+ + + + +

The Regular Meeting of the District of
Columbia Zoning Commission convened at 1:30 p.m. in
the Office of Zoning Hearing Room, Suite 220-S, 441
4th Street, Northwest, Washington, D.C., Carol J.
Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
JAMES HANNAHAM	Commissioner
PETER G. MAY	Commissioner
JOHN G. PARSONS	Commissioner

ZONING COMMISSION
District of Columbia

CASE NO. 03-104

EXHIBIT NO. 10

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COMMISSION STAFF PRESENT:

Alberto P. Bastida, Secretary, Zoning
Commission
Sharon Schellin, Zoning Specialist

OTHER AGENCY STAFF PRESENT:

Maxine Brown-Roberts, Office of Planning
Steven Cochran, Office of Planning
Arthur Jackson, Office of Planning
Joel Lawson, Office of Planning
Ellen McCarthy, Deputy Director, Office of
Planning
David McGhettigan, Office of Planning
Stephen Mordfin, Office of Planning
Jennifer Steingasser, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esquire
Corey Buffo, Esquire
Sherry Glazer, Esquire
Mary Nagelhout, Esquire

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To Amend Section 3202.5(a)

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1 been heard. But I'm not prepared to say that
2 today.

3 MR. BERGSTEIN: All right. That's
4 fine.

5 CHAIRPERSON MITTEN: Okay, thank you.
6 Now I'm sure everyone is even more confused, but at
7 least we feel good. Right, Mr. Bergstein?

8 MR. BERGSTEIN: More or less.

9 CHAIRPERSON MITTEN: So I think we are
10 just going to postpone 02-31 as long as there is a
11 consensus among the Commission about that. Yes?
12 Okay.

13 The next case then is Case Number 03-
14 10, which is the text amendment related to public
15 libraries. This text amendment would -- This is
16 another one of those text amendments that arises
17 out of the need or the change that took place
18 actually quite some years ago now for -- Oh, yes,
19 Mr. Parsons is now rejoining us, and I thank
20 whoever went to get him. I had forgotten.

21 This would accommodate the use of
22 public libraries, which are not already called out
23 in the zoning ordinance. It would define three
24 different types of public libraries and set parking
25 standards and so forth for them.

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1 Did Mr. Bergstein go away? Okay. Then
2 I'm going to have to toss this one to whoever is
3 willing to take it down there. I did have a
4 question for Corporation Counsel, which is: We are
5 defining these libraries in part by size. So a
6 full service library can be up to 20,000 square
7 feet. A community library can be up to 1500 square
8 feet. A kiosk library can be up to 150 square
9 feet.

10 I want to know, does that mean that, by
11 definition, if somebody wanted to build a library
12 of 25,000 square feet, that they would have to get
13 a variance or is it that there is no use category
14 for that, and they would have to come to the
15 Commission for a text amendment?

16 MR. BUFFO: I guess in theory they
17 could apply for a variance. It would be a
18 difficult standard to meet. So likely they would
19 have to come for a text amendment in the end. That
20 would be my prediction. I see it says an average
21 of 20,000 square feet. I think we need to --

22 CHAIRPERSON MITTEN: That's not what
23 was advertised, and we have to discuss.

24 MR. BUFFO: Yes. That's in the
25 revised, I guess the second supplemental report.

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1 CHAIRPERSON MITTEN: Right. Okay, I
2 just wanted to know what the implication of doing
3 that, of including the size in the definition, was
4 going to be. Okay, let's start. We have
5 -- I don't know if everyone has the Notice of
6 Public Hearing. Then we have -- In the hearing
7 report from the Office of Planning, there is some
8 modification to these definitions that has been
9 proposed.

10 So what we need to decide is do we want
11 to accept those changes or keep the advertised
12 language or do something else, and then -- I guess
13 we will just start with that. All right. Oh, and
14 then there was another aspect, which is -- and we
15 discussed this briefly at the hearing and asked for
16 an additional submission, which I did not find
17 particularly helpful. So first is the change
18 that was proposed. We had originally advertised
19 that in each case the size would be up to some
20 size. So for full service, up to 20,000 square
21 feet. An alternative that was proposed by the
22 Office of Planning was an average of 20,000 square
23 feet, which is a difficult standard to apply,
24 because there is nothing to average.

25 So at least as it relates to that very

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1 narrow language, I would say we need to retain the
2 original "up to" language.

3 COMMISSIONER MAY: I would agree. It
4 has to be -- I mean, if we are going to define the
5 size, there has to be a definition that works, and
6 "an average of" doesn't work. Now we could say
7 something like "approximately," and then you have
8 to fuss over the definition of approximately, but
9 at least you could somehow fuss over that. I don't
10 know how the heck you would determine what an
11 average is.

12 VICE CHAIRPERSON HOOD; Madam Chair, I
13 wonder if they were trying to leave some leeway
14 here, just in case they went over the 20,000 square
15 feet. I interpreted -- and I would agree with
16 Commissioner May. We could say average, but then
17 again how would you argue approximately.

18 So I guess I was trying to figure out
19 what they were actually trying to achieve when they
20 said average. I think they were looking for some
21 flexibility. Now whether we give it to them or
22 not, you know, I don't know, but I think that's
23 what Office of Planning was looking for.

24 CHAIRPERSON MITTEN: Well, I think
25 these sizes were selected with the sizes of

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1 libraries, with the exception of the main library,
2 in mind and that the existing libraries fit the
3 parameters of these. So that we are not -- They
4 didn't pick, oh, we have libraries that are 19,500
5 square feet, so let's pick 20. I think there's a
6 cushion in there. This also shows the danger of
7 including a size in the definition.

8 COMMISSIONER MAY: Well, that's what
9 keeps coming back to me. What is the benefit that
10 is gained by actually defining that size as opposed
11 to limiting the definition to a description of the
12 allowed use, because there is a very clear set of
13 distinctions or hurdles that you clear once you go
14 from one to the next. Are we better off just
15 simply taking the size out entirely?

16 CHAIRPERSON MITTEN: Okay.

17 VICE CHAIRPERSON HOOD: I would agree.

18 CHAIRPERSON MITTEN: Let's do it,
19 unless Mr. Parsons has a problem with it.

20 COMMISSIONER PARSONS: That may serve
21 this definition well, but what happens when we get
22 down to these next ones, the community public and
23 the kiosk public, which if they were to get above a
24 certain size, they might become -- well, I'll use
25 the term obnoxious? So I am saying yes to 20,000,

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1 but I'm wondering if we want to automatically
2 eliminate these square footages below?

3 CHAIRPERSON MITTEN: Here's the bottom
4 line, is there is no distinction in where these
5 uses can occur. If you go into the amendment to
6 Section 201, they are all lumped together. So they
7 might as well be the same thing. The sizes
8 distinctions and these various categories, at least
9 as we are applying them so far, with the exception
10 of the parking, doesn't really have -- there is no
11 difference in where those uses can occur.

12 So it's not like, oh, well, in more
13 restrictive zones we will allow community public
14 libraries and kiosks. Then it's only in less
15 restrictive zones that we allow full service. It's
16 not like that. They are all allowed in the same.

17 COMMISSIONER MAY: All the differences
18 in the definition do is allow you to determine how
19 much parking needs to be provided.

20 CHAIRPERSON MITTEN: Right. And that's
21 fine. I mean, that's fine, but it doesn't turn on
22 size.

23 COMMISSIONER PARSONS: I see what you
24 mean. Okay.

25 CHAIRPERSON MITTEN: So I think we can

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1 safely eliminate the size. Now we also had this
2 discussion about, well, what if -- These are all
3 sort of geared -- These definitions are geared
4 toward these being self-contained libraries, not
5 like it's a library as part of a larger structure
6 or mixed use building or something like that.

7 I just didn't find the letter from
8 Shirley Diamond to be helpful in defining -- I'm
9 not sure they understood exactly why we were
10 inquiring. So in defining library use as opposed
11 to library structure, because we seem to be
12 defining a structure as opposed to a use -- So I
13 took a stab at a definition that would be a little
14 bit broader, so that it would be a definition of a
15 use as opposed to a structure.

16 I can either ask Mr. Bastida or Ms.
17 Schellin to make copies of this or I can just read
18 it. It's not that long. This incorporates their
19 definition of what a library is. So let me try one
20 out on your, and then I'll see. If you need
21 copies, we'll get the copies.

22 This would be the definition of full
23 service library, full service neighborhood public
24 library: A District of Columbia Public Library in
25 a permanent structure, the principal function of

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1 which shall be to furnish books, other printed
2 matter and information services to District
3 residents. The full service library facility may
4 include meeting rooms, staff rooms, kitchen
5 facilities and book overflow space.

6 It actually -- After we take out the
7 containing, the definitions are not so bad, because
8 it's when you have the size that it made it sound
9 like it was a freestanding structure or self-
10 contained structure. So once you eliminate that,
11 it sort of eliminates that impression, because if
12 you just take out from the advertised text the
13 original definition, it now would say "A District
14 of Columbia Library housed in a permanent structure
15 and including" the following.

16 So it is housed in a permanent
17 structure, but it isn't the structure. You know,
18 it's not exclusively. So maybe the original
19 definitions will still work. Anybody have any
20 thoughts about that? Mr. Hannaham?

21 COMMISSIONER HANNAHAM: I'm sort of
22 hesitant, but may I should say this. I'm struck by
23 the fact that this seems like such an archaic
24 definition of library, something that could have
25 been true in the 19th Century, basically, by

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1 definition, and we've got a digital age that's on
2 us, you know.

3 There is no reference or seeming
4 appreciation of the fact that libraries are on the
5 verge of being extinct in those terms, although
6 they have incorporated a lot of the new technology.

7 So this really is not a very progressive
8 definition. It doesn't seem to be in tune with
9 what's happening in the world.

10 CHAIRPERSON MITTEN: Well, I think
11 that's because the definition that they sharing
12 with us is from a statute that was probably passed
13 years ago and doesn't really -- is not revised
14 routinely.

15 COMMISSIONER HANNAHAM: But this is a
16 beautiful opportunity for them to redefine
17 themselves and to give themselves arguments for a
18 more progressive future. I say all of that, and I
19 don't really have any words to suggest that's
20 better. It's just a thought that I thought I ought
21 to share.

22 VICE CHAIRPERSON HOOD: Madam Chair,
23 let me just say I agree with Mr. Hannaham,
24 Commissioner Hannaham. But when I saw compact
25 disk, that kind of gave me a comfort level of

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1 coming into the 21st Century.

2 CHAIRPERSON MITTEN: You mean as
3 opposed to eight-track tapes?

4 VICE CHAIRPERSON HOOD: When I saw
5 compact disk. But I agree with his statement, and
6 maybe this is the time, whether this is approved or
7 whatever the case is, for libraries to look back at
8 reevaluating or coming up with something more
9 modern age. But I don't have any problems with
10 what is in front of us.

11 CHAIRPERSON MITTEN: Okay.

12 COMMISSIONER MAY: I think I need to
13 clarify this, maybe just for my own understanding.

14 But we are essentially defining library in the way
15 that they told us in grammar school you can't
16 define anything, to use the word you are defining
17 in the definition.

18 So we are calling a library a library.

19 To me, that means that there is an assumption that
20 everybody knows what a library is and all we are
21 talking about are what uses are really not basic
22 library or everyone's image of what a library is in
23 terms of books and everything else. It's only
24 other stuff that goes with it that we are defining
25 and limiting, because everybody knows what a

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1 library is.

2 Well, now everybody today knows -- has
3 a different picture of a library as compared to 100
4 years ago, and I would hope that, you know, the
5 definition of library would be contemporaneous
6 through the future and, since it is not something
7 that we defined in the regulations without using
8 the library in it, then we would have to fall back
9 on a dictionary definition, if that ever became an
10 issue.

11 So it's really just, you know, basic
12 library plus what other stuff, and what we are
13 defining here is just the other stuff. Now is that
14 a correct characterization in other people's view?

15 I mean, do you agree that that is really what we
16 are talking about? And so we don't have to get
17 into the business of what really is a library.

18 CHAIRPERSON MITTEN: I think so. I
19 think that's right.

20 Okay. Well, let me just also say that
21 the Office of Planning in their March 20th report
22 had added onto the end of the advertised
23 definitions in each case. So in the case of the
24 full service neighborhood public library, they had
25 added the sentence, "There is a wide array of

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1 selection and quantity of book titles, books on
2 tape, and compact disks as suited for in depth
3 research and staff by seven to ten full-time-
4 equivalent employees."

5 I don't know that we need to go that
6 far in the definition, but that was not part of the
7 advertised definition, if we want to add that.

8 In the case of the community public
9 library, the additional sentence that was not
10 advertised is "There is a small selection of books
11 that include a large ratio of paperbacks, and it is
12 not suitable for more than basic research, and
13 staff by two full-time-equivalent employees."

14 Then the kiosk, the additional sentence
15 was: "It is not suited for more than basic
16 research, and is staffed by one full-time-
17 equivalent employee."

18 I think that is actually probably
19 asking for trouble more than anything in the event
20 that there would be more than the number of full-
21 time-equivalent employees because of some
22 circumstance. I don't know that that is really
23 going to -- that that helps the definition.

24 COMMISSIONER MAY: Yes. The point of
25 going into that much detail about what a library

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1 is, is it really necessary so that we can define
2 what the parking is going to be?

3 CHAIRPERSON MITTEN: Right.

4 COMMISSIONER MAY: I think you really -
5 - I mean, I think it's okay to say a library is a
6 library plus we recognize that, you know, when it's
7 a full service neighborhood public library, it can
8 also have meeting rooms, staff workrooms, kitchen
9 facilities, book overflow space.

10 CHAIRPERSON MITTEN: Right.

11 COMMISSIONER MAY: And if it's these
12 other definitions, it has a small staff area or it
13 has no space for activities -- I mean, we are
14 really defining what else goes with library.

15 CHAIRPERSON MITTEN: Yes, and I think
16 the impact of the number of employees or whatever -
17 - The place where we recognize that is going to be
18 in the parking. So if we have an adequate amount
19 of parking included to accommodate employees, then
20 we should have accomplished the task without
21 specifying what we think the number is.

22 COMMISSIONER MAY: That's right.

23 CHAIRPERSON MITTEN: So I would suggest
24 that we maintain definitions that we advertise with
25 the exception of eliminating references to size and

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1 not add this additional language from the March
2 20th OP report. Is there anyone else who has a
3 different view? Mr. Hannaham?

4 COMMISSIONER HANNAHAM: Looking it up -
5 - I'm just going back to where you were before with
6 the kiosk, and the last sentence says "and it's not
7 suited for more than basic research." Do we really
8 want to say basic research? I mean, they don't
9 really mean basic research in the sense that people
10 use basic research, do they? They are talking
11 about exploratory or initial discovery or
12 something, you know.

13 CHAIRPERSON MITTEN: Right.

14 COMMISSIONER HANNAHAM: Because basic
15 research really means a whole lot more, maybe not
16 in this context, but most people see it as far more
17 sophisticated.

18 CHAIRPERSON MITTEN: Well, I'm
19 advocating that we delete that language anyway,
20 because it doesn't add anything to the definition.

21 COMMISSIONER HANNAHAM: I still think
22 all of this looks pretty sad, you know. It looks
23 pretty sad in terms of an opportunity for the
24 library to really redefine itself.

25 CHAIRPERSON MITTEN: Yes.

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1 COMMISSIONER HANNAHAM: Can we help
2 them in some way? Could we have this reviewed and
3 ask them to come back and give us another look?

4 CHAIRPERSON MITTEN: Well, this is
5 proposed action. So we certainly could.

6 COMMISSIONER HANNAHAM: Ask them to
7 take a look at this in light of where we are now in
8 the 21st Century, and where would they like to be,
9 say, in 2150, you know. Set it as a sort of a
10 defining, progressive kind of definition of what
11 they might be, of setting goals for themselves
12 rather than just being a staid house, you know,
13 with some books stacked up and musty image of the
14 whole library.

15 I haven't been in a library in the
16 sense of these old traditional ways now in like 15-
17 20 years. I can't remember the last time I was in
18 a library, and that has not stopped me from doing
19 an enormous amount of research through the Internet
20 and web connections, et cetera. And I think this
21 is what most kids are doing, what teachers are
22 doing, not only in communities but in colleges and
23 universities as well.

24 So I really think this is a beautiful
25 opportunity to let them start thinking. Give us

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1 something back -- Give us back something that
2 really reflects the way we are and where we would
3 like to be.

4 CHAIRPERSON MITTEN: Okay. If I could
5 as the Office of Planning then to just inquire as
6 to whether or not the public libraries would like
7 to weigh in with a more progressive definition of
8 library that we could perhaps incorporate into the
9 final action, we would be interested in that.

10 COMMISSIONER HANNAHAM: I think they
11 are changing the old card catalogs. In most cases,
12 they gone. They are history. Most people are
13 sitting with a keyboard and a little monitor, doing
14 their research.

15 CHAIRPERSON MITTEN: Right.
16 Absolutely. COMMISSIONER HANNAHAM:
17 That's not a library, I mean, in the sense of --
18 It's the way they are saying here now.

19 CHAIRPERSON MITTEN: Right.

20 COMMISSIONER HANNAHAM: I mean, then we
21 recognize that fact, and I think they really ought
22 to in some way address that reality.

23 CHAIRPERSON MITTEN: Good.

24 COMMISSIONER MAY: Can I add to that?
25 I prey on the notion that a library ought to be

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1 defined in more modern terms, but I really wonder
2 what the benefit is to our regulatory purpose here
3 by expanding the definition in that way. Does it
4 do anything in helping us strictly in terms of
5 zoning?

6 Again, I go back to my original
7 statement or one of my earlier statements, that a
8 library is a library, and we don't have to worry
9 about what a library is.

10 What we really have to do is worry
11 about the stuff that goes with the library that a
12 neighborhood might find objectionable, because from
13 the neighborhood's point of view, whether it
14 contains books or computer terminals or, you know,
15 holographic work stations or anything else is
16 really not that big a consideration from a zoning
17 point of view.

18 It's a question of at what point does
19 that use, either in itself become objectionable, or
20 invite other objectionable conditions to the
21 neighborhood. That's really where, I think, we
22 should be focused rather than doing a lot of extra
23 work to simply make sure that our definition is
24 more suitable for today's image of a library. Not
25 that that in itself isn't worthwhile. I just don't

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1 know that it adds much value to our purpose here.

2 COMMISSIONER HANNAHAM: I agree. I
3 agree with what you say, and I just saw it as an
4 opportunity to get out of our zoning jacket and do
5 a little bit more than just, you know, interpret
6 the world through the eyes of zoning regulations
7 when we have an opportunity.

8 CHAIRPERSON MITTEN: Well, we'll see
9 what kind of feedback --

10 COMMISSIONER HANNAHAM: Just asking a
11 question.

12 CHAIRPERSON MITTEN: Well, we'll see
13 what they come back with, and we will see if it's
14 appropriate to incorporate into our definition when
15 we take final action.

16 VICE CHAIRPERSON HOOD: Madam Chair, we
17 decided to take out that additional language in
18 each one of the definitions?

19 CHAIRPERSON MITTEN: So far we have. I
20 mean, we are going to take a vote at the end, and I
21 will sort of remind everyone of what we decided
22 along the way. But so far we have a consensus to
23 take that out.

24 VICE CHAIRPERSON HOOD: We have a -- I
25 don't know if that's what I heard form Commissioner

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1 May. I don't know.

2 COMMISSIONER MAY; I'm sorry. If what
3 we are theoretically moving ahead with today is the
4 language as it was originally advertised but
5 striking the square foot information.

6 CHAIRPERSON MITTEN: That's where we
7 are right now.

8 COMMISSIONER MAY: Okay. That I'm very
9 much in favor of.

10 CHAIRPERSON MITTEN: Okay.

11 COMMISSIONER MAY: I guess I just don't
12 see any reason to do anything more than that is
13 what it comes down to.

14 VICE CHAIRPERSON HOOD: So he's not on
15 board with what you were saying about striking --

16 CHAIRPERSON MITTEN: No, the last part
17 is not included in the original language.

18 VICE CHAIRPERSON HOOD; Oh, the
19 original. Okay. Got ya.

20 CHAIRPERSON MITTEN: Okay. That's the
21 definitions. Then the other area where there were
22 some differences in the hearing report from OP were
23 a couple of things.

24 One is in the parking. So this would
25 be on page 3 of the hearing notice and page 4 of

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1 the OP report. The parking requirement, just as a
2 for instance, for full service neighborhood public
3 library would be for libraries constructed after,
4 you know, the effective date, and in excess of
5 2,000 square feet of floor area, one space for each
6 additional 1,000 square feet of gross floor area
7 was advertised.

8 The Office of Planning was suggesting
9 that that be changed to patron use area, which is a
10 completely undefined term. I know what they are
11 driving at, but we would have to define that, and
12 then that doesn't address the issue that you might
13 actually have more employees if you had a larger
14 building, even if it wasn't for patrons.

15 So I think I would be advocating for
16 the retention of the original gross floor area
17 language myself.

18 COMMISSIONER PARSONS: I agree. It's
19 easily defined. If there is some issue with -- You
20 know, the gross floor area of a given library may
21 be 20,000, but the patron use area may be 10,000
22 and, therefore, we are trying to make sure that we
23 only have -- I mean that we have the right
24 proportion, then I would suggest that we look at
25 the proportion, you know, how many thousands of

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1 square feet of gross area requires an additional
2 parking space, because there's probably a fairly
3 consistent proportion between patron use area,
4 whatever that is, and gross floor area.

5 CHAIRPERSON MITTEN: Okay.

6 COMMISSIONER PARSONS: Because gross
7 floor area is just easy to define.

8 CHAIRPERSON MITTEN: Right. So is
9 there anyone who would be advocating for patron use
10 as opposed to gross floor area? Okay.

11 Then another suggestion that was made
12 was to add at the end of each of the designated
13 parking requirements, "If located within one-half
14 mile of a Metrorail station, the parking
15 requirements may be reduced by 50 percent." Very
16 sensible, as far as I'm concerned.

17 VICE CHAIRPERSON HOOD: I would agree,
18 Madam Chair. I think that is reasonable. I would
19 like to see that stay in there.

20 CHAIRPERSON MITTEN: Okay.

21 COMMISSIONER MAY: I agree.

22 COMMISSIONER HANNAHAM; I agree.

23 CHAIRPERSON MITTEN: Okay. Then in our
24 Public Hearing notice -- I think this was just an
25 oversight, but i just want to make sure that we get

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1 it in -- there was a final -- Oh, actually -- Oh, I
2 guess it was -- Oh, this was accommodated. I'm
3 sorry. This was accommodated through a proposed
4 section 2104.2 rather than having it in the chart
5 for the number of spaces required. So we did have
6 that in there. IT was just in a separate
7 subsection. So that's fine.

8 The language said, "The Board of Zoning
9 Adjustment" -- Oh, I see. The difference was the
10 proposed language was that the Board of Zoning
11 Adjustment would reduce the number of spaces, and
12 the Office of Planning proposal was that that would
13 just be a -- That wouldn't require BZA approval.

14 I think, in light of the fact that -- I
15 mean, take a 10,000 square foot -- Take a 20,000
16 square foot, which would be the maximum size of a
17 full service neighborhood public library, and the
18 parking requirement would be 18 spaces, and you are
19 talking about having probably 7 to 10 full-time-
20 equivalent employees, and then you're talking about
21 having space for patrons. If you are within the
22 half-mile of a Metrorail, would you want to reduce
23 the number of spaces to nine in that circumstance,
24 without having any review by BZA?

25 VICE CHAIRPERSON HOOD: Madam Chair, I

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1 think you raise a good issue. It's always good to
2 have review and also input. So I would not want to
3 see us doing anything that would cut out citizens
4 or the public's input.

5 CHAIRPERSON MITTEN: Okay. So is the
6 consensus to retain the advertised 2104.2, which
7 would allow the BZA to reduce the number of spaces?

8
9 COMMISSIONER MAY: I don't know. I
10 think that that number of parking spaces for a
11 20,000 square foot library, and having nine and
12 being within a half-mile of Metro, I think, is
13 probably pretty safe. Although I certainly
14 agree that public input is very helpful, I think
15 that is it simply just adding something else to the
16 BZA's plate where it really isn't that critical,
17 because it is defined well enough and has the right
18 constraints?

19 I mean, if the consensus -- If others
20 agreed, I think I would be quite comfortable
21 leaving it without requiring the special exception
22 approval.

23 CHAIRPERSON MITTEN: Anybody else? I
24 don't feel strongly about it, one way or the other,
25 although lightening the load for the BZA is

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1 certainly a worthwhile cause. Mr. Hannaham?

2 COMMISSIONER HANNAHAM: I was looking
3 at this in a slightly different way. Within radius
4 of -- Within a certain, say, half-mile radius of a
5 Metro station is fine, but we're talking about
6 local libraries, right? Most folks are walking
7 distance. Right?

8 CHAIRPERSON MITTEN: Yes.

9 COMMISSIONER HANNAHAM: And they also
10 have bus transportation available as well, you
11 know. I was just thinking, maybe Metrorail isn't
12 really a key in a neighborhood library with
13 transporting people except the staff might live out
14 of the area, but people in the neighborhood will
15 just walk, you know. I don't even know if it
16 really is of any consequence, really.

17 CHAIRPERSON MITTEN: So would you be in
18 favor of just allowing the reduction without any
19 kind of BZA approval?

20 COMMISSIONER HANNAHAM: Yes, I think I
21 would. Yes.

22 CHAIRPERSON MITTEN: Okay. Mr.
23 Parsons, do you want to get in on this?

24 COMMISSIONER PARSONS: I guess the
25 intent here is special events, things that would

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1 attract people by Metro, because Mr. Hannaham is
2 right. If you lived five blocks from the library,
3 you wouldn't take the Metro to get there.

4 CHAIRPERSON MITTEN: Right.

5 COMMISSIONER PARSONS: So it's only for
6 special activities and employees that this is
7 intended for. I don't see any reason to bother the
8 BZA with it.

9 CHAIRPERSON MITTEN: Okay.

10 COMMISSIONER HANNAHAM: Well, a lot of
11 folks who use libraries are meetings, you know,
12 ANCs and others, community organizations. I'm
13 pretty sure that they just -- and the people who
14 attend these meetings, they are all within walking
15 distance. They are really neighborhood service
16 resources.

17 VICE CHAIRPERSON HOOD: Could I just
18 say, Madam Chair --

19 COMMISSIONER HANNAHAM: Of course,
20 there are regional libraries, too, which sort of
21 cover a larger area. You could make the
22 distinction there. For regional libraries, maybe
23 this could apply, because Metro might be a factor,
24 but for the local public library, I really don't
25 see this as a big deal.

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1 COMMISSIONER PARSONS: Well, we already
2 agreed, this does not apply to the main library.

3 CHAIRPERSON MITTEN: Well, I wanted to
4 talk about that.

5 COMMISSIONER PARSONS: Because we don't
6 even have them defined here.

7 CHAIRPERSON MITTEN: That's right,
8 although by removing the size restriction, you
9 know, someone could -- if they wanted to build the
10 main library and they looked in the ordinance after
11 we are done and they said, well, looks like it must
12 be a full service neighborhood public library
13 because I don't have a definition of anything else.

14 What I was going to suggest is that,
15 since this is a rulemaking case, I can bring in
16 some extraneous -- I don't have to confine myself
17 exclusively to the record.

18 A question was put to me at my
19 confirmation hearing about what my feeling was
20 about this provision where NCPC does the review of
21 District buildings within the Central Employment
22 Area, and it made me start thinking about whether
23 or not we should at least plan for the day that may
24 come soon or may come late where that review is
25 changed and it becomes Zoning Commission review or

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1 something like that.

2 COMMISSIONER PARSONS: We seem to be
3 straying somewhat.

4 CHAIRPERSON MITTEN: We don't have to
5 do that today, but I thought it might be something
6 that we could think about.

7 VICE CHAIRPERSON HOOD: You know, Madam
8 Chair, at your confirmation hearing I also heard
9 that. Talked to some old-timers around here, and
10 they assured me that would never happen.

11 CHAIRPERSON MITTEN: I see. Anybody we
12 know?

13 VICE CHAIRPERSON HOOD: Actually, they
14 were. Former Council member late John Wilson
15 informed me that would never happen.

16 CHAIRPERSON MITTEN: I see, okay.
17 Okay, well, that's just food for thought for the
18 future.

19 VICE CHAIRPERSON HOOD: Madam Chair,
20 let me go back to this issue about parking space
21 and not going in front of the BZA and public input.
22 I mean, that's fine, too, but I just want to make
23 sure that we know that, if it's that clean-cut,
24 then it shouldn't take the BZA no more than a
25 minute.

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1 We also, on the other hand, are not
2 cutting out public comment. That's just kind of
3 where I am. And also, a statement made, if it's
4 five blocks away that people won't drive to the
5 library. But in the real world, what's really
6 happening is they could be down the street, and
7 they still drive to the library.

8 So I mean, you know, we want to be real
9 up here when we make these decisions. I think, on
10 the real side of the issue is what we are getting
11 ready to create? While my colleagues feel
12 comfortable, I'm not going to sit here and belabor
13 and go back and forth with it. I can go either
14 way, but I just want to make sure that we're not
15 opening up a problem.

16 COMMISSIONER PARSONS: Don't go either
17 way. You just convinced me to go the other way.

18 VICE CHAIRPERSON HOOD: Well, since I
19 did, let me go that way, the way I was going.

20 COMMISSIONER PARSONS: I think he's
21 right.

22 CHAIRPERSON MITTEN: Okay.

23 COMMISSIONER MAY: That we need to have
24 BZA?

25 COMMISSIONER PARSONS: Yes.

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1 VICE CHAIRPERSON HOOD: I didn't say we
2 need to have BZA. I just said we need to have
3 public input. Don't tell them I said that.

4 COMMISSIONER MAY: Okay, I'll make one
5 last pitch for not BZA. I recognize the fact that
6 people are going to use their car. They are going
7 to drive, particularly if we're talking about
8 evening use, because where people walk changes
9 dramatically once it gets dark.

10 So I think that is valid. However, it
11 is really a question of whether, you know, the
12 standards we are setting really are sufficient. I
13 think about the neighborhood public libraries that
14 I know and how much parking is really necessary and
15 the proximity to Metro and things like that, and I
16 think that, you know, we can strike the right
17 balance in the regulations and allow for that
18 reduction.

19 Not that we are really going to be
20 necessarily getting that many more people coming by
21 Metro. I think we will get some. I don't think
22 it's none. I think we will get some, particularly
23 since there are some neighborhoods that don't have
24 that, and it's really great to be able to get to
25 one of these neighborhoods on top of a Metro. But

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1 you know, having a big old parking lot, you know,
2 District government owned, right next to the Metro
3 is not necessarily a good thing either. I mean,
4 that can be a problem.

5 So I think that it would be best if we
6 could strike the right balance right now and make
7 it fairly automatic rather than having to go
8 through BZA for it.

9 I think that, when it comes to parking
10 and the BZA, I can't imagine that anything would
11 happen quickly. It's going to be -- If it becomes
12 an issue for discussion, it will become an issue
13 for a lengthy discussion, because parking is the
14 most important thing in the world.

15 CHAIRPERSON MITTEN: True, in some
16 neighborhoods. Okay. So where are we then?

17 VICE CHAIRPERSON HOOD: Madam Chair,
18 that's my point. In some neighborhoods. So the
19 issue varies. It may be clean-cut in one area but
20 not clean-cut in other areas. So again, I just
21 have a problem with us anytime closing off public
22 comment, even though some things are set up now to
23 where it is cut off. Like I said, I'll leave it
24 alone.

25 COMMISSIONER PARSONS: I remain with

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1 Mr. Hood on this one.

2 VICE CHAIRPERSON HOOD: I'm going to
3 stick with my guns then.

4 CHAIRPERSON MITTEN: Mr. May, where are
5 you?

6 COMMISSIONER MAY: I'm inclined to
7 stick with no BZA approval, but I also don't feel
8 very strongly.

9 CHAIRPERSON MITTEN: Okay, Mr.
10 Hannaham, where are you?

11 COMMISSIONER HANNAHAM: I'm neutral. I
12 really don't have a position. I'm on the fence.

13 CHAIRPERSON MITTEN: Okay. I think
14 that we can leave in our proposed section 2104.2
15 and, if it becomes before BZA, they can dispatch
16 with it quickly. There might be worthy discussion
17 that takes place there.

18 COMMISSIONER MAY: I'm happy then to go
19 along with that.

20 CHAIRPERSON MITTEN: Okay. Any other
21 issues? I didn't see any other aside from the
22 issue of the main library, which we can talk about
23 another day.

24 COMMISSIONER PARSONS: Move approval as
25 we have amended it this afternoon.

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1 CHAIRPERSON MITTEN: Okay. We have a
2 motion.

3 VICE CHAIRPERSON HOOD; Second.

4 CHAIRPERSON MITTEN: And a second. I
5 will just review quickly what we reached consensus
6 about, which is to retain the definitions of the
7 Public Hearing notice without reference to size, to
8 retain the parking requirements in the Public
9 Hearing notice as they were worded there with
10 reference to gross floor area as opposed to patron
11 use area, and to retain the advertised Section
12 2104.2 which requires BZA approval for reduction of
13 parking within one-half mile radius of a Metrorail
14 station.

15 Is there any further discussion? All
16 those in favor, please say Aye.

17 Those opposed, please say No.

18 Ms. Schellin?

19 MS. SCHELLIN: Yes. Staff would record
20 the vote five to zero to zero, Commissioner Parsons
21 moving, Commissioner Hood seconding, Commissioners
22 Hannaham, May and Mitten in favor to approve case
23 Number 13-10 with modifications as discussed.

24 CHAIRPERSON MITTEN: Thank you. The
25 last item under Proposed Action is Case Number 02-

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