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ZONING COMMISSION
District of Columbia

CASE NO. 03-10A

EXHIBIT NO. 8

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

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

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ZONING COMMISSION
District of Columbia

CASE NO.

03-104

EXHIBIT NO.

8

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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

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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-

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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

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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,

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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

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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

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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

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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.

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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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