

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF:

The Application of
the Carnegie Institution
of Washington

Case No. 04-12

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Thursday,
July 15, 2004

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 04-12 by
the District of Columbia Zoning Commission convened at
6:30 p.m. in the Office of Zoning Hearing Room at
441 4th Street, N.W., Washington, D.C., Carol J.
Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN Chairperson
ANTHONY J. HOOD Vice Chairperson
GREGORY JEFFRIES Commissioner
JOHN G. PARSONS Commissioner (NPS)

ZONING COMMISSION STAFF PRESENT:

ALBERTO P. BASTIDA, Secretary, ZC

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OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS, Office of Planning
JENNIFER STEINGASSER, Office of Planning

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I-N-D-E-X

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

(6:34 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, July 15, 2004.

My name is Carol Mitten, and joining me this evening are Vice Chairman Anthony Hood and Commissioner Greg Jeffries.

The subject of this evening's hearing is Zoning Commission Case Number 04-12. This is a request by the Carnegie Institution of Washington for a modification to an existing campus plan and special exception approval to allow modifications to an existing building, the Experiment Building. The subject property is located at 5241 Broad Branch Road, N.W., Square 2288, Lot 813.

Notice of today's hearing was published in the D.C. Register on May 14, 2004, and copies of the hearing announcement are available in the wall bin near the door. This hearing will be conducted in accordance with the provisions of 11 DCMR Section 3117.

The order of procedure will be as follows: preliminary matters, followed by the applicant's

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1 case, the report by the Office of Planning, report of
2 any other government agencies, report of the affected
3 Advisory Neighborhood Commission -- in this case it's
4 3G -- organizations and persons in support,
5 organizations and persons in opposition.

6 The following time constraints will be
7 maintained in this hearing. The applicant will have
8 20 minutes, or less if they choose to avail themselves
9 of standing on the record. Organizations will have
10 five minutes, and individuals will have three minutes.

11 The Commission intends to adhere to the
12 time limits as strictly as possible in order to hear
13 the case in a reasonable period of time. The
14 Commission reserves the right to change the time
15 limits for presentations if necessary, and notes that
16 no time shall be ceded.

17 All persons appearing before the
18 Commission are to fill out two witness cards. These
19 cards are located on the table near the door. Upon
20 coming forward to speak to the Commission, please give
21 both cards to the Reporter, who is sitting to our
22 right.

23 Please be advised that this proceeding is
24 being recorded by a Court Reporter and is also being
25 webcast live. Accordingly -- or will be momentarily.

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1 (Laughter.)

2 Accordingly, we must ask you to refrain
3 from any disruptive noises or actions in the hearing
4 room. When presenting information to the Commission,
5 please turn on and speak into the microphone, first
6 stating your name and home address. When you are
7 finished speaking, please turn off your microphone, so
8 that it is no longer picking up sound or background
9 noise.

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

19 Please turn off all beepers and cell
20 phones at this time, so as not to disrupt the hearing.

21 At this time, the Commission will consider
22 any preliminary matters. Mr. Bastida, anything?

23 SECRETARY BASTIDA: Yes, Madam Chairman.
24 The applicant has complied with the posting
25 requirements and filed it, and the staff believes that

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1 it is in compliance with the zoning regulations.

2 Thank you.

3 CHAIRPERSON MITTEN: Thank you.

4 Mr. Nettler, any preliminary matters
5 before we begin?

6 MR. NETTLER: No, I don't have any.

7 CHAIRPERSON MITTEN: All right. I'd ask
8 anyone who is planning on testifying this evening to
9 rise now and take the oath. Mr. Bastida will
10 administer the oath.

11 (Whereupon, an oath was administered to
12 those persons wishing to testify.)

13 SECRETARY BASTIDA: Thank you.

14 CHAIRPERSON MITTEN: Thank you, Mr.
15 Bastida.

16 Mr. Nettler?

17 MR. NETTLER: Thank you. Richard Nettler
18 on behalf of the applicant. And taking a cue from the
19 chair, I'm going to be very brief, and then stand on
20 the record, unless you have questions of Mr. Dingus,
21 who is here with us from the Carnegie Institute, and
22 the architect as well.

23 The things I guess I wanted to point out
24 in particular was the fact that this is a very modest
25 modification to an existing campus plan, so as to

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1 provide one-story wings to the existing Experimental
2 Building, so that both the Experimental Building and
3 certain uses that have been unable to be carried out,
4 or carried out in portions of the campus that are not
5 really amenable to those uses as outlined in our
6 prehearing statement can be fully utilized.

7 And the second part of it is for the
8 provision of a pad that will be used for a generator,
9 in case -- because of the upgrade of the computer
10 system, and because of the data that's stored on the
11 computer system, so as to ensure that if there is a
12 power outage, which does happen in the District of
13 Columbia on occasion, and certainly during the summer,
14 that the backup material on the computer system is not
15 lost, and the research that is done in the Carnegie
16 Institute is maintained.

17 It's a very large campus. Very little of
18 it has ever been developed. Over the past I guess now
19 almost 100 years, I guess 90 years since it has been
20 in this neighborhood, there has only been one building
21 constructed since the late 1930s, which was the
22 subject of the 1988, I believe, application dealing
23 with the campus plan. One of the buildings that had
24 already been on the campus was unearthed in a later
25 decision. And this is really the first modifications

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1 to that existing building.

2 The total lot occupancy is about 11
3 percent. That's certainly far below what is provided
4 for in the zoning regulations, and the FAR is .89. It
5 has not -- with these improvements.

6 As we stated in our application, the uses
7 for those modest additions are necessary for the
8 Carnegie Institute. Roy Dingus, as I mentioned, the
9 facility manager is here to testify. Lynn Iadarolla,
10 the architect, as well is here to testify or answer
11 questions.

12 We've been meeting with the ANC over the
13 last I guess three years, and we've yet to have a
14 hitch with the ANC in any of the meetings that we've
15 had, and we have support from the community as well,
16 and I believe as you'll hear from the Office of
17 Planning.

18 And so as I said, we are willing to stand
19 on the record, but we are here as well to answer
20 questions that you might have.

21 CHAIRPERSON MITTEN: Thank you. Can you
22 just tell us, have you had any conversations with the
23 folks from the Embassy of Tunisia? Because their
24 letter doesn't seem to reflect that they understand
25 the proposal.

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1 MR. NETTLER: We've tried, and a letter
2 was sent to the Embassy, but there has been no
3 response that I'm aware of to the letter that we sent
4 to them. They did not attend any of the public
5 meetings that were -- any representative of them did
6 not attend any of the public meetings, nor did they
7 ask us to respond to any questions that may have been
8 raised or were given the opportunity to raise from the
9 letters that were sent to them.

10 CHAIRPERSON MITTEN: Okay. Thank you.

11 Any questions for the applicant anyone?
12 All right. Thank you.

13 Now we'll turn to the Office of Planning
14 for their report.

15 MS. BROWN-ROBERTS: Good evening, Madam
16 Chairman and members of the Commission. I am Maxine
17 Brown-Roberts from the Office of Planning, and I will
18 follow suit and stand on the record that the Office of
19 Planning thinks that the requirements for the special
20 exception in Section 210 has been met.

21 As outlined in our report, we did have
22 some conditions which were sort of a continuation from
23 the original BZA Order 14831, which are also supported
24 by the ANC. So we just want to take note of those.

25 But the Office of Planning recommends

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1 approval of this special exception for the campus
2 plan.

3 Thank you, Madam Chairman.

4 CHAIRPERSON MITTEN: Thank you.

5 Any questions for Ms. Brown-Roberts? All
6 right. Very good.

7 Anyone here representing any other
8 government agencies? Anyone here representing ANC-3G?

9 I would just note that we have in the record
10 Exhibit 20, a letter of support from the ANC that
11 meets the requirements to be given great weight.

12 Anyone else who would like to testify as
13 to this case?

14 Mr. Nettler, if you could just tell us
15 your position on the conditions proposed by the Office
16 of Planning?

17 MR. NETTLER: We do not have any problem
18 with the conditions. There was -- and I don't know if
19 -- I don't think it's a condition, but I recall that
20 in the prior order that there was a mention made of
21 the Experimental Building and the use of it for when
22 lectures are given there. And it was noted that there
23 was 90 individuals that were -- it was accommodating
24 90 individuals.

25 Actually, while that was not a condition,

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1 because of the situation in the Experimental Building
2 only 75 people could actually sit in the building at
3 one time. The rest of them stand.

4 With the addition -- modifications that
5 are being made to the building, actually 110 persons
6 could be seated in the building. But while it was not
7 a condition, I don't think it's a condition that the
8 ANC has asked for. I just thought it was important to
9 make mention of that.

10 But otherwise, the conditions are fine
11 with the Carnegie Institute, and they have been
12 followed ever since they were placed on them.

13 CHAIRPERSON MITTEN: Okay. Thank you.
14 Anything else?

15 MR. NETTLER: No, that's all.

16 CHAIRPERSON MITTEN: All right. Well, I
17 would move approval of Case 04-12.

18 VICE CHAIRPERSON HOOD: Second.

19 CHAIRPERSON MITTEN: Any discussion? All
20 those in favor, please say aye.

21 (Chorus of ayes.)

22 It's unanimous, Mr. Bastida, if you would
23 just record the vote.

24 SECRETARY BASTIDA: Right. The staff
25 would record the vote of four to zero to one, Ms.

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1 Mitten moving and Mr. Hood seconded, Mr. Parsons and
2 Mr. Jeffries voting in the affirmative. Mr.
3 Hildebrand not present, not voting.

4 CHAIRPERSON MITTEN: Thank you very much.

5 SECRETARY BASTIDA: Thank you.

6 CHAIRPERSON MITTEN: Thank you for one of
7 our shorter hearings. Very pleasant.

8 MR. NETTLER: And if you would like, we
9 could provide an order -- a draft order for you.

10 CHAIRPERSON MITTEN: I'm sure Mr. Bastida
11 would appreciate that.

12 MR. NETTLER: Thank you.

13 CHAIRPERSON MITTEN: And Corporation
14 Counsel. Thank you.

15 This hearing is adjourned.

16 (Whereupon, at 6:45 p.m., the proceedings
17 in the foregoing matter were concluded.)
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