

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:  
IN THE MATTER OF: :  
 :  
TEXT AMENDMENTS RELATED TO : Case No.  
PUBLIC LIBRARIES IN THE : 09-17A  
R ZONE DISTRICT :  
-----:

Thursday,  
December 3, 2009

Hearing Room 220 South  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C.

The Public Hearing of Case No. 09-17A by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- WILLIAM W. KEATING, III, Vice Chair
- KONRAD W. SCHLATER, Commissioner
- PETER MAY, Commissioner (NPS)
- MICHAEL G. TURNBULL, FAIA, Commissioner  
(AOC)

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Board of Zoning Adjustment  
District of Columbia  
CASE NO. Transcript  
EXHIBIT NO. null

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

MAXINE BROWN-ROBERTS

The transcript constitutes the minutes from the Public Hearing held on December 3, 2009.

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

2 6:34 p.m.

3 CHAIRMAN HOOD: Good evening,  
4 ladies and gentlemen. This is a Public  
5 Hearing of the Zoning Commission of the  
6 District of Columbia for Thursday, December 3,  
7 2009.

8 My name is Anthony Hood. Joining  
9 me are Commissioners Schlater, Commissioner  
10 May and Commissioner Turnbull.

11 We are also joined by the Office of  
12 Zoning Staff, Ms. Sharon Schellin and expected  
13 to by Vice Chairman Keating and the Office of  
14 Planning.

15 Tonight we have two hearings. The  
16 openings, basically the introductions I will  
17 only do once, but I will read the substance of  
18 each case.

19 The first case is D.C. Public  
20 Libraries Text Amendment. The subject of this  
21 evening's hearing is Zoning Commission No. 09-  
22 17A. This is a request of the D.C. Public

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1 Library for text amendments to the Zoning  
2 Regulations to accommodate public libraries in  
3 R-5-A and R-5-B zoned districts.

4 Notice of today's hearing was  
5 published in the *D.C. Register* on October  
6 30th, 2009. And copies of that announcement  
7 are available to my left on the wall near the  
8 door.

9 The hearing will be conducted in  
10 accordance with the provisions of 11 DCMR 3021  
11 as follows: Preliminary matters, presentation  
12 by the D.C. Public Library, reports of other  
13 government agencies, reports of the ANC all  
14 are included, organizations and persons in  
15 support, organizations and persons in  
16 opposition.

17 The following time constraints will  
18 be maintained in this hearing: Petitioner of  
19 the D.C. Public Libraries 30 minutes;  
20 organizations five minutes, individuals three  
21 minutes. The Commission intends to adhere to  
22 the time limits as strictly as possible in

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1 order to hear the case in a reasonable period  
2 of time. The Commission reserves the right to  
3 change all limits from presentations if  
4 necessary. No time shall be ceded.

5 All persons appearing before the  
6 Commission are to fill out two witness cards.

7 These cards are located to my left on the  
8 table near the door.

9 Upon coming forward to speak to the  
10 Commission, please give both cards to the  
11 reporter sitting to my right before taking a  
12 seat at the table. When presenting presenting  
13 information to the Commission, please turn on  
14 and speak into the microphone, first stating  
15 your name and home address. When you are  
16 finished speaking, please turn your microphone  
17 off so that your microphone is no longer  
18 picking up sound or background noise.

19 The decision of the Commission in  
20 this case must be based exclusively on the  
21 public record. To avoid any appearance to the  
22 contrary, the Commission requests that persons

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1 present not engage the members of the  
2 Commission in conversations during a recess or  
3 at anytime.

4 The staff will be available  
5 throughout the hearing to discuss procedural  
6 questions.

7 What I would like to do is start to  
8 my left and we're going to go from my left to  
9 my right and I would ask each person to  
10 introduce themselves and what their  
11 representation at this time.

12 I will start with Ms. Schellin.

13 MS. SCHELLIN: Sharon Schellin,  
14 Secretary to the Zoning Commission, Office of  
15 Zoning.

16 COMMISSIONER TURNBULL: What are we  
17 doing?

18 CHAIRMAN HOOD: I'm trying  
19 something new. Chairman of the BZA beat me to  
20 this. So you're supposed to introduce  
21 yourself and who you're representing.

22 COMMISSIONER TURNBULL: Okay.

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1 Different. Mike Turnbull. Architect to the  
2 Capitol representative.

3 COMMISSIONER SCHLATER: This is so  
4 strange. I like it. It's good.

5 CHAIRMAN HOOD: You know what?  
6 I've been thinking about doing it for the  
7 longest time, but Chairman Loud beat me to it,  
8 and I was upset the other day. So I just  
9 thought about it again. So, okay. I think  
10 this is what we're going to do.

11 COMMISSIONER SCHLATER: The  
12 Chairman didn't do it when I was there.

13 CHAIRMAN HOOD: Well, he did it  
14 when I was there, but I'd thought about doing  
15 it.

16 Did you all do it last week?

17 COMMISSIONER TURNBULL: Yes.

18 CHAIRMAN HOOD: So it makes me mad  
19 that he beat me to it. Okay.

20 COMMISSIONER TURNBULL: Well, I'm  
21 going to have to talk to him and I'm going to  
22 have to tell him that I feel put out that it

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1 was not done.

2 COMMISSIONER SCHLATER: Konrad  
3 Schlater, Mayoral appointee to the Zoning  
4 Commission.

5 VICE CHAIR KEATING: Bill Keating,  
6 Vice Chair of the Zoning Commission. Mayoral  
7 appointee.

8 COMMISSIONER MAY: Peter May  
9 representing the Director of the National Park  
10 Service.

11 MR. LAWSON: Good evening. Joel  
12 Lawson with the Office of Planning.

13 MS. BROWN-ROBERTS: Maxine Brown-  
14 Roberts with the Office of Planning.

15 CHAIRMAN HOOD: Anthony Hood,  
16 Chairman of the Zoning Commission and Mayoral  
17 appointee.

18 So we practiced that, and I thank  
19 you for your indulgence. We practiced that  
20 tonight, but I think that's what we're going  
21 to be doing from now on, so -- okay. Unless  
22 somebody has a problem, and we'll talk about

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1 it later.

2 COMMISSIONER TURNBULL: I think  
3 that's good.

4 CHAIRMAN HOOD: Okay. All right.  
5 Having done that, now where did I leave off  
6 at? Okay.

7 Please turn off all beepers and  
8 cell phones at this time so not to disrupt  
9 these proceedings.

10 At this time, the Commission will  
11 consider any preliminary matters. Does the  
12 staff have any preliminary matters?

13 MS. SCHELLIN: In the first case we  
14 just have one, and that's expert witnesses  
15 that are going to be considered for this case.

16 I think there may only be one in this case.  
17 And we'll have some preliminary matters in the  
18 second case when we get ready for that one.

19 CHAIRMAN HOOD: Okay. Ms. Bray, if  
20 you could let us know who your expert witness  
21 is?

22 MS. BRAY: Good evening. I'm

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1 Kinley Bray with the law firm of Arent Fox on  
2 behalf of the applicant, District of Columbia  
3 Public Library.

4 We are requesting one expert to be  
5 qualified as an expert in her field, and that  
6 is Ms. Ellen McCarthy. And we've submitted  
7 her résumé. Ms. McCarthy has substantial  
8 experience in planning and zoning. We're  
9 asking her to be qualified as an expert in  
10 planning and zoning for the purposes of our  
11 case today.

12 CHAIRMAN HOOD: I don't even have  
13 to look. I don't think we have any problems  
14 with accepting her as an expert witness.  
15 Okay.

16 MS. BRAY: Thank you.

17 CHAIRMAN HOOD: You may proceed.

18 COMMISSIONER MAY: Has she been  
19 qualified before?

20 MS. BRAY: Well good evening.

21 Again, my name is Kinley Bray on  
22 behalf of the District of Columbia Public

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1 Library.

2 We are here today with a text  
3 amendment requesting separate treatment for  
4 libraries in resident zones. We've proposed  
5 several changes including changes in the way  
6 that rear yard setbacks, side yard setback,  
7 lot occupancy and parking are treated for  
8 public libraries.

9 As Mr. Jeff Bonvechio with the  
10 Library will describe, the Library is in the  
11 course of a major modernization project at the  
12 moment. And we have been before the Board of  
13 Zoning Adjustment four separate times over the  
14 course of the last 178 months asking for  
15 variance relief for the modernization of  
16 various public libraries in the District of  
17 Columbia.

18 We anticipate that there are  
19 several others in the pipeline that will need  
20 to be modernized. And the District of Columbia  
21 faces significant constraints with respect to  
22 the land area available for these libraries,

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1 and as such we see the need to request  
2 variance relief or variance types of variance  
3 relief for each of these libraries.

4 In order to streamline the process,  
5 we have proposed treating libraries in the  
6 same manner as churches and schools and other  
7 institutions that are nonresidential in nature  
8 are currently treated under the Zoning  
9 Regulations. And have changed th standard for  
10 obtaining relief from the matter-of-right  
11 versions of the Zoning Regulations to a  
12 special exception standard as opposed to a  
13 variance.

14 With that brief introduction, I'll  
15 turn it over to Jeff Bonvechio from the  
16 Library.

17 MR. BONVECHIO: Thank you, and good  
18 evening.

19 My name is Jeff Bonvechio. I'm  
20 Director of the D.C. Public Libraries' 21st  
21 Century Capital Projects.

22 Currently the Library is in the

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1 midst of a transformation effort. Over the  
2 next two years we will open 12 new or  
3 renovated library facilities. These upgrades  
4 include expanded services, expanded space,  
5 better access to information and electronic  
6 resources.

7           Currently with our modernization  
8 efforts we are constrained to our existing  
9 sites the standard library building program  
10 that we apply to all sites does call for  
11 22,500 gross square feet of space. This is  
12 approximately, in most cases, about 5,000 to  
13 6,000 more square feet than all the existing  
14 buildings.

15           As Kinley mentioned, in four  
16 previous Library projects we have had to seek  
17 variances in order to meet our Library  
18 programs. Those were at the Benning, Shaw,  
19 Washington Highlands and Tenley Libraries.

20           For this particular project, the  
21 Francis A. Gregory Library Project, it does  
22 sit on federal land and subject to transfer of

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1 jurisdiction from the National Park Service.

2 Back around July of 2008 the  
3 Library did make a request to the National  
4 Park Service for expanded land that would not  
5 be built on so that we could meet the Zoning  
6 requirements with respect to side and rear  
7 yard, and lot occupancy. This request was  
8 denied by the National Park Service motivated  
9 by their desire to retain park land.

10 Moving along with the process, we  
11 did meet with the city Zoning Administrator in  
12 spring of 2009 to discuss areas of relief that  
13 would be necessary. That meeting did come up  
14 with a determination that he did not have  
15 jurisdiction over the site because it was a  
16 government use on a government owned land.

17 We received a Determination Letter  
18 from the Zoning Administrator in May of 2009.

19 As we've proceeded with the designs  
20 and towards the permitting of this project,  
21 the Office of Planning suggested that the  
22 Zoning Administrator's determination was

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1 incorrect and we should not rely on that  
2 determination.

3 Zoning of the property is required,  
4 and thus the map and text amendments.

5 We have worked with the Office of  
6 Planning to develop a text amendment which  
7 would make the project matter-of-right and  
8 ensure that future Library projects may  
9 proceed largely as a matter-of-right as well.

10 For those projects that do not require  
11 relief, we believe special exception standard  
12 is more appropriate and that our expert in  
13 planning will explain further.

14 We are seeking approval this  
15 evening of the map and text amendments, as  
16 well special exception to allow reduction in  
17 off-street parking and a percentage lot  
18 occupancy in excess of that which would be  
19 permitted of-right under the text amendment.

20 We appeared before the ANC on  
21 November 19th. That ANC voted unanimously to  
22 recommend approval of the map and text

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1 amendments and the special exception.

2 That's my statements. I'm  
3 available to answer any questions you may have  
4 about the Library program or capital  
5 construction operations.

6 CHAIRMAN HOOD: We're going to ask  
7 all our questions at the end.

8 MS. BRAY: Okay.

9 CHAIRMAN HOOD: Are we at the end?  
10 Thank you.

11 MS. BRAY: I think we're at the end  
12 for Mr. Bonvechio, but we'd like to call Ellen  
13 McCarthy.

14 CHAIRMAN HOOD: Okay.

15 MS. MCCARTHY: Good evening, Mr.  
16 Chairman and members of the Commission.

17 I believe you have before you my 18  
18 pages of testimony and you can take that out  
19 now and we'll proceed along word-by-word.

20 Let the record reflect there was  
21 one laughter. Just very light.

22 Let me just briefly outline the key

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1 planning and land use arguments with regard to  
2 the text amendment and then I'd be happy to go  
3 into more detail if the Commission has any  
4 questions.

5           Essentially, the text amendment  
6 that we are proposing, it's consistent with  
7 other provisions in the Zoning Regulations  
8 that recognize that there are various public  
9 facilities and institutional uses, such as  
10 recreation and community centers, schools and  
11 churches that are not only compatible with but  
12 they're also directly related to and serve  
13 residential uses. But they have different  
14 configuration than residential uses, and  
15 therefore they need flexibility from the  
16 residential standards for area requirements  
17 such as rear and side yards, FAR, lot  
18 occupancy. So consistent with and in harmony  
19 with the regulations that currently recognize  
20 that, we want to apply that same realization  
21 to libraries.

22           It also recognizes the reality of

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1 government land with regard to building  
2 improved library facilities that Mr. Bonvechio  
3 just mentioned. It's a hard fact which  
4 governed site selection and design of public  
5 facilities, especially for the Library and  
6 Modernization Project. That the choice of a  
7 site for a new library is largely controlled  
8 by the location of existing facilities because  
9 the District does not have a large inventory  
10 of other sites on hand, and the design is  
11 largely driven by a relatively uniform  
12 program.

13 In a city as densely developed as  
14 ours, large tracts of vacant land are at a  
15 premium, especially those located convenient  
16 to neighborhood centers, schools and public  
17 transportation, as is the case for most  
18 library sites. And that is what you'll see in  
19 the testimony. That is also what the  
20 Comprehensive Plan had urged; that the  
21 District when it looks to modernize  
22 facilities as libraries, looks to make sure

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1 that they are located to convenient proximity  
2 schools and shopping and other known  
3 neighborhood facilities.

4 So the Library, generally, must  
5 redevelop in the existing location. And since  
6 the new library facilities are larger but the  
7 sites are the same size as the old libraries,  
8 that generally requires relief from area  
9 requirements.

10 And, in fact, if one looks at most  
11 of the existing libraries, they are  
12 nonconforming with respect to the area  
13 requirements. So this is just sort of  
14 recognizing a fact of what already exists.

15 But the important think I think to  
16 keep in mind about the proposed text amendment  
17 is that really what it does is place the  
18 emphasis on the appropriate criteria for  
19 construction of a nw library. It's not  
20 whether there's something unique about the  
21 property that creates a serious practical  
22 difficulty. The really important criteria for

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1 important public facilities improvements of  
2 the kind that we're talking about is whether  
3 or not the requested the requested flexibility  
4 has any adverse impact on neighboring property  
5 or the integrity of the Zone Plan, or the  
6 Zoning Regulations. And hat's basically what  
7 we are doing tonight, is just eliminating the  
8 need to jump through those hoops as if it were  
9 a variance recognizing that in the case of  
10 finding a site for a public library or  
11 improving an existing public library,  
12 literally it is what it is. And given that  
13 you are basically working with the site that  
14 you have, the important thing that we should  
15 be doing is looking to make sure that reduced  
16 side yard requirements or reduced parking  
17 requirements, or the flexibility that we're  
18 asking for in the text amendment, that that  
19 can be accomplished without any adverse  
20 impact. And I believe that we have  
21 demonstrated that in the application.

22 And I would be happy to discuss

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1 those issues, any of the issues that we've  
2 raised tonight in further detail, if you would  
3 like.

4 MS. BRAY: That concludes our  
5 presentation. Mr. Chairman. In the interest  
6 of time knowing that we have the other case,  
7 we'll dispense with anything further on this  
8 matter unless you have questions for the  
9 witnesses.

10 CHAIRMAN HOOD: Okay. Let's see if  
11 we have questions.

12 Let me open it up, Commissioners.  
13 Any questions?

14 COMMISSIONER SCHLATER: I have a  
15 question.

16 CHAIRMAN HOOD: Okay. Mr.  
17 Schlater?

18 COMMISSIONER SCHLATER: Evening.

19 One of the things we talked about  
20 at setdown was the other libraries that were  
21 going to be impacted by this text amendment.  
22 Because it's not just one library that's going

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1 to be impacted, correct?

2 MS. BRAY: Correct.

3 COMMISSIONER SCHLATER: You're in  
4 the middle of your modernization effort right  
5 now. How many libraries located in R-5-A and  
6 R-5-B zones districts are there out there yet  
7 to be redeveloped?

8 MR. BONVECHIO: I'm not entirely  
9 sure in R-5-A and R-5-B specifically. We did  
10 look at our overall plan and where libraries  
11 are located. And I think that we identified  
12 that there were two locations that would fall  
13 under this criteria.

14 COMMISSIONER SCHLATER: Yes.

15 MR. BONVECHIO: At Woodridge and at  
16 Southwest.

17 COMMISSIONER SCHLATER: I know  
18 Southwest will.

19 CHAIRMAN HOOD: You know what? I  
20 have my materials up here mixed up. And I was  
21 trying to put that together. What was your  
22 question? Because he said something that

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1 really caught my interest, not that you didn't  
2 say anything. But when you said "Woodridge,"  
3 I forgot what your question was.

4 COMMISSIONER SCHLATER: What are  
5 the other libraries that are going to be  
6 impacted by this text amendment was basically  
7 the gist of it.

8 CHAIRMAN HOOD: Oh, okay. Okay. I  
9 did see Woodridge.

10 COMMISSIONER SCHLATER: Where is  
11 Woodridge?

12 CHAIRMAN HOOD: It's at Rhode  
13 Island Avenue and 18th Street, Northeast.

14 CHAIRMAN HOOD: Okay. Okay. I got  
15 stuff all mixed up here already. Anyway, any  
16 other questions?

17 I may come back to you. I may have  
18 some questions about Woodridge.

19 Any other? Okay.

20 Let's go to the Office of Planning,  
21 Ms. Brown-Roberts.

22 MS. BROWN-ROBERTS: Good evening,

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1 Mr. Chairman and members of the Zoning  
2 Commission. I'm Maxine Brown-Roberts  
3 representing the Office of Planning.

4 I think I will stand on the record  
5 because I think the applicant has explained  
6 the purpose of the text amendment, and we're  
7 in agreement. And if you have any questions  
8 regarding our report, I'd be happy to answer  
9 them.

10 Thank you, Mr. Chairman.

11 CHAIRMAN HOOD: Thank you.

12 COMMISSIONER TURNBULL: Yes, Ms.  
13 Brown-Roberts, the other two libraries,  
14 Woodridge and Southwest, you note that they're  
15 adjacent to Park land. Are they similar in  
16 area? Is the Park land also unzoned and are  
17 the other properties -- I mean, are we running  
18 into exactly the same situation that they're  
19 on unzoned land?

20 MS. BROWN-ROBERTS: I don't know at  
21 this time. I requested the list of the  
22 libraries from the applicant, and these were

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1 the two that they gave me. I didn't look to  
2 see if --

3 COMMISSIONER TURNBULL: What they  
4 were on the map?

5 MS. BROWN-ROBERTS: No.

6 COMMISSIONER TURNBULL: Okay.

7 COMMISSIONER MAY: Mr. Turnbull, if  
8 I may, there are --

9 CHAIRMAN HOOD: Is your microphone  
10 on?

11 COMMISSIONER MAY: Yes.

12 CHAIRMAN HOOD: Oh, I'm sorry.

13 COMMISSIONER MAY: That's okay.  
14 You could hear me because I probably didn't  
15 say "Woodridge." Sorry about that.

16 Now with regard to the other two  
17 sites, the Southwest Library is an area that's  
18 -- I mean, that really is sort of a city park  
19 and the setting is very, very different from  
20 this. The case that prompted this text and  
21 map amendment. Because its surrounded by  
22 fully developed areas and it is adjacent to a

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1 piece of Park land. Its all city controlled  
2 at this point. I think actually the city has  
3 title for all of that land as well. So --

4 COMMISSIONER TURNBULL: Is that  
5 transferred from Park Service?

6 COMMISSIONER MAY: This was part of  
7 the D.C. Lands Act. It was transferred.

8 COMMISSIONER TURNBULL: Okay.

9 COMMISSIONER MAY: The other  
10 property I'm not as familiar with, Langdon  
11 Park, but it is a much smaller parcel. It is  
12 also the entirety of that Park land is in the  
13 District's control. It's not surrounded by  
14 National Park land. So it's a little bit  
15 different in that regard.

16 COMMISSIONER TURNBULL: Well is  
17 just the parcel, does the land around the  
18 park, what is that zoned? I mean, the parcel  
19 wants to be zoned R-5-A. But the Park land is  
20 still unzoned or --

21 MS. BROWN-ROBERTS: It is still  
22 unzoned. The Park land is still unzoned.

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1 COMMISSIONER TURNBULL: Okay. I  
2 was just curious. Because I know it's in the  
3 map amendment, but I was just curious. But  
4 I'm jumping ahead. But okay.

5 CHAIRMAN HOOD: Any other questions  
6 of Office of Planning? Okay.

7 Let's move right along. Do we an  
8 ANC? Any ANCs present that would like to  
9 testify?

10 Do we have a sign-in sheet? Is  
11 there anyone here who would like to testify in  
12 support or in opposition, if you'd just raise  
13 your hand to the first case, the text.  
14 Anyone?

15 I know you don't want to testify in  
16 opposition, do you? Oh, okay. You raised your  
17 hand, so. Okay. I'm just trying. Because we  
18 have a list over there for sign-ins, and I  
19 want to make sure we cover everything.

20 Okay. Okay. Not seeing anyone.

21 I may have some more questions  
22 about this. But actually, my questions

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1 probably would not go to zoning, they would go  
2 to Mr. Williams being the President also of  
3 the Woodridge Civic Association, that was an  
4 issue, as Mr. Williams noted came up  
5 previously about the library. And I'm trying  
6 to figure out how to separate that. So I  
7 think the best thing for me to do is not to  
8 ask the questions now that I need to ask that  
9 pertain to how we're going to -- if  
10 construction gets underway, how is that going  
11 to work and where would neighbors go. But  
12 those are not Zoning issues. So we will deal  
13 with that in another forum.

14 Okay. So I'm going to let you off  
15 the hook this time. All right.

16 All right. Anything else?

17 COMMISSIONER MAY: Mr. Chairman?  
18 I'm sorry, I did want to ask a question of the  
19 Office of Planning.

20 I guess I'm curious about your  
21 reaction to the maximum FAR bumping all the  
22 way up to 2.0 and what your thinking was

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1 there. Are you simply taking the suggestion  
2 of the applicant or is there some other logic  
3 to that number? Because that's not what's  
4 required in the case that prompted us.

5 MS. BROWN-ROBERTS: I think that  
6 was something that was recommended by the  
7 applicant and by OAG also. I think what they  
8 wanted to do is in some instances where the  
9 properties may be a little smaller, and they  
10 want to have like a bigger footprint. That  
11 was why it was bumped up there.

12 COMMISSIONER MAY: The reason I ask  
13 this, that when you're talking about 2.0  
14 unless you're at 100 percent lot occupancy,  
15 then you're talking about three floors of  
16 building.

17 MS. BROWN-ROBERTS: Yes.

18 COMMISSIONER MAY: And a lot of  
19 these residential neighborhoods tend to be two  
20 story. And I don't know; are we opening the  
21 door for something much larger that might  
22 become objectionable, particularly since a

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1 well designed library is not going to have  
2 eight foot ceilings, it's going to be taller?

3 MR. LAWSON: This is Joel Lawson  
4 from the Office of Planning.

5 I would point out that both R-5-A  
6 and R-5-B do allow actually three story  
7 buildings. They allow buildings up to about a  
8 height of 40 feet. And given even for a  
9 typical residential development, it's possible  
10 to see densities not that far off or around  
11 this kind of a level for the residential  
12 developments.

13 I think although libraries may not  
14 always achieve or may not always need that 2.0  
15 FAR, we thought that it was appropriate to  
16 allow some level of flexibility to make sure  
17 that the Library program can be built.

18 I don't think -- certainly all of  
19 the discussions we've had with the Libraries  
20 are that they're not intending, and quite  
21 frankly probably don't have the money, to  
22 build in excess of what's needed for the

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1 neighborhood. We wanted to make sure that  
2 they -- we agree that they should have the  
3 flexibility to achieve that program on the  
4 site, but that there should be a reasonable  
5 limit for that program. And we thought the  
6 two FARs seemed to be fitting in with the kind  
7 of general program they were bringing forward,  
8 the general parameters, I guess, for the  
9 libraries that they're proposing and  
10 relatively constrained sites that they tend to  
11 be dealing with.

12 COMMISSIONER MAY: Okay. Thanks.

13 CHAIRMAN HOOD: Any other  
14 questions?

15 Okay. This case, what I would like  
16 to do is move approval of Zoning Commission  
17 Case No. 09-17A, D.C. Public Library's text  
18 amendment and ask for a second.

19 COMMISSIONER SCHLATER: Second.

20 CHAIRMAN HOOD: Moved and properly  
21 seconded.

22 Any further discussion?

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1 COMMISSIONER MAY: Mr. Chairman?

2 CHAIRMAN HOOD: Commissioner May?

3 COMMISSIONER MAY: Do we want to  
4 take note of the report that we received from  
5 the ANC which did reference the text  
6 amendment, or did you already and I missed it?

7 CHAIRMAN HOOD: No, I actually  
8 didn't. You got something tonight from the  
9 ANC?

10 COMMISSIONER MAY: We got something  
11 tonight from the ANC, yes. And I lost it in  
12 my papers.

13 CHAIRMAN HOOD: Well, I put there--

14 COMMISSIONER MAY: Oh, here we go.  
15 We have a report from Phillip Hammond.

16 CHAIRMAN HOOD: Yes, we sure did,  
17 which was supportive. And I appreciate that  
18 because actually I thought that was for next  
19 Thursday case.

20 COMMISSIONER MAY: Yes.

21 CHAIRMAN HOOD: But, anyway, I  
22 appreciate it, Commissioner May.

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1                   This is Exhibit 29, ANC-7B's letter  
2 of support to the D.C. Zoning Commission for  
3 the D.C. Library's application for text and  
4 map amendments and special exception. This  
5 actually is a support letter for both of our  
6 hearings tonight. So I appreciate that.

7                   COMMISSIONER MAY: Sure.

8                   The one thing I would note, Mr.  
9 Chairman, is that there's not an indication on  
10 the report that they actually had a quorum.  
11 It was a unanimous vote of seven. And I don't  
12 know what a quorum happens to be in that ANC,  
13 but it's -- I would have to believe that seven  
14 would constitute a quorum.

15                   Does anybody actually happen to  
16 know offhand how many members are in that ANC?

17                   MS. McCARTHY: I believe that all  
18 of them were there.

19                   COMMISSIONER MAY: Okay.

20                   MS. BRAY: The report does say that  
21 there were --

22                   CHAIRMAN HOOD: Seven.

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1 MS. BRAY: -- seven present and no  
2 abstentions.

3 COMMISSIONER MAY: Right. But if  
4 not all the members present, that doesn't -- I  
5 mean, if there were two weren't there. It's  
6 supposed to say that there was a quorum, so I  
7 would just note that they approved  
8 unanimously. And I think that's important to  
9 note, but it may not technically give them  
10 great weight.

11 CHAIRMAN HOOD: Okay. But we'll  
12 take it for what it's worth and the language  
13 that's in it, I think it will stand for what  
14 it says.

15 But I appreciate you bringing that  
16 up because I don't know how I got this mixed  
17 up with next week's case.

18 Okay. Anything else? Okay.

19 It's moved and properly seconded.  
20 Any further discussion?

21 All those in favor, aye.

22 ALL: Aye.

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1 CHAIRMAN HOOD: Not hearing any  
2 opposition, Ms. Schellin, would you record the  
3 vote?

4 MS. SCHELLIN: Yes. Staff records  
5 the vote five-to-zero-to-zero to approved  
6 proposed action on Zoning Commission Case No.  
7 09-17A.

8 Commissioner Hood moving,  
9 Commissioner Schlater seconding, Commissioners  
10 May, Keating and Turnbull in support.

11 Chairman Hood, I would ask if the  
12 Commission would entertain leaving the record  
13 open to allow the ANC to revise their letter  
14 to meet the great weight standards by stating  
15 what constitutes a quorum if they could submit  
16 that prior to final action? If you guys would  
17 entertain that?

18 And I understand the record's  
19 closed for all other submissions, but would  
20 you guys allow that?

21 CHAIRMAN HOOD: I think that's a  
22 great idea. I already said we'd leave it open.

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1 MS. SCHELLIN: So that they can be  
2 given -- because I think that they met  
3 everything else.

4 CHAIRMAN HOOD: We should make an  
5 effort. Right. Appreciate the effort, so yes,  
6 we will leave it open.

7 MS. SCHELLIN: Okay. We'll contact  
8 them.

9 CHAIRMAN HOOD: Okay. Thank you,  
10 Ms. Schellin.

11 Okay.

12 (Whereupon, the Public Hearing was  
13 adjourned at 7:40 p.m.)

14

15

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