

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:                   :  
                                          :  
Office of Planning                   : Case No.  
Text Amendment, Subtitle C       : 21-04  
-----:

MONDAY

MAY 10, 2021

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The Public Hearing of Case No. 21-04 by the District of Columbia Zoning Commission convened via videoconference at 4:00 p.m. EDT, Anthony J . Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- PETER SHAPIRO, Commissioner
- PETER G. MAY, Commissioner
- MICHAEL G. TURNBULL, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON SCHELLIN, Secretary
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

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JENNIFER STEINGASSER  
MAXINE BROWN-ROBERTS  
MATTHEW JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, Esquire  
ALEXANDRA CAIN, Esquire

The transcript constitutes the minutes from the  
Public Hearing held on May 10, 2021.

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(4:00 p.m.)

1  
2  
3           Good afternoon, ladies and gentlemen. We are convening  
4 and broadcasting this public hearing by videoconferencing. My  
5 name is Anthony Hood. Joining me this evening are Vice Chair  
6 Miller, Commissioner Shapiro, Commissioner May, and Commissioner  
7 Turnbull. We are also joined by the Office of Zoning staff, Ms.  
8 Sharon Schellin, and Mr. Paul Young who will be handling all of  
9 our virtual operations. We will ask all others to introduce  
10 themselves at the appropriate time.

11           Today's date is May 10, 2021, and the time now is 4:01  
12 p.m. Tonight's subject is Zoning Commission Case No.  
13 21-04. This is the Office of Planning text amendment to Subtitle  
14 C to provide special exception relief from size and layout  
15 requirements for vehicle parking.

16           Copies of today's virtual public hearing notice are  
17 available on the Office of Zoning's website. Please be advised  
18 that this proceeding is being recorded by a court reporter, and  
19 is also webcast live, Webex and YouTube Live. The video will be  
20 available on the Office of Zoning's website after the hearing.

21  
22           Accordingly, all those listening on Webex or by phone  
23 will be muted during the hearing and those who have signed up to  
24 participate or testify will be unmuted at the appropriate time.  
25 Please state your name and home address before providing oral

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1 testimony or your presentation. Okay.

2 Ms. Schellin, would you send Commissioner Turnbull --  
3 I didn't even realize it. Can you send him the link to this  
4 place? Okay. I'll just keep reading.

5 When you are finished speaking, please mute your audio  
6 so that your microphone is no longer picking up sound or  
7 background noise.

8 If you experience difficulty accessing Webex or with  
9 your telephone call-in, then please call our OZ hotline number  
10 at 202-727-5471, to sign up or to receive Webex log in or call-  
11 in instructions.

12 All persons planning to testify either in favor or  
13 opposition, we encourage you to sign up in advance, and your name  
14 will be called in the order that you signed up.

15 If you wish to file written testimony or additional  
16 supporting documents during the hearing, then please be prepared  
17 to describe and discuss it at the time of your testimony.

18 The hearing will be conducted in according with  
19 provisions of 11Z DCMR, Chapter 5 as follows: Preliminary  
20 matters; presentation, in this case, it will be the Office of  
21 Planning which has up to 60 minutes -- I don't believe we'll need  
22 all 60 minutes; report of other government agencies; report of  
23 the ANC -- I know some have already commented, but this is  
24 citywide; testimony of organizations or individuals, each having  
25 five and three minutes, respectively. And we will hear in the

1 order from those in support opposition or undeclared. While the  
2 Commission reserves the right to change the time limits for  
3 presentations if necessary, it intends to adhere to the time  
4 limits as strictly as possible, and notes that no time shall be  
5 ceded. Again, any issues, please call the OZ hotline number at  
6 202-727-5471.

7 Okay. Let me close this out. Let's give Mr. Turnbull  
8 a minute to join us. And if we can bring the Office of Planning  
9 up, Ms. Steingasser, and I believe it is Ms. Brown-Roberts, I  
10 think -- oh, Mr. Jesick. Okay. This is what happens when you  
11 go over the top of your head.

12 Ms. Schellin, has the link been sent to Mr. Turnbull?

13 MS. SCHELLIN: It has.

14 CHAIRPERSON HOOD: Mr. Jesick, if you can give us a  
15 moment so Mr. Turnbull can join us.

16 So I just told him he need to reboot. That's what  
17 happened to me earlier. I had two things going on at the same  
18 time, that's why I was circling. So we'll just him a moment to  
19 get straight.

20 MS. SCHELLIN: Is he getting a circle?

21 CHAIRPERSON HOOD: I don't know, he didn't say. I just  
22 told him to reboot because I know that's what I -- I looked up  
23 and I had two applications open and that's why mine was circling.

24 MS. SCHELLIN: Yes. I had that issue earlier.

25 CHAIRPERSON HOOD: Ms. Schellin, can we send Mr.

1 Turnbull -- whatever link we sent, whatever link he has, it says  
2 that we have not started yet. Well, that is true, we haven't  
3 started yet.

4 MS. SCHELLIN: Right. That's what he told me, too.  
5 And it's the same link, so I don't know. Let me try sending him  
6 something else. I don't know what else I can send, but I'll try.

7 CHAIRPERSON HOOD: If not, we could just send him the  
8 phone number.

9 MR. YOUNG: Can he just go onto our website and join  
10 with that link and then I'll bring him in from the attendee list?

11 CHAIRPERSON HOOD: Okay. Can you all reach out to him  
12 and help him out?

13 All right, now we can get started.

14 COMMISSIONER TURNBULL: Sorry, guys. It's not a  
15 problem.

16 CHAIRPERSON HOOD: No problem. Great.

17 Mr. Jesick, you may begin.

18 MR. JESICK: Great. Thank you, Mr. Chairman, and  
19 members of the Commission. Thank you, Mr. Young, for bringing  
20 up the PowerPoint.

21 The Zoning Commission set this application down for a  
22 public hearing on February 25th, and after that date, OP  
23 continued to work with OAG and the zoning administrator and his  
24 staff on refining the text amendment, and those edits are  
25 reflected in OP's public hearing report.

1 More recently, ANC 1A submitted comments to the record  
2 about the text amendments, and we again worked with OAG to try  
3 and address the ANC's concern about the BZA granting a greater  
4 degree of relief than would be required based on the physical  
5 constraints of the property.

6 Next slide, please.

7 The text at the bottom of the screen is what we are  
8 proposing this evening. Section 712.11 is the new section that  
9 gives the BZA the authority to grant relief -- special exception  
10 relief from the parking dimension requirements. And we propose  
11 adding a new Subsection E, which would state, "The Board shall  
12 only grant relief to the degree that the applicant demonstrates  
13 cannot be reasonably provided due to physical constraints. The  
14 Board may also grant partial relief." And again, we worked on  
15 that language with OAG, and we hope that that addresses the  
16 concern of the ANC.

17 Next slide, please.

18 So, again, with that addition, the Office of Planning  
19 is recommending approval on the text amendment, and I'd be happy  
20 to take any questions.

21 CHAIRPERSON HOOD: Okay. Thank you, Mr. Jesick.

22 I, too, am concerned. I actually sat on the case, and  
23 I want to start off right quick on a chairperson basis on what  
24 we talked about when it comes to parking in that community. We  
25 seem to be having -- we don't want to exacerbate a problem that

1 they already have, so if you feel like what OP and OAG has done  
2 has satisfied that requirement. I will tell you from the start,  
3 right off, I know that we have this on emergency, but I want to  
4 make sure -- I want to hear back from the ANC sooner than later  
5 what we've done. Maybe we'll hear from them tonight, but if not,  
6 I want to give them an opportunity to opine, because I do remember  
7 Chairperson Boese mentioning parking issues of that nature  
8 through the BZA and it sounds like -- he mentions in his letter,  
9 we just set this down as emergency on February 25th, which is a  
10 great date, but anyway, February 25th, and he said that it seems  
11 like they had an influx already of that, so we don't want to  
12 exacerbate the problem. That's where I am. I don't necessarily  
13 think that's a question for you, unless you can answer it. I  
14 heard what you said, but I want to make sure we're not  
15 exacerbating the issue. Anyway. Let me see if others who have  
16 a question and comment.

17 COMMISSIONER MAY: (Audio interference).

18 CHAIRPERSON HOOD: You're on mute. Okay. We're going  
19 to come back to you.

20 Commissioner Shapiro.

21 COMMISSIONER SHAPIRO: I don't have any comments, Mr.  
22 Chair. I want to hear we hear from the ANC.

23 CHAIRPERSON HOOD: He's still on mute.

24 Commissioner Turnbull.

25 COMMISSIONER TURNBULL: Mr. Chair, I really don't have

1 any comments on this per se. I think getting back to what you  
2 were -- I have sat on a number of BZA cases where you could have  
3 either a single-family house or a flat suddenly becoming a four-  
4 unit apartment and they think they only need one parking space,  
5 or they don't need any parking space. We've had a lot of people  
6 in the neighborhood who just get very upset about the fact that  
7 increasing the number of people that want to live there, which  
8 is good. I mean, it's nice that you are fairly close to the  
9 Metro, but at the same time, there's no place for people to park.  
10 So people want to park in all of the neighborhood. So I'm not  
11 sure what we do about that and how this really affects that. I  
12 don't know. My only comment on this whole parking thing, it  
13 seems like we are bouncing around and around and never addressing  
14 the concerns of the neighborhood. So I don't know. I guess I'm  
15 okay with this, but I'm just concerned about parking in general  
16 and how we treat it.

17 CHAIRPERSON HOOD: Okay. Vice Chair Miller.

18 VICE CHAIR MILLER: Thank you, Mr. Chairman.

19 I sat on the case at BZA last week, which I encourage  
20 my colleagues to look at. We didn't decide it because there were  
21 only three of us there and it was a two-to-one situation and that  
22 -- two further BZA members are going to read into it and they  
23 will decide in a couple of weeks, but -- it's BZA case -- and I  
24 think Mr. Jesick and the Office of Planning are well aware of it  
25 -- 20424, Shaw, where the ANC 2A, I think, was in support, or

1 maybe it's 2C, I can't remember, and the Office of Planning was  
2 in support, but the relief required -- well, all of the relief  
3 that was required resulted from historic preservation review of  
4 this townhouse, addition and renovation in the Blagden Court,  
5 Naylor Court neighborhood. I don't want to get too much into  
6 the case, but I brought up -- I was very aware that we were  
7 considering a zoning text amendment on parking five days later,  
8 today, and the problem is in that case, is that the applicant  
9 was seeking relief from the alley centerline setback requirement  
10 of 12 feet from the alley line. Historic preservation required  
11 -- and the alley is only 20 feet wide so they can only set it  
12 back 10 feet if they go to the alley line, which is what the  
13 Historic Preservation Review Board; HPO, a division of the Office  
14 of Planning put in their report. It was an absolute condition of  
15 them being able to get a permit, that they had to build to the  
16 alley line because that's a defining characteristic in that  
17 particular Historic District. Anyway, we, as the Zoning  
18 Commission, apparently reduced alley setback, alley centerline  
19 setback requirement for other parking dimensional standards and  
20 Mr. Jesick, please, when I'm done rambling, correct me where I've  
21 made mistakes here because I'm just doing this off the top of my  
22 head without any notes, so we really -- we reduced the alley  
23 centerline setback requirement for other development standards  
24 for alley lots from 12 feet to seven and a half feet in every  
25 case except for the parking access requirement. This particular

1 development was going to have -- has parking currently and it's  
2 (audio interference) non-renovated configuration, it's surface  
3 parking behind it, and they're going to have garage parking in  
4 the new proposed development as approved by HPRB. And if they  
5 go to the alley line, as HPRB requires, they're only set back 10  
6 feet from the centerline as opposed to 12 feet as the regulations  
7 currently require, even though we, as the Zoning Commission,  
8 reduced that centerline setback requirement and other development  
9 standards other than parking access to seven and a half feet.

10 I just wanted to take this opportunity to ask, since I  
11 said I would last Wednesday, the Office of Planning, to look at  
12 the issue, which I think they already were looking at anyway as  
13 a part of their overall parking regulations that need --  
14 constantly need, obviously, tweaking and amending and refining  
15 and improving. But if they could look at it, because it seems  
16 to me that either just on -- without knowing a lot of the history  
17 or the unintended consequences of various changes, that either  
18 the centerline setback requirement for parking access should be  
19 reduced from 12 feet to seven and a half feet like we did for  
20 all other development standards, rear yard, everything else, or  
21 this should be a special exception. Instead, they came for a  
22 variance because that's what HPO, HPRB says, they will not get a  
23 permit unless they build that garage right to the parking, right  
24 to the alley line. And I was only one of three sitting Board  
25 members that last week willing to have granted the variance,

1 which was based on exceptional condition, without going into it,  
2 but it was HPO requiring that this property set back -- build  
3 all the way to the property line, or I was willing to go for what  
4 they revised their application to be a special exception, to not  
5 require parking at all. And they only have to meet one of four  
6 criteria, to not need -- to now provide the two parking spaces  
7 that they currently have, not to provide them at all, not provide  
8 the two required parking spaces. And so other Board members  
9 weren't willing to go along with that because they saw it --  
10 well, I don't want to speak for them, but I think one reason was  
11 that they saw it as an end around of the variance, which they  
12 didn't support. So I either -- I think that alley centerline  
13 setback requirement for parking access needs to be changed,  
14 either change it to seven and a half from the 12 feet current  
15 requirement, in which case that issue would go away for that  
16 case, or make it a special exception, or both. But I'm wondering  
17 what the Office of Planning, in general, thinks about adding that  
18 to this case. If not -- I didn't know we were going to do another  
19 revised emergency, given that we were criticized on doing the  
20 last emergency without notice, and now we're going to do another  
21 emergency without notice, although we're responding in part to  
22 ANC 1A's concerns. So I was just going to ask that they look at  
23 it in terms of this case for the regular rulemaking, or for the  
24 bigger parking case that we think that they've indicated is going  
25 to be coming forward very shortly, which I hope would come

1 together very shortly. But if it's not an issue for OP, I would  
2 just -- if you're going to do -- if we're going to do another  
3 revised emergency, I would just rather add to this emergency and  
4 be done with this particular case, which was supported going  
5 forward by OP and the ANC unanimously, and just take it off of  
6 BZA's platter because -- well, make it easier for BZA to consider  
7 because of other relief that was non-controversial. But that  
8 gets to the issue of required parking spaces.

9           So, Mr. Jesick, you proposed tonight some language,  
10 additional language as part of the revised emergency that tries  
11 to address the ANC's concerns with (audio interference), that's  
12 the only grant relief to the extent that required parking can't  
13 be met due to physical constraints -- I'm paraphrasing. Would  
14 you be able to grant relief -- would BZA be able to grant relief  
15 with physical constraints, including, include the case of the HPO  
16 saying, you will not get a permit unless you build that parking,  
17 that required parking to the property line. And so, I think, OP  
18 at least understands my frustration with that case and whether -  
19 - what we can do in this case, either tonight or going forward  
20 in a bigger parking issue as a parking case to deal with --  
21 seemingly an anomaly or a discrepancy in our zoning regulations.

22           Thank you, my colleagues, for indulging me in that  
23 rambling, and Mr. Jesick, in that rambling, and the public. I  
24 hope that made some sense, though, to the public.

25           MR. JESICK: Sure. Let me try and work backwards on

1 those comments.

2           The additional text proposed this evening we don't  
3 think would constitute any sort of emergency action. The text  
4 amendment, the Commission took emergency action on February 25th  
5 approve the text. This public hearing and any further action  
6 would just be a normal text amendment action is my understanding,  
7 but Mr. Tondro or Ms. Cain can correct me if I'm wrong. The text  
8 we're proposing tonight would just be a clarification of the  
9 existing text amendment.

10           Regarding the section that you're discussing, that is  
11 Subtitle C, Section 711.7, which requires that centerline set  
12 back. The special exception that is subject of this text amendment  
13 would only grant special exception authority in Section 712, not  
14 section 711, so we would need to have a future text amendment to  
15 take look at that. That section is definitely on our list of  
16 items to further study. I think you've identified two obvious  
17 solutions, which is either reducing the numerical requirement or  
18 providing a special exception relief option. So we will  
19 definitely be taking a look at that as I mentioned in our written  
20 report. But OP, DDOT, OAG, and the zoning administrator are all  
21 looking at some sort of clean up text amendment for vehicle  
22 parking, bicycle parking and loading. Whether that would be all  
23 one big text amendment or broken up somehow into smaller text  
24 amendments, we're not sure yet, but this would definitely be on  
25 our list to include in that future text amendment.

1           VICE CHAIR MILLER: I appreciate that response, Mr.  
2 Jesick.

3           What is the timeline on doing that, doing an additional  
4 case then, if we can't deal with the issue I'm talking about and  
5 other issues? I think Mr. May has identified in our previous  
6 discussion of the other issues that probably could be taken care  
7 of rather expeditiously or should be looked at expeditiously at  
8 least. How expeditiously can we get the next case to come forward  
9 if we can't deal with it in the context of this case?

10           MR. JESICK: Sure. The bigger text amendment, I think,  
11 would take a little bit of time to put together. If the  
12 Commission wished that section to be addressed sooner, I think  
13 we could take a look at that section individually to bring that  
14 forward faster. We could probably have a set down -- well, very  
15 soon, if that's the Commission's direction.

16           VICE CHAIR MILLER: Okay. Thank you, I appreciate  
17 that. And my colleagues, I apologize to them for just springing  
18 that on you, but that's why we deliberate in public, we spring  
19 things on each other, we don't deliberate privately. So maybe  
20 they can look at that case. I think there is some expedition  
21 required to deal with that particular issue and probably others  
22 that you all have sat on in BZA parking cases that are unnecessary  
23 or redundant or overly burdensome or just something that the  
24 neighborhood doesn't even need or want, so, in those cases.  
25 Thank you.

1           CHAIRPERSON HOOD: Okay. I want to dispel. I don't  
2 know anything about an emergency tonight, unless I didn't read  
3 it, but I want to dispel that. I don't plan on taking any  
4 emergency tonight, especially after what I heard previously from  
5 ANC 1A. Let me say this, though, to ANC 1A -- I see Mr. Wray is  
6 out there so I'm sure he'll be coming shortly -- but I do want  
7 to say this. On the Zoning Commission, what I have learned over  
8 the years, and even BZA, when nobody shows up, you can take that  
9 one of two ways. Either they didn't get the notice, or they are  
10 fine with it, but it's not like we just did emergency -- and I'm  
11 asking to the ANC that we just did it without any public comment.  
12 We solicited public comment. If nobody shows up, then I don't  
13 what else to do. But I do appreciate Commissioner Boese alerting  
14 us of this, and I am sure Commissioner Wray will bring it up as  
15 well, but I do not want to exacerbate anything other than where  
16 we are. Actually, we want to try to cure it. And I don't know  
17 if this does that. I think this is what I heard from Mr. Jesick,  
18 and the way I'm looking at it is clarification, but I don't want  
19 to add anything that's going to cause any more problems, which -  
20 -especially with ANC 1A is having already as far as parking and  
21 vehicles.

22           The other thing is, to Vice Chair Miller, we have a  
23 number of things that that are on the pipeline. We are talking  
24 about parking tonight, and we still got (audio interference), we  
25 got other things that we need to be looking at, and I think that

1 comes from the rewrite. But I am concerned, and I do need to  
2 have a conversation with our counsel, I am concerned about us  
3 reacting to anything HPO does. So, you know, I am concerned. We  
4 have never done that; I learned that John Parsons years ago. I  
5 don't know how we get through that, maybe we need to through it.

6           And the last thing I will say is everything that goes  
7 on the BZA all the time does not need a text amendment. In recent  
8 years, every time something happens, we've got to do a text  
9 amendment, or the Zoning Commission has got to change something.  
10 I have been doing this a long time and it seems like it is coming  
11 up every week now and I know -- you know, maybe somebody could  
12 help me figure it out, and I will ask the Office of Planning or  
13 Ms. Steingasser at a later date. Maybe it's something that --  
14 part of that rewrite that we talked about things that we are  
15 going to have to tweak, because every week, "Oh, the Zoning  
16 Commission has got to change." I don't believe that. I don't  
17 believe that. Some things do need to be changed. I'm not saying  
18 -- like, in this case, we want to make sure we don't exacerbate  
19 the situation, so Mr. Wray will be here to let us know, Mr.  
20 Jesick, what you worked out with OAG, if it works or not. Because  
21 if it doesn't work and he doesn't feel like the language works -  
22 - because he lives it, then I will not be prepared to move forward  
23 on this at all tonight until we deal with these unintended  
24 consequences. So that's where I am on that. That was my time  
25 to ramble or opine. Let me see, Commissioner May, I am going to

1 come back to you.

2 COMMISSIONER MAY: Can you hear me now?

3 CHAIRPERSON HOOD: Yes, we can hear you now.

4 COMMISSIONER MAY: I don't know, every once in a while,  
5 the microphone thing toggles the other way. It is very weird.

6 I don't have anything in particular I want to say about  
7 the current text amendment, and I appreciate the modification  
8 that was proposed tonight to clarify that authority.

9 With regard to Commissioner Miller's comments about the  
10 setback requirement, you know, I mean, I think there's a path  
11 forward to deal with this that has to do with how the access off  
12 the alley is designed, because we think in terms of having a nine  
13 foot wide space, you know, and being able to get into that off  
14 of a 15 foot wide alley, which I can tell you is a really difficult  
15 thing with a car of a certain size, right? And I don't know what  
16 the size is, whether it's a regular sedan or (audio interference)  
17 or something like that, no problem, but with a reasonably sized  
18 car, or station wagon or minivan, it becomes very hard getting  
19 into that space off of a 15-foot alley. The issue is the width  
20 of that space, right? So if we're talking about changing the  
21 rules for access to a parking garage so that you can have a seven-  
22 and-a-half-foot setback from the centerline, then what has to  
23 change is the width of that access. And so there has to be --  
24 and this is something -- I'm saying this for OP's benefit, because  
25 I think that when you look at this question, there's, you know,

1 it's a matter of looking at sort of turning diagrams or having  
2 somebody who can do turning diagrams, you know, explain this to  
3 you, because if you have a 20-foot wide opening, that is that  
4 driveway access, it can be five feet off the centerline, and you  
5 can still get a vehicle into it. It's just that it has to be  
6 that clear width for the entire swing based on the turning  
7 diagram. So I think that's where the real dynamic comes in. I  
8 don't think that that we should just blindly change it to seven  
9 and a half feet at this moment. I think that we should be looking  
10 at that question of, okay, if it's if it's seven and a half feet,  
11 then this is how wide the opening has to be, when it's a driveway  
12 access. So I think that's really where there's a little bit of  
13 design and calculation that goes into it. But it certainly seems  
14 like we can't solve all of the issues, right? We can still have  
15 historic preservation saying you've got to have your alley  
16 building on the alley because that's a character defining  
17 feature, but you can have a roll up door that's almost as wide  
18 as the building that allows you the access that you need to do  
19 it safely. Otherwise you wind up with people, you know, damaging  
20 their vehicles or going, you know, making multiple turns to get  
21 into the space, which is not a good thing in an alley,  
22 particularly an alley that's, you know, one that has a lot of  
23 people in it and it's not just a vehicle access now. All right.  
24 Now I'm done with my rambling.

25 CHAIRPERSON HOOD: And I want to echo your comments,

1 Commissioner May. I appreciate your comments because I exactly  
2 agree with a lot, especially the turning radius. But I see we  
3 have Mr. Tondro who pops up. So whenever they pop up -- let me  
4 go to Mr. Tondro.

5 MR. TONDRO: Yes. Hello, Commissioners. Thank you,  
6 sir. I just wanted to address briefly the issue of whether or  
7 not you wanted to take revised action tonight for the emergency.  
8 Just to clarify, as Mr. Jesick had said, the Office of Planning  
9 did not ask for it, but if the Commission -- I had suggested that  
10 if the Commission believes that the proposed changes would  
11 partially or fully address ANC 1A's concerns, then the Commission  
12 might want to consider amending the emergency action to adopt  
13 these changes because that would restrict in the manner that ANC  
14 1A would like it to happen. You don't have to, obviously, you  
15 can go forward, but if so, the emergency is already in effect  
16 and part of what ANC 1A's comments was about was the fact that  
17 it was too broad, and they wanted to limit it. So I just wanted  
18 to clarify that one point.

19 CHAIRPERSON HOOD: Okay, thank you, Mr. Tondro for  
20 bringing me -- because I do recall reading that. And that's why  
21 it's going to be very important, I think, at least for me to hear  
22 what Commissioner Wray has to say representing the ANC, because  
23 I want to undo whatever we did. And if that is what is going to  
24 get us there -- so that goes back to my initial comments -- if  
25 that is what is going to us there, then I don't have a problem

1 and I hope my colleagues -- so we can undo those unintended  
2 consequences, which ANC 1A is having. I'm sure others are having  
3 it as well.

4 But also, Commissioner May's point, we really need to  
5 look into that and find out exactly what's going on, because  
6 honestly, everybody doesn't drive the same. You talk about  
7 damaging vehicles, and you know, some people can't make the turns  
8 and some people can. Some people are skilled, and some people  
9 take the whole side of people's houses off. So, I mean, we've  
10 got to balance that. So we can't balance the driving ability,  
11 but we've got to make sure that we allow that allowance, have  
12 that point where we can give that allowance for those who might  
13 have a slight problem. That is just what I'm thinking about,  
14 talking out loud. Any other comments on that? And I appreciate  
15 Mr. Tondro kind of bringing that back to where we need to be.  
16 Anybody else? Okay.

17 Ms. Schellin, do we have anybody -- I didn't see, other  
18 than ANC 1A and NCPC report, I didn't see anything else in there.

19 But anyway, let's go to ANC 1A. I think Mr. Wray is  
20 on board. And then we will go with whatever list you have, in  
21 that order.

22 MS. SCHELLIN: Mr. Wray actually is the only who signed  
23 up.

24 CHAIRPERSON HOOD: Oh, okay. Mr. Wray, the floor is  
25 yours. Commissioner.

1 MR. WRAY: Thank you all very much. My name is Mike  
2 Wray. I represent ANC 1A for the record. And I hate to disappoint  
3 everyone, but I do think I am going to ask that we give this a  
4 little more consideration.

5 Everything you're saying tonight is exactly the concern  
6 that we've had, it's that these parking spaces immediately off  
7 an alleyway on a rowhouse development where there might only be  
8 enough room for one space or two spaces, that the turning radius  
9 becomes really tight off that 15 foot alleyway when the space is  
10 maybe only -- well, a normal space is 18 feet deep and the smaller  
11 space I believe now would be 16 feet deep, and a 16 feet foot  
12 space is only enough for a compact -- for a midsize to compact  
13 car. And if someone tries to park even slightly outside of that  
14 line or their car comes slightly outside of that line, when you  
15 try to back into the space, if you're on the other side of the  
16 alley, as you try to come turning into that space, you lose some  
17 room. And we've had people where they can't -- they either can't  
18 make it, or they hit somebody else. Or we even had cases where  
19 our trash trucks will not come down the alleyway because there  
20 isn't enough room for them to make it through.

21 So what we asked for the change was to -- in cases,  
22 mostly in our cases, we have a 20-foot setback. So it's never a  
23 problem usually that we can't include a parking space that's 18  
24 to 19 feet deep. The change that OP has made tonight does fix  
25 this for cases that have to go through the BZA. We would then

1 be able to talk with the developer and say, hey, instead of that  
2 minimum of 16-foot space, put in the full 18 or even make it a  
3 19-foot space like we've seen in many of our cases. Where I  
4 think the OP language misses, is that it doesn't affect the by  
5 right developers, those that are not going to have to go to the  
6 BZA in order to get -- to have this change approved, they will  
7 instead default to the 16-foot space like we've seen. And the  
8 first example in our testimony, when they heard that they could  
9 make a change, they automatically made the space a lot shorter,  
10 which is, you know, it meets the definition, but it just increases  
11 that likelihood that someone is going to be taking up the whole  
12 space or even somewhat overflowing.

13           And my second point was -- in the second example of the  
14 testimony, we actually have had in that case, two properties that  
15 got developed simultaneously side by side. We've had as many as  
16 four properties develop side by side. The by right language  
17 right now would allow all of those to develop two compact spaces  
18 at every one of those lots. And the way to handle this is either  
19 to find a way to encourage through the permitting process and  
20 through the zoning administrator that people understand, we don't  
21 have to make it that 16 feet if you've really got 18 feet to work  
22 with, or even more; or tell them that they can't -- you can't  
23 put in the additional spaces if it's not a required space. But  
24 I think that right now we're still faced with the idea that --  
25 and again, Mr. Jesick can maybe put my words better -- that in a

1 by right situation, we would still have the same the same thing  
2 happen. And I think we're -- at least in 1A, we're going to see  
3 more of the by right situations than we are in the BZA having to  
4 waive these restrictions because that they don't normally need  
5 more than one or two.

6 I will say, going to the third point on the emergency  
7 action, it was a little frustrating. We had two different  
8 applicants who stopped -- one stopped talking to us and another  
9 one started to change their plans mid our discussions because of  
10 the emergency action. So that was why we made the point about  
11 doing it the way that it was done. I can't say that I saw the  
12 notice for the emergency meeting. I only learned -- we only  
13 learned about it when, again, when those applicants started to  
14 change their plans. That's what let us know. The citywide,  
15 where it affects all -- text amendments that affect all ANCs, the  
16 notice -- it doesn't pop up on our -- when we do a search for  
17 1A, it doesn't pop up in our search. So it's not as easy to spot  
18 as a BZA case, You know, a BZA case, if I type in 1A into the  
19 search mechanism, all of our cases appear, but those Citywide  
20 Zoning Commission cases don't necessarily work that way. So it  
21 is a little harder to catch those. But I think there's going to  
22 be some questions, so I'll just leave it at that, and I am happy  
23 to answer whatever I can.

24 CHAIRPERSON HOOD: Okay, thank you, Commissioner Wray  
25 for your answers and all that you all do in ANC 1A.

1 I do have a question. You said it only deals with the  
2 by right, and I think you've heard the discussion of what we have  
3 proposed tonight and the revision of our emergency, because right  
4 now we definitely want to see how we can get -- so the revision  
5 of that emergency will get closer, the way I understand it -- so  
6 we did the revision of emergency tonight, that will help ANC 1A  
7 with their -- at least help, it won't leave it where we are.  
8 Okay. That's all I need to know. So I'm -- if you all are fine  
9 with it, I'm fine with it. And then we'll see how we can go to  
10 the by right issues as you mentioned.

11 So let me open it up. Any questions or comments?  
12 Commissioner May?

13 COMMISSIONER MAY: (Negative head shake.)

14 CHAIRPERSON HOOD: Okay. Commissioner Shapiro?

15 COMMISSIONER SHAPIRO: (Negative head shake.)

16 CHAIRPERSON HOOD: Commissioner Turnbull?

17 COMMISSIONER TURNBULL: I have no questions, I just  
18 think that as the Commissioner was talking, I think we could hear  
19 some comments from Mr. Jesick, I think would be good.

20 CHAIRPERSON HOOD: Okay. We'll go to Mr. Jesick. We'll  
21 come to you shortly, Mr. Jesick.

22 Vice Chair Miller?

23 VICE CHAIR MILLER: No questions. Thank you for your  
24 testimony, Mr. Wray.

25 CHAIRPERSON HOOD: We're going to leave Mr. Wray. Let

1 Mr. Wray stay up.

2 Mr. Jesick, you heard Commissioner Wray's response to  
3 us and some of the things that they are concerned about,  
4 especially at ANC 1A. I 'm sure it is not just 1A, I am sure it  
5 is just -- but I will tell you this, Ms. Schellin, before I  
6 forget, I do want to find out what Commissioner Wray mentioned  
7 about being able to find the BZA versus the Zoning Commission  
8 Citywide, so put that on my list to talk to you and Ms. Bardin  
9 about, so we can see how we can better serve that.

10 Okay. Mr. Jesick, do you have any response or questions  
11 -- I mean, not questions, comments to Commissioner Wray's  
12 response?

13 MR. JESICK: Well, just that we would be happy to take  
14 a look at that again. I think it would be -- we can try and find  
15 a wording that would potentially affect matter of right cases so  
16 that they provide the maximum parking depth that is physically  
17 able to be provided; I think that would get at what the  
18 Commissioner was talking about. So we can work with OAG on that  
19 language and see what we can come up with.

20 CHAIRPERSON HOOD: Okay, well, it sounds like we have  
21 a plan going forward. And I really appreciate 1A alerting us to  
22 this, because if not, we would have probably moved right on not  
23 knowing the consequences that residents are being impacted by.  
24 So thank you very much, Commissioner Wray.

25 I don't think anyone has further questions or comments

1 for Commissioner Wray. Okay. But you can leave him up anyway  
2 since he's the only one.

3 Ms. Schellin, we don't have anybody else, right?

4 MS. SCHELLIN: No, sir, no one else signed up to  
5 testify.

6 CHAIRPERSON HOOD: Okay, so Commissioners, I think --  
7 I am ready to -- I'm not sure about others, but we have a proposal  
8 before us, and I appreciate 1A alerting us of the unintended  
9 consequences that we have. Even though it's not going to solve  
10 all of the problems, I think this will be closer to where it will  
11 be less of an impact for the Commission, at least 1A, and I'm  
12 hoping we don't cause unintended consequences somewhere else by  
13 doing this action, but I'm in favor of moving forward as proposed.  
14 The language has been worked out with OP and OAG and revising  
15 our emergency as well. Let me hear from others. Commissioner  
16 May.

17 COMMISSIONER MAY: I'm fine with that too.

18 CHAIRPERSON HOOD: Commissioner Shapiro.

19 COMMISSIONER SHAPIRO: (Negative head shake.)

20 CHAIRPERSON HOOD: Okay. Commissioner Turnbull.

21 COMMISSIONER TURNBULL: I'm good.

22 CHAIRPERSON HOOD: Okay. And I should just say if you  
23 agree with it, just raise your hand. Vice Chair Miller.

24 VICE CHAIR MILLER: No comment.

25 CHAIRPERSON HOOD: All right. No comment. Okay.

1           So I guess I won't get a motion from the Vice Chair.  
2 Can I get a motion from somebody? Would somebody like to make a  
3 motion?

4           COMMISSIONER TURNBULL: Mr. Chair, I would make a motion  
5 that we set down Zoning Case 21-04, text amendment to Subtitle  
6 C, Section 712, to clarify and allow special exception relief to  
7 certain vehicle parking requirements and also included as an  
8 emergency action.

9           CHAIRPERSON HOOD: I will second that, but I will just  
10 make a friendly amendment, Mr. Turnbull, that we revise our  
11 emergency action.

12           COMMISSIONER TURNBULL: Right.

13           CHAIRPERSON HOOD: And I believe I'll take up everything  
14 else you said into the motion.

15           COMMISSIONER TURNBULL: I stand corrected, Mr. Chair.

16           CHAIRPERSON HOOD: Commissioner May.

17           COMMISSIONER MAY: Sorry. Commissioner Turnbull said  
18 that we set it down, I thought that we were approving it.

19           COMMISSIONER TURNBULL: I meant to say approve.

20           COMMISSIONER MAY: Okay.

21           CHAIRPERSON HOOD: All right. So with revision, he has  
22 accepted it. It has been moved and second. Any further discussion?  
23 Commissioner Shapiro.

24           COMMISSIONER SHAPIRO: Yes, Mr. Chair. I just wanted  
25 to make sure, I may not have heard it, but I wanted to make sure

1 that Mr. Turnbull included the revised OP language in the motion.

2 COMMISSIONER TURNBULL: Yes. Yes, I do.

3 CHAIRPERSON HOOD: And the revised for the emergency  
4 as well.

5 COMMISSIONER TURNBULL: Correct.

6 CHAIRPERSON HOOD: Okay. All right. Any further  
7 questions? I think we got it right. I didn't see Mr. Tondro  
8 pop up or Ms. Cain, so.

9 All right. Any further questions or comments?

10 It's been moved and properly second as noted. Any  
11 further discussion?

12 (Negative head shake.)

13 CHAIRPERSON HOOD: Okay, Ms. Schellin, would you do a  
14 roll call vote, please?

15 MS. SCHELLIN: Commissioner Turnbull.

16 COMMISSIONER TURNBULL: Yes.

17 MS. SCHELLIN: Commissioner Hood.

18 CHAIRPERSON HOOD: Yes.

19 MS. SCHELLIN: Commissioner May.

20 COMMISSIONER MAY: Yes.

21 MS. SCHELLIN: Commissioner Shapiro.

22 COMMISSIONER SHAPIRO: Yes.

23 MS. SCHELLIN: Commissioner Miller.

24 VICE CHAIR MILLER: Yes.

25 MS. SCHELLIN: The vote is 5-0-0 to approve the revised

1 emergency rulemaking in the immediate publication of the proposed  
2 rulemaking.

3 CHAIRPERSON HOOD: Okay, Ms. Schellin, do we have  
4 anything else before us tonight?

5 MS. SCHELLIN: No, sir.

6 CHAIRPERSON HOOD: Okay.

7 MR. TONDRO: Commissioner Hood.

8 CHAIRPERSON HOOD: Yes.

9 MR. TONDRO: I'm sorry. This is Mr. Tondro.

10 I just wanted to ask a question. If the Commission  
11 wanted to -- what the limit was for the proposed -- or the time  
12 for the proposed? You want to do the standard 30 days, or did  
13 you want a shorter time period?

14 CHAIRPERSON HOOD: I think the recommendation, can we  
15 do seven days?

16 MR. TONDRO: Yes, I believe so, yes.

17 CHAIRPERSON HOOD: Yes, seven days, I think would be  
18 sufficient.

19 MR. TONDRO: Thank you.

20 CHAIRPERSON HOOD: Unless I hear an objection. Okay.  
21 So we'll do seven days.

22 All right. The Commission will be meet again May 17th.  
23 Let me make sure I've got that right. Yes, May 17th, Zoning  
24 Commission Case Number 20-22, and this is a case -- this is a  
25 set down report, a proposal for zoning map amendment to remap

1 properties on Howard Road Southeast to the Northern Howard Road  
2 zone. So this will be May 17th, 2021, at 4:00 p.m. on the same  
3 platforms.

4 So, Ms. Schellin, do we have anything else?

5 Commissioner Shapiro:

6 COMMISSIONER SHAPIRO: Thank you. I think I have been  
7 having calendar issues. I still have us meeting the 13th at 4:00  
8 p.m. Is that the one that got rescheduled?

9 MS. SCHELLIN: It got rescheduled.

10 MR. SHAPIRO: Okay. Thank you.

11 CHAIRPERSON HOOD: Okay. All right. So again, we will  
12 be meeting on the 17th, 4:00 p.m., same platform.

13 Anything else, Ms. Schellin?

14 MS. SCHELLIN: No, sir.

15 CHAIRPERSON HOOD: All right. I want to thank everyone  
16 for their participation tonight, especially 1A and others. And  
17 with that, this hearing is adjourned. Good night.

18 (Whereupon, the above-entitled matter went off the  
19 record at 4:54 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 05-10-21

Place: Teleconference

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