

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF:           :
                               :
Text Amendment to Permit    :Case No.
Car-Sharing Parking Spaces  :09-16
as a Matter-of-Right Use in :
R, CR, and SP Zone Districts:
=====

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Monday,  
December 21, 2009

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

The Public Hearing of Case No. 09-16 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., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman  
WILLIAM W. KEATING, III Vice Chair  
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  
DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON  
KAREN THOMAS

The transcript constitutes the minutes from the Public Meeting held on December 21, 2009.

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

6:38 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen. This is a Public Hearing of the Zoning Commission of the District of Columbia for Monday, December 21, 2009. My name is, again, Anthony J. Hood. And joining me are Vice Chairman William Keating and Michael Turnbull. We are also joined by the Office of Zoning Staff, Ms. Sharon Schellin and Donna Hanousek, and from the Office of Planning, Mr. Lawson and -- what's Karen's last name? Thomas, Karen Thomas. I'm sorry, Ms. Thomas. I didn't want to say just Karen. I wanted to say Ms. Thomas. Okay.

This proceeding is being recorded by the court reporter and is also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

The subject of this evening's

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1 hearing is Zoning Commission Case Number 09-  
2 16. This is a request by the Office of  
3 Planning for text amendments to Zoning  
4 Regulations to allow car sharing as a Matter-  
5 of-Right in certain zoning districts. Notice  
6 of today's hearing was published in The D.C.  
7 Register on October 30, 2009, and copies of  
8 that announcement are to my left on the wall  
9 near the door.

10 The hearing will be conducted in  
11 accordance with provisions of 11 DCMR 30-21 as  
12 follows: preliminary matters, presentation by  
13 the Office of Planning or petitioner -- but  
14 I'm thinking, in this case, it's going to be  
15 the Office of Planning and I think the  
16 Commission is going to ask the Office of  
17 Planning to stand on the record, unless they  
18 have something other than the submissions that  
19 they need to convey to us -- report of other  
20 government agencies, report of all ANCs,  
21 organizations and persons in support,  
22 organizations and persons in opposition. The

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1 following time constraints will be maintained  
2 in this hearing: organizations, five minutes,  
3 individuals, three minutes. The Commission  
4 intends to adhere to the time limits as  
5 strictly as possible, in order to hear the  
6 case in a reasonable period of time. The  
7 Commission reserves the right to change the  
8 time limits for presentation, if necessary and  
9 no time shall be ceded. All persons appearing  
10 before the Commission are to fill out two  
11 witness cards.

12 The decision of the Commission, in  
13 this case, must be based exclusively on the  
14 public record. To avoid any appearance to the  
15 contrary, the Commission requests that persons  
16 present not engage members of the Commission  
17 in conversation during any recess or at any  
18 time. Please turn off all beepers and cell  
19 phones at this time, so as not to disrupt  
20 these proceedings.

21 At this time, the Commission will  
22 consider any preliminary matters. Does the

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1 staff have any preliminary matters?

2 MS. SCHELLIN: No, sir.

3 CHAIRMAN HOOD: Okay. Then we'll  
4 go straight to the -- even though I said in my  
5 introductory marks, we still come straight to  
6 Ms. Thomas.

7 MS. THOMAS: Yes. Good evening,  
8 Mr. Chairman and members of the Commission.  
9 The Office of Planning pleads that you support  
10 the text amendments as proposed and as  
11 submitted in our supplemental report, to  
12 permit Zipcar -- I'm sorry, car-sharing spaces  
13 in residential, CR and SP districts. And I'll  
14 be happy to take any questions, based on our  
15 supplemental report, which was based on  
16 revisions about conversations with the Office  
17 of the Attorney General and the Zoning  
18 Administrator, regarding just some fine tuning  
19 of the text.

20 CHAIRMAN HOOD: Okay. The fine  
21 tuning -- do we have the fine tuning in front  
22 of us now, with all those interested parties,

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1 like OAG, and OP?

2 MS. THOMAS: Yes. That's correct.

3 CHAIRMAN HOOD: So what we have in  
4 front of us is with everybody weighing in?

5 MS. THOMAS: Yes, it is. It's  
6 dated on December 21st for the tables.

7 CHAIRMAN HOOD: Okay. Thank you.  
8 Let's open it up. Any questions or comments,  
9 Commissioners?

10 COMMISSIONER TURNBULL: Ms. Thomas,  
11 what are the major -- if you were to  
12 summarize, what's the major change between  
13 this -- the changes that we've just received  
14 and what was in there before?

15 MS. THOMAS: What the major change  
16 would be is to sort of clarify where the car-  
17 sharing would be permitted as a principal use  
18 and when it would be permitted as an accessory  
19 use, and the limitations on that. So where,  
20 for instance, previously, we permitted it  
21 under -- the Zoning Administrator was a little  
22 bit -- wasn't clear that car-sharing would be

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1 both a principal use and an accessory use, as  
2 it was put on the 201.1. So he -- in  
3 subsequent conversations with OAG, we sort of  
4 separated it. And we also placed it under  
5 202.7, to make sure that it stays an accessory  
6 use, as well, and that, when it is a principal  
7 use, it's a principal use on an unimproved lot  
8 with a limitation of only up to two spaces.  
9 Yes.

10 COMMISSIONER TURNBULL: Okay.  
11 Thank you.

12 CHAIRMAN HOOD: Anything else?  
13 Okay. And again, Commissioners, we can look  
14 in the Office of Planning report that was  
15 given to us this evening, existing and new.  
16 And as we maybe hear from testimony, we can  
17 continue to look and see if -- we may come  
18 back if we have some additional questions.  
19 Okay. Ms. Hanousek, do we have a -- that's  
20 all right. With so many people, I don't think  
21 I need a list. I know it's a list that's  
22 available, but that's okay. No. No. I'm

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1 set. We can do that another time. What I  
2 would like to do first -- let me do this --  
3 let me go in order, though. Do we have anyone  
4 here from another government agency? Okay.  
5 Not seeing anyone. Do we have anyone  
6 representing an ANC? An ANC Commissioner or  
7 anything of that nature? Okay. Organizations  
8 and persons in support? Do we have anyone who  
9 represents an organization or person who's in  
10 support? Okay. Do all three of you want to  
11 testify?

12 MR. MARINOS: It's not -- I'm  
13 Anthony Marinos.

14 CHAIRMAN HOOD: Well, actually, if  
15 you're going to say something, I need you to  
16 come to the table and give your name. And you  
17 have to go through all that because we want to  
18 make sure that Matt gets -- he's our fourth  
19 Zoning Commission Member tonight -- we want to  
20 make sure that he gets this on the record.  
21 But we'd like to hear what you have to say, or  
22 I would, now that you've started. So could

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1 you come up. Maybe if all of you are all  
2 together, maybe you can speak for everybody.  
3 I'm not sure.

4 MR. MARINOS: I don't know who --

5 CHAIRMAN HOOD: Turn your  
6 microphone on.

7 MR. MARINOS: Is it on now? Are we  
8 good?

9 CHAIRMAN HOOD: Yes.

10 MR. MARINOS: Cool. My name is  
11 Anthony Marinos. I'm the marketing manager  
12 for Zipcar here in Washington, D.C. Not  
13 really anything in particular to say, other  
14 than we're -- we're obviously in support of  
15 continuing to serve the community the way that  
16 we have been, since our inception here in D.C.  
17 We -- we consider ourselves a vital part of -  
18 - of the D.C. community. And having the  
19 vehicles placed in residential areas and areas  
20 of convenience to our members and potential  
21 members is really something that we feel  
22 strongly about, which is why I'm here, just to

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1 represent us and -- and show our support.

2 CHAIRMAN HOOD: Okay. Thank you,  
3 so much. I know I see a lot of Zipcars around  
4 town and, obviously, it's working.

5 MR. MARINOS: We like to think so.  
6 We -- we hope so. Yes.

7 CHAIRMAN HOOD: We're looking  
8 forward to improvements. Everything can be  
9 improved. But, right now from what I see,  
10 it's working. Keep up the great work.

11 MR. MARINOS: Absolutely.  
12 Absolutely.

13 CHAIRMAN HOOD: Colleagues, do you  
14 have any questions? Okay. Anyone else like  
15 to testify? Is everybody in support of what  
16 his comments are? Okay. Well, unless you  
17 just want to, we can go on his comments.  
18 Okay. I don't want you to make the trip down  
19 in the weather and don't say anything to us.  
20 So I want to give you that opportunity. Okay.  
21 Well then, thank you very much.

22 Ms. Schellin, come on -- come on.

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1 Okay. Anyone else? All right. There's  
2 nobody. Thank you, Vice Chair. Any  
3 organizations or persons here in opposition?  
4 I'm not seeing any.

5 MS. SCHELLIN: We did have one --  
6 someone from a single member district 5A-11,  
7 in opposition. They came in late this  
8 afternoon.

9 CHAIRMAN HOOD: Is that from  
10 Commissioner Janae Grant?

11 MS. SCHELLIN: Yes.

12 CHAIRMAN HOOD: Okay. Is that  
13 behind the Office of Planning's report?

14 MS. SCHELLIN: Yes.

15 CHAIRMAN HOOD: We also have  
16 something in support from Martha Mountain.  
17 I'm not sure if she's an ANC Commissioner. We  
18 have a number of e-mails here.

19 MS. SCHELLIN: Right. And a whole  
20 package from Zipcar members in support.

21 CHAIRMAN HOOD: Zipcar members?  
22 Okay.

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1 MS. SCHELLIN: Yes. There's a  
2 whole package of several members that they  
3 faxed in from several of their members that  
4 they have. Plus they've received e-mails in  
5 support.

6 CHAIRMAN HOOD: The e-mails that  
7 came in are in support?

8 MS. SCHELLIN: Right. So they just  
9 faxed them to us.

10 CHAIRMAN HOOD: Do we have anything  
11 in here stating where the Zipcar broke down on  
12 them or anything?

13 MS. SCHELLIN: No.

14 CHAIRMAN HOOD: I'm just curious.  
15 And I want to make sure I acknowledge the  
16 letter from Commissioner Grant. Let me just  
17 take a moment to review it. I think it's the  
18 last two pages, Commissioners, in the report.

19 (Whereupon, off the record from  
20 6:49 p.m., until 6:50 p.m.)

21 CHAIRMAN HOOD: Well, I would agree  
22 with Commissioner Grant's statement, the

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1 alternative needs to be more educational  
2 awareness. I would -- that whole process.  
3 But the flip-side, and I'm just looking at  
4 this briefly, secondly, in a residential zone,  
5 car-sharing doesn't seem to have a time frame,  
6 unlike residential parking. Therefore, a  
7 potential parking space is taken away all day  
8 and all night that may be readily used often  
9 enough to warrant a car-share spot. I just  
10 believe that that works a number of ways. As  
11 the former Chair of the Commission used to  
12 always try to enlighten me, as far as un-  
13 bundling parking space, you know, it's about  
14 changing the mind-set. So, you know, that  
15 argument can go two ways. I don't know if  
16 that moves me not to move forward tonight,  
17 unless I hear from someone else. But I  
18 appreciate Commissioner Grant's issue and  
19 being able to respond and her stick-to-itness  
20 to what we do down here on the Commission and  
21 her interest in making sure she educates her  
22 SMD, Single Member District.

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1                   So, with that, I would move  
2 approval of what's before us from the Office  
3 of Planning for today, December 21, 2009, of  
4 Zoning Commission Case Number 09-16, Proposed  
5 Text Amendment to allow car-sharing spaces in  
6 residential, CR, and SP Districts. And I ask  
7 for a second.

8                   COMMISSIONER TURNBULL: Second.

9                   CHAIRMAN HOOD: Moved and properly  
10 seconded. Any further discussion? All those  
11 in favor, aye?

12                  ALL: Aye.

13                  CHAIRMAN HOOD: Ms. Schellin, not  
14 hearing opposition from those present and any  
15 proxies -- well, we wouldn't have any proxies.

16                  MS. SCHELLIN: Yes, sir. Yes.  
17 Staff records the vote three to zero to two to  
18 approve proposed action in Zoning Commission  
19 Case Number 09-16, Commissioner Hood moving,  
20 Commissioner Turnbull seconding, Commissioner  
21 Keating in support, Commissioners May and  
22 Schlater not present, not voting.

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1 CHAIRMAN HOOD: I'm being told that  
2 -- I'm being informed and I agree that we  
3 probably need to accept this modified report.

4 MS. SCHELLIN: Yes. That's what I  
5 figured you were voting on was the revised  
6 language that OP --

7 CHAIRMAN HOOD: Are we going to  
8 accept this as a seven-day, because it didn't  
9 make the seven days?

10 MS. SCHELLIN: I don't think so.

11 CHAIRMAN HOOD: We don't? Let's  
12 just do that, just to be sure. We'll accept  
13 this report as --

14 MS. SCHELLIN: Yes. By consensus -  
15 - yes.

16 CHAIRMAN HOOD: By consensus?  
17 Okay. So that's fine.

18 MS. SCHELLIN: Okay.

19 CHAIRMAN HOOD: Okay. Do we have  
20 anything else, Ms. Schellin?

21 MS. SCHELLIN: No, sir.

22 CHAIRMAN HOOD: Matt, do we have

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1 anything else?

2 COURT REPORTER: Merry Christmas.

3 CHAIRMAN HOOD: Good man. All  
4 right. Thank you, everyone, for your  
5 participation and coming down in this weather.

6 This hearing is adjourned.

7 (Whereupon, the hearing was  
8 adjourned at 6:51 p.m.)

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