

Transcript of Hearing

Date: June 15, 2022

Case: Parking Waiver Application (Salinas, Judy, in re:)

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Phone: 888.433.3767

Email: transcripts@planetdepos.com

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Conducted on	
1	did see one for the internal parameters of the unit but
	1 did see one for the internal parameters of the unit but
	2 not the outside and the parking options.
3	We do have Ms. Salinas present. We have Mr.
5	4 Austin McNamara present as the inspector. And we also
6	5 have Mr. Clifton Booma from the Maryland I'm sorry,
7	6 the Montgomery County Housing department.
8	7 In terms of anything else from the record, is
9 TRANSCRIPT OF AUDIO-RECORDED	8 there anything that's missing or any of the parties
10 HEARING IN RE: JUDY SALINAS	9 thought would be there that's not? No.
11 PARKING WAIVER APPLICATION	Okay. Hearing nothing, Ms. Salinas, as the
12 FRIDAY, JUNE 15, 2022	11 applicant, I'm going to ask you to present our position
13 9:30 A.M.	12 first.
14	Can you raise your right hand, so I can swear
15 CASE NO. ADW 22-03	14 you in? Do you solemnly swear under penalties of
16	15 perjury that the statements you're about to make are
17	16 the truth, the whole truth, and nothing but the truth?
18	17 MS. SALINAS: Yes.
19	MS. LEWINTER: Okay. So Ms. Salinas, I know
20	19 before we started the recording you said you had some
21	20 questions. I cannot give you any legal advice, but if
22	21 there's something from a procedural list logistics
23 Job No.: 451273	22 standpoint that I can provide you information on, I'm
24 Pages: 1 - 18	23 happy to do that before we get started.
25 Transcribed by: Christian Naaden	MS. SALINAS: No. We can we can start.
	25 MS. LEWINTER: Okay. Did you review the
2	4
1 PROCEEDINGS	1 preliminary inspection report that the housing
2 MR. PARRISH: Okay. We are on the record.	2 inspector, Mr. McNamara provided, dated May 5th, 2022?
3 MS. LEWINTER: Great. Welcome everybody. And	3 MS. SALINAS: Yes. I scanned it. I read it.
4 thank you again for your patience as we get over this	4 MS. LEWINTER: Okay. Did you have any comments
5 little logistical issues. As everyone is well aware,	5 or reactions to that report?
6 the hearing is being recorded. It is June 15th, 2022 at	6 MS. SALINAS: No. There was a list of things I
7 about 9:40 A.M.	7 needed to do. And I still have to do maybe, like, three
8 This is the virtual hearing for case number	8 percent. But I'm almost done.
9 ADW2203, a request for a waiver of the customary	9 MS. LEWINTER: Okay. What do you still have to
10 dwelling unit onsite parking requirement.	10 do?
11 My name is Andrea LeWinter. I am the hearing	11 MS. SALINAS: If I recall, there is something
12 examiner for this hearing. And this request was filed	12 that I have to and, like I said, I'm not familiar
13 by Ms. Judy Selinas on May 11th, 2022. She is seeking	13 with everything. All this is this is my first time
14 to license an attached accessory dwelling unit, DHCA	
II T TO TICCHSO AII ATTACHOU ACCOSSUI Y UWCIIIIIZ UIIII. DIRA	14 doing this But also I still think that I need to get
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15 application number 138400.	15 permission for the it's a having the kitchen or
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_	11 5 tile 13, 2022
1 had a stroke within a month, and it has been crazy for	7 1 day, because I think I think she works at night. But
2 me. So I have not been on top of this as I should.	2 after like 6:00 p.m. that space is available, there's
3 MS. LEWINTER: No. I I understand. Sorry.	3 other two spaces available. So I don't think it's going
4 MS. SALINAS: So I don't have a date, sorry.	4 to limit other people to park there.
5 MS. LEWINTER: But it was some time after May	5 MS. LEWINTER: And where do you park your
6 5th?	6 vehicles?
7 MS. SALINAS: Yes. Yes. I think so. Yeah.	7 MS. SALINAS: Right now, to be honest with
8 MS. LEWINTER: Okay. Is it accurate that there	8 you, I'm back and forth, taking care of my parents.
9 is no onsite parking for this proposed unit?	9 They live like six minutes away from me. And since
10 MS. SALINAS: No. It doesn't have a driveway.	10 after my dad had the stroke, I had to take him to
11 MS. LEWINTER: Okay. And you are not within	11 dialysis. So I stay there. I stay at their home.
12 one mile of the metro station?	12 MS. LEWINTER: But that's not your long-term
13 MS. SALINAS: No. I am not.	13 plan. And before before the stroke, where were you
14 MS. LEWINTER: Okay. So what is the	14 regularly parking your car?
15 availability of on-street parking in your area? Within	15 MS. SALINAS: It's a I wasn't parking
16 specifically within about within 300 feet of your	16 there. I was I'm in the process of I have it's
17 dwelling unit?	17 a long story. I'm in the process of moving into this
18 MS. SALINAS: There is the question is if	18 house. But it has not been easy. It has not been easy.
19 there's spaces available?	19 MS. LEWINTER: I'm assuming that you mean life
20 MS. LEWINTER: Yes.	20 has not been easy. But not that parking
21 MS. SALINAS: There is spaces available, I	21 MS. SALINAS: Yeah. No
22 mean, in front of the house, around the corner. There	22 MS. LEWINTER: Because this is about parking.
23 is space available. It's just that sometimes other	23 MS. SALINAS: Yeah. My plan was to move into
24 people park, you know, also, from the houses below.	24 the house as soon as possible, but I couldn't do it. My
25 MS. LEWINTER: Well, specifically, I mean I	25 plan was to move in June, completely.
6	25 plan was to move in state, completely.
1 know it can be a little bit hard, but within about 300	1 But then my dad had the stroke. So I stay with
1 know it can be a little bit hard, but within about 300 2 feet of your dwelling unit. Do you have a sense of how	But then my dad had the stroke. So I stay with them. So right now I'm not really parking any cars. I'm
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11

Transcript of Hearing

Conducted on June 15, 2022

MS. LEWINTER: Okay. So since May of 2021, on a very regular basis, you've been going to the house after 5:00 p.m. on Monday through Saturday.

MS. SALINAS: Mm-hmm.

5 MS. LEWINTER: Have you had issues with parking your car?

MS. SALINAS: No.

8 MS. LEWINTER: Okay. Ms. McNamara [sic], if I 9 might come back to you, but I'd like to hear from --10 I'm sorry, Ms. Salinas, I might come back to you. But 11 I'd like to hear from Mr. McNamara. So if you can just 12 -- I just don't want you to think that I don't have any 13 additional questions.

Mr. McNamara, if you could raise your hand, so 15 I can swear you in? Do you solemnly swear, under 16 penalties of perjury, that the statements you are about 17 to make are the truth, the whole truth, and nothing but 18 the truth?

19 MR. MCNAMERA: Yes. I do.

20 MS. LEWINTER: Okay. You are the individual 21 who issued the preliminary inspection report, dated May 22.5th, 2022?

23 MR. MCNAMERA: That's correct.

24 MS. LEWINTER: And how many times did you

25 visit the property prior to issuing that report?

MR. MCNAMERA: I would say prior to that inspection, I was there twice.

3 MS. LEWINTER: So three times total?

4 MR. MCNAMERA: Yes.

5 MS. LEWINTER: Do you know the dates or the approximate dates?

MR. MCNAMERA: I can give that to you in just one moment. Sorry. Let me just check my notes.

MS. LEWINTER: Sure.

MR. MCNAMERA: I made inspections on May 5th 10

11 and then I don't have the -- I know I met Ms. Salinas

12 there on another occasion, but I don't have the -- a

13 note for that. So I must not have done an inspection

14 that date. And then I did the preliminary inspection

15 for the accessory dwelling unit -- so -- oh, I

16 apologize. So I did the inspection on May 5th.

There was another case open for that address

18 previous to that, which would have been my previous 19 inspection. So that would have been, I believe, January

20 of this year. I made two inspections for a case before

21 Ms. Salinas decided to apply for the ADU.

22 MS. LEWINTER: Was it for the same address or

23 just the same area?

MR. MCNAMERA: No. It was the same address.

25 Before the application had been submitted, there was a

service request claiming that Ms. Salinas was illegally

renting the basement and I was investigating that

3 claim.

4 MS. LEWINTER: I see. Okay. And what was the 5 result of that investigation?

MR. MCNAMERA: That she had let somebody stay 6 in the basement. If I remember correctly, she was not

collecting rent at that time, but that individual had

since been asked to leave prior to my investigation. So

10 when I did my two inspections, there was nobody

11 residing in the basement.

MS. LEWINTER: So in total, you visited the 13 area twice in January. You had one meeting with her on 14 a date you're not sure, but that wasn't technically an 15 inspection.

MR. MCNAMERA: Correct. It was -- believe it -16 17 - from looking at my notes, I believe it was after the 18 first inspection and prior to the application for the 19 ADU. So it was probably just answering some questions.

MS. LEWINTER: Okay. So sometime between

21 January and May. It was another just meeting. And then

22 you had your inspection on the 22nd. So of those four

23 visits to the area, do you recall, were they all around

24 the same time? Different times of the day?

MR. MCNAMERA: No. They would have been some

10 1 in the morning, some later in the afternoon. I believe,

> to the best of my recollection, they were probably around -- a couple of them were around 10:00 o'clock in

the morning.

5 Another one was probably around 2:00 in the afternoon. And maybe the fourth one could have been as late as 4:00.

MS. LEWINTER: Okay. And do you recall having 9 any issues finding parking for your own vehicle when 10 you --

11 MR. MCNAMERA: No. No. I was able to park, if 12 not directly in front of the subject address, just the 13 adjacent -- in front of the adjacent addresses.

MS. LEWINTER: Okay. Now, would you have

15 thought that having your vehicle there or, you know, in 16 -- in the stead of someone residing in that accessory

17 dwelling unit, would cause issues for other individuals

18 in the neighborhood to -- to find parking?

MR. MCNAMERA: I -- I would not -- I, like I 20 said, I was able to park my vehicle very close to the 21 address. The street is public parking.

So I know when the couple times when Ms.

23 Salinas arrived after I did, she was able to park

24 perhaps across the street, but again, very close to the

25 residence.

15

16

Transcript of Hearing Conducted on June 15, 2022

14

13 And as Ms. Salinas pointed out before, there's 2 a cross street very close to that address that also provides public parking. I did not see any type of shortage of parking. MS. LEWINTER: One second. And this is -would you estimate within the 300-foot radius that the statute requires, the parking? 8 MR. MCNAMERA: Yes. As Ms. Salinas pointed out, there are always -- I would approximate -- on my 10 visits, there were usually three to four open spots 11 available.

MS. LEWINTER: Okay. Now, you noted in your 13 inspection report that the property was not properly 14 posted. Was that situation rectified?

MR. MCNAMERA: Not to the best of my 16 knowledge.

17 MS. LEWINTER: So what is the remedy for that 18 at this point?

MR. MCNAMERA: Ms. Salinas would need to pick 20 up a yard sign from the department of housing office. I 21 just have not been notified that that had taken place,

22 so I have not made another inspection.

23 MS. LEWINTER: Okay. But that's separate --24 that's just to get -- I'm sorry. Ms. Salinas, did you

25 say something?

MS. SALINAS: Sorry. I did that. I forgot to notify you. 2

3 MR. MCNAMERA: Okay.

MS. SALINAS: -- Mr. McNamera. Yeah.

MS. LEWINTER: Okay. But that is distinct from

the parking. That's -- that's part of the larger

process.. Correct?

MR. MCNAMERA: Yes. That's just a yard sign to 9 notify the surrounding neighbors that there is an 10 application for an accessory dwelling unit.

MS. LEWINTER: Okay. So it sounds there are 12 some minor things that Ms. Salinas has to do to meet 13 all the county zoning and code requirements.

MR. MCNAMERA: Yes. That's correct. The unit 15 is for the most part installed, but, like you said, the 16 sign, to the best of my knowledge -- it wasn't there.

17 Apparently it is now.

As Ms. Salinas pointed out, there's some 19 permits -- or at least the one permit for the stove to

20 make sure that it's properly installed and that the

21 electrical system is able to handle that extra charge.

22 And, yeah, just some minor repairs and, you know,

23 completions.

24 MS. LEWINTER: Okay. And you're set for

25 reinspection actually in November; is that correct?

MR. MCNAMERA: That is the six-month mark

after the first inspection. If Ms. Salinas completes

the work before then, I would be able to complete the

inspection before then.

MS. LEWINTER: Okay. Okay. Do you think there 5 is any reason why this -- this waiver wouldn't be --

shouldn't be granted?

8 MR. MCNAMERA: No. Like I said, in my experience there was no shortage of parking. And I 10 don't think an extra car would inhibit anybody in the

11 surrounding -- the surrounding area to find parking.

MS. LEWINTER: Okay. All right. Given that I -13 - I don't necessarily have any other questions, Mr.

14 Booma, I just wanted to check in with you. Did you have

15 any other concerns or issues that you wanted to raise?

MR. BOOMA: Yeah. Clifton Booma here. I work

17 for licensing and registration. I handle the ADU

18 applications. I don't have any -- any objections.

I just wanted to briefly add -- you had asked 20 about the waiver and I just wanted to add that I sent

21 the -- the information on how to apply for the waiver

22 on May 11th. So I would assume that she applied shortly

23 thereafter. And I don't have anything else to add. And

24 -- oh, she did pick up the sign on May 11th.

MS. LEWINTER: Okay. Great. Yeah. No. You're

1 correct. The application was dated May 11th. I just

didn't know when she was provided it. Great. Well, I

don't have any additional questions.

4 Ms. Salinas, the process at this point, once I conclude the hearing, just so you know, is the record will be closed within 10 days. So if there's anything else that needs to be supplemented or added to the

record, it will close in 10 days. And then after that there's 30 days for -- to

10 issue a written decision regarding the waiver. And you

11 will get notification of that. Do you have any

12 additional questions about the process or anything 13 you'd like to add?

14 MS. SALINAS No. No, I don't.

15 MS. LEWINTER: Okay. All right. Well, given

16 that, again I appreciate everyone's patience in the

17 beginning. This will conclude the hearing. And the

18 record, again, remains open for 10 days. Okay?

19 MS. SALINAS Thank you.

20 MS. LEWINTER: Okay. Bye.

21 MS. SALINAS Have a great day.

MR. MCNAMERA: Bye-bye. 22

23 MS. LEWINTER: Bye. Mr. Parrish, do you need

24 anything else from me?

MR. PARRISH: Sorry. Would you like to order a 25

Transcript of Hearing Conducted on June 15, 2022

	17	
1 transcript at this time?		
2 MS. LEWINTER: I don't have that's above	e my	
3 pay grade. So I'm going to let OZA get back to yo	ou as	
4 to approach the standard procedure for that.		
5 MR. PARRISH: Sure. Sure. Absolutely.		
6 MS. LEWINTER: I'm not sure how that wor	rks. I	
7 do know that for past hearings I have received a	1110.1	
8 written transcript. But I don't how exactly that		
9 MR. PARRISH: Okay. We can have the cor	ataat	
	nact	
10 reach out to us. No problem at all.		
11 MS. LEWINTER: Okay.		
12 MR. PARRISH: All right.		
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1 CERTIFICATE OF TRANSCRIBER		
2 I, Chris Naaden, a transcriber, hereby declare		
3 under penalty of perjury that to the best of my ab	ility	
4 from the audio recordings and supporting inform		
5 and that I am neither counsel for, related to, nor	iation,	
1	ova no	
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8 above 17 pages contain a full, true and correct	1	
9 transcription of the tape-recording that I received		
10 regarding the event listed on the caption on page	1.	
11		
I further declare that I have no interest in		
13 the event of the action.		
14 //		
15 Charles		
16 June 23, 2022		
17 Chris Naaden		
18		
19 (451723, Parking Waiver Application hearing, in	re:	
20 Judy Salinas, 6-15-22)		
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