

1D01: Frank Agbro Chairperson frankjazz@aol.com	<p style="text-align: center;">Mount Pleasant Advisory Neighborhood Commission</p>  <p style="text-align: center;">1380 Monroe St NW, #117 Washington DC 20010</p>	1D04: Rosa Rivas Vice chairperson 1D04@anc.dc.gov
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Minutes of the April 21, 2015 meeting of Advisory Neighborhood Commission 1-D

These minutes accepted at the June 23, 2015 meeting.

Call to order

[7:07 pm] Vice Chair Rosa Rivas called the meeting to order at 7:07 pm. Present were three commissioners: Adam Hoey, Rosa Rivas, and Jack McKay, constituting a quorum.

Office of the Attorney General

[7:07 pm] Keith Parsons of the Office of the Attorney General addressed the assembly.

Public discussion

[7:16 pm] The meeting was opened to public discussion.

Secretary's report

[7:33 pm] Jack asked if there were any corrections to be offered to the March 2015 minutes. None being offered, the minutes were deemed accepted.

Treasurer's report

[7:34 pm] The commission had no objection to the following routine expenditures: Tony Grillo, \$50, postering for the April meeting; HearSay Interpreting, \$100, interpreting at the April meeting; Jazmín Rumbaut, \$100, interpreting at the April meeting; Julio Lopez, \$60, for assistance at the March and April meetings. Frank Agbro, \$15.90, business cards.

Jack summarized the Q2FY2015 report to the District Auditor, and moved that it be approved by the commission. *Report approved, 3 to 0 vote.*

Liquor license renewals

[7:38 pm] Jack moved the following:

Resolved, that ANC1D advises the Alcoholic Beverage Regulation Administration (ABRA) to approve license renewals for the following Mount Pleasant Class A licensees:

- (1) Lee-Irving Liquor, Irving Wine and Spirits, 3100 Mount Pleasant Street NW;
- (2) Woodner Market LLC, the Woodner Market, 3636 16th Street NW; and
- (3) Sunami, LLC, Sportsman Wine and Liquors, 3249 Mount Pleasant Street NW.

Why: these retailers have been responsible members of the Mount Pleasant business community, serving the neighborhood responsibly and well.

Resolution passed, 3 to 0 vote.

Reject the proposed Exelon/Pepco merger

[7:40 pm] Jack and Adam offered the following resolution:

Resolved, that ANC1D advises the Public Service Commission of the District of Columbia to reject the proposed merger/acquisition of Potomac Electric Power by Exelon Energy Delivery Company, LLC.

Why: This proposed merger combines an energy delivery company, Pepco, with a company that is primarily invested in energy production, Exelon. Public policy in recent years has consciously separated energy production from energy distribution, in order to maximize competition for lowest-cost energy production. This merger would instead cause the energy delivery company to be financially associated with certain energy production sources, potentially causing the delivery service to favor a higher-cost producer, to the financial advantage of the corporation.

ANC1D believes that the policy of separating delivery from production is a good public policy, and that this proposed merger, being contrary to that policy, is fundamentally unacceptable.

A further liability of combining energy production with energy distribution is that the corporation may well view locally produced energy, that is, surplus energy from residential solar systems, as competition. It has been difficult enough to get distribution companies to accept the flow of energy from residential sources into the local grid. Adding the possibility that such energy would be competition for the corporation's own sources will tend to create further resistance to that solar energy capability. This is contrary to the economics of residential solar energy system owners, and to the greater societal goal of increasing renewable energy production, versus fossil fuel or nuclear energy generation.

Resolution passed, 3 to 0 vote.

End the “grandfathering” of credit for nonexistent parking spaces

[7:51 pm] Jack offered the following resolution:

Resolved, that ANC1D advises the DCRA Zoning Administrator, and the Board of Zoning Adjustment (BZA), to end the practice of awarding "credits" for nonexistent off-street parking spaces, based on the "grandfathering" of allowances for buildings constructed before zoning requirements for such off-street parking spaces existed.

Why: The sense of the current regulations concerning off-street parking is clear:

DCMR 11, § 2100.4 Except for historic resources as defined in § 2120.2, when the use of a building or structure is changed to another use that requires more parking spaces than required for the use existing immediately prior to the change or, if the building or structure is vacant, the use that existed immediately prior to the vacancy, parking spaces shall be provided for the additional requirement in the amount necessary to conform to § 2101.

"Shall be provided" is peremptory. There is no mention here of allowing any "credit" for parking spaces that do not, in fact, exist. If the zoning regulations requiring off-street parking spaces are sensible and meaningful, then any project failing to meet the regulation should surely apply for a variance, to be granted only if the

criteria for variances are satisfied.

Current policy is to allow an exemption from the off-street parking requirements if the previous structure was built before the zoning regulations went into effect. While it is not unreasonable to permit an exemption for a building that antedates the regulation, that exemption should not survive a conversion to a new use. The new developer cannot argue that application of a zoning regulation is unfair because, as in the initial situation, the regulation did not exist at the time of construction.

In the current Mount Pleasant example, a church is being converted to an 85-unit condominium, a structure which would require at least 14 off-street parking spaces (one per three dwelling units, and a 50% factor for the proximity of the Columbia Heights Metro station). Because the church had a Certificate of Occupancy for 750 congregants, current regulations, if the church were being built today, would require 75 off-street parking spaces. This is doubly unreasonable: not only do these 75 spaces not exist, but there is no parallel between parking for a church, presumably a few hours a week, and parking for an apartment house, for 24/7 use.

Resolution passed, 3 to 0 vote.

Remove the “grandfathering” of credit for nonexistent parking spaces from the new zoning regulations

[7:55 pm] Jack offered the following resolution:

Resolved, that ANC1D advises the Zoning Commission that the explicit “grandfathering” of off-street parking spaces, currently incorporated in Subtitle C of the draft new regulations, should be eliminated.

Why: This text in the proposed regulations makes explicit and mandatory the practice of “grandfathering” parking spaces, even if nonexistent:

705.2 When determining the required number of additional required parking spaces, it shall be assumed that the previous use provided at least the minimum number of spaces required.

This would exempt an expanded or changed use of a structure from off-street parking requirements, even if the previous structure, having been built before the zoning regulations went into effect, provided fewer spaces than required, or none at all. This clearly violates the intent of zoning requirements for off-street parking. If the new or expanded use of the structure does not in fact provide the spaces required by zoning, then a variance ought to be sought, justifying the shortcoming on the criteria for awarding a variance.

Resolution passed, 3 to 0 vote.

Speed humps for 17th Street

[7:58 pm] Adam said that he would likely have a resolution at the May meeting supporting speed humps for 17th Street, between Park Road and Newton.

Adjournment

[8:01 pm] The meeting was adjourned at 8:01 pm.