

1D01: Frank Agbro Chairperson frankjazz@aol.com	<p style="text-align: center;">Mount Pleasant Advisory Neighborhood Commission</p> <p style="text-align: center;">anc1D mount pleasant, dc</p> <p style="text-align: center;">1380 Monroe St NW, #117 Washington DC 20010</p>	1D04: Rosa Rivas Vice chairperson 1D04@anc.dc.gov
1D02: Adam Hoey adamanc1d@gmail.com		1D05: Arturo Griffiths arturo.tuwdc@gmail.com
1D03: Jack McKay Secretary/Treasurer jack.mckay@verizon.net		Website: anc1d.org e-mail: anc1d@googlegroups.com

End the “grandfathering” of credit for nonexistent parking spaces

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.

Passed by 3 to 0 vote at the legally noticed, public meeting of ANC1D on April 21, 2015, with a quorum present. Voting “yes”: Commissioners Hoey, McKay, Rivas. A quorum for this commission is three; three commissioners were present.