

Jack's February report

At the January meeting, the ANC did the following:

- Elected officers for the year;
- Advised the HPRB to approve plans for 1768 Kilbourne Place (already on the HPRB “consent” agenda); and
- Advised DPW to make the Mount Pleasant Farmers' Market a collection place for compostable food waste.

ANC officers must be chosen every January. The Commission made just one change to the current list, electing Robin Sandenburgh ANC chair for 2020. (Jon nominated her as his successor.) I'll continue as Secretary, Yasmin as Vice Chair, and Chelsea as Treasurer.

The Department of Public Works runs a program of the collection of **food waste** for recycling. Acceptable food-waste materials include fruit, vegetable scraps, salad, coffee grounds, paper tea bags, loose tea, bread, grains, cereals, rice, pasta, egg shells, nutshells, corncobs, stale beans, flour, spices, and cut or dried flowers. There's one collection site in each ward, and the Ward One site is at the Columbia Heights Farmers' Market, held weekly at 14th and Kenyon.

Of course, some residents aren't inclined to hike to Columbia Heights with their food-waste accumulations. The ANC endorsed a request for a similar collection at our Farmers' Market here. I doubt that DPW will be willing to open a second collection site in Ward One, just two or three blocks away from the existing site. But we've placed a marker, should DPW decide to expand its collection efforts.

For many years, residents of Precinct 40 – Mount Pleasant north of Lamont Street – **voted at Bancroft Elementary**. Of course that was impossible while Bancroft was under extensive renovation, so the Precinct 40 voting site was shifted to the Mount Pleasant Library. But now that Bancroft work is done, and yes, the 2020 vote, beginning with the primary in June, will take place at Bancroft.

The **Purple Patch Restaurant** (four and a half stars on Yelp – check it out!) offers live music a couple of nights a week. Along with termination of its very restrictive “voluntary agreement”, inherited from previous restaurants at that location, the restaurant applied for an “entertainment endorsement” to their liquor license. The application for that somehow got lost, then ABRA found it, and abruptly started the license-modification process.

The first step in the license modification is a 45-day “placard period”, when the restaurant is supposed to put up big (ugly) placards to warn the neighbors of what is coming, so that they can “protest” the change. Ordinarily the license modification cannot take effect until the end of that 45-day period. But if the ANC provides a letter of support, the establishment can have a “stipulated license”, which will allow them to proceed as if they've got their modification.

This ANC's policy has always been to provide the required letter upon request. But in this case, the notice of proposed change appeared on January 24, just three days after our ANC meeting. If we waited for the next monthly meeting to formally approve the ANC letter, the Patch would be unable to offer live music until late February.

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Patrice Cleary, proprietor of the Purple Patch, was very unhappy about that. So I decided to try to expedite the process.

No commissioners objected to the “stipulated” license, and four of us supported the writing of the required “ANC letter” via email. That was clear evidence of ANC approval, and I sent off a letter to ABRA noting this approval, as well as the ANC1D history of never objecting to a “stipulated” license. The ABC Board agreed that, under the circumstances, ANC approval of the stipulated-license letter at a regular public meeting of the Commission was unnecessary, and approved the license at their first opportunity, the following Wednesday. This allowed the Purple Patch to continue with the “open piano” and such, with only a brief interruption.

This ANC supports, and works to assist, our local business folks, as long as they're “good neighbors”.

I mentioned last month the proposal for **the construction of a building at the location of the laundromat** on Mount Pleasant Street, to provide “nearly 2,000 square feet of retail and three floors of residential”. This topic was discussed extensively at the January ANC meeting.

The proposed structure meets the zoning requirements of that location (MU4, mixed commercial and residential). This zoning is supposed to “Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core”. No zoning variances are needed, so this construction can proceed “as a matter of right”. ANC approval is not needed.

But this is within the Mount Pleasant Historic District, and historic preservation would have the laundromat building, homely as it is, remain unchanged forever. It is of some historic significance, having been built in 1906, one of the very first commercial buildings of Mount Pleasant.

We've heard from the immediate neighbors, who generally don't want a big new building built next door. Okay, but we have to consider what's best for Mount Pleasant as a whole, and maybe that means more retail space, and more residential housing. This could be viewed as an upgrade of Mount Pleasant Street, an improvement over current conditions at that location.

But the proposed structure would be plainly modern, aside from the ground-floor portion, the current laundromat. (The building has been sold, so the laundromat will be no more, whatever is decided about the three-story addition.)

I am undecided about this proposal. For years I've objected to the restrictions imposed on homeowners by historic

preservation, which seems to want to keep our houses looking just as they did the day they were built, whatever the needs of the people actually living in them.

That said, I'm sympathetic to the most basic goal of historic preservation, namely preventing the destruction of older buildings and their replacement with "incongruous", modern-style structures. The three-story apartment building proposed for 3215 Mount Pleasant is surely "incongruous".

And yet – this could be good for the Mount Pleasant commercial strip, and good for the Mount Pleasant neighborhood. Additional residential housing, and enhanced retail space, are benefits to the community. So . . . well, right now, we await the staff report of the Historic Preservation Office, due out February 21. Then we'll have to debate what's best for Mount Pleasant.

Speaking of historic preservation – the full-scale **renovation project at 3224 19th** was abruptly interrupted by a Stop Work order, harshly asserting that the builder was doing work contrary to his approved plans. Well, yes – in redoing the alley-facing wall of the house, the builder discovered a garage-width door, which had been covered over with the stucco coating applied to that wall many years ago (certainly before our arrival in Mount Pleasant, in 1974). The builder decided that the old garage door was an interesting historical artifact, and set about restoring it. That's historic preservation, isn't it? But the HPO said that this wasn't in the approved plans (nobody knew there was a garage door there), and so whacked him with the "stop work" command.

The HPO observed that, while this was indeed a return to the historic original, restoring the door (and windows) at that spot brought up "potential code, DDOT and design issues", which had to be dealt with. The HPO was in fact very helpful at resolving those issues promptly and allowing the builder to return to work. Still, surely the matter could have been handled diplomatically, with a call to the builder, instead of the bright-red "Stop Work" order posted on the door, with the implication of a builder doing wrong.

The **Brown Street Market** appears now to be posted "For Rent". The buyer of the Market wanted to put a retail market there, much as has been there for many years, but he could not get a license to sell liquor, despite the ANC's attempt to help. Evidently that has caused him to abandon his effort to restore the Brown Street Market, which used to serve nearby residents quite well. Why shouldn't the Market be permitted to sell beer? It's in an area designated "residential", and so the sale of alcoholic beverages is prohibited, whatever was done, and allowed, in the past.

The lot in front of the **1900 Lamont** apartment house has deteriorated into a dreadful mess of mud and erosion. The Department of General Services (DGS) has funds for "improvement" – better call it "recovery" – of this public-park mess. Of course, it's the DGS that has been providing maintenance of that lot since 2001, and its wretched maintenance has brought the park to its current awful state.

The stated objective is to "create a green space for the community". They do recognize the severe challenges in

attempting to "create a green space" from this mud pit. It's a steep slope, promoting rapid rain runoff which causes erosion. Anything built there has to be ADA-compliant, which will be difficult on that slope. They recognize that the area is the "front yard" for the residents of the apartment house, and the rights of those residents must be respected. In March of 2019 there was a community meeting concerning the lot, a meeting which was supposed to be "the first of many outreach sessions". If there's been any such outreach session since that meeting, I missed any notice of it.

The initial plan stated the following objectives: *address the existing erosion issues; put system in place to prevent future erosion; tree assessment/pruning; and ADA accessibility.* I'll be happy if they can accomplish that much.

It's been 19 years since this lot was taken away from the apartment house, which had provided maintenance of the lot for half a century, and turned over to the good graces of the DC Government. It used to be a pleasant, grassy lot – no mud, no erosion – and was maintained well, at no cost to the DC taxpayer. Today it's a dreadful mess, an environmental disaster, a neighborhood eyesore. I knew, back in 2001, that this was going to be a bad mistake, but I had no idea how bad a mistake this would turn out to be.

I have continued a futile effort to recover the **intersection-parking** provision that allowed residents to park as close as 25 feet from an intersection, versus the no-parking signs post at 40 feet distance. I've protested that the "Notice of Proposed Rulemaking" provided no warning that such a change was being considered. There's an element of the DC Code that says that, if a provision of a Proposed Rulemaking notice changes substantially, then a new Proposed Rulemaking should be issued, rather than going directly to Final Rulemaking, as DDOT did in this case.

DDOT, and the Office of the Attorney General, claimed that the change between Proposed and Final rulemakings was "a logical outgrowth of the proposed rule". We were supposed to foresee, somehow, that DDOT would do, in the Final Rulemaking, the complete opposite of what was said in the Proposed Rulemaking, simply because it is "on the same subject matter and deals with the same issues as the proposed rule". Well, yes, but it does *the opposite* of what was proposed. Instead of a continuation of the 40/25 foot parking regulation, as the Proposed Rulemaking asserted, it eliminates that long-standing – 13 years! – provision of the parking regulations.

So residents are now getting parking tickets, for parking which was, until mid-August, legal. DDOT offered no warning to the public of the change, and Parking Enforcement provided no warning period.

I am not impressed with the Office of the Attorney General. Evidently their policy is to defend whatever a District agency does, with a feeble excuse that we should have been able to foresee that DDOT might do the complete opposite of what it had said it would do.

The next meeting of the ANC will be on Tuesday, February 25, 7:00 pm, at the Mount Pleasant Library.