

Jack's March report

At the February meeting, the ANC did the following:

- Heard from Councilmember Brienne Nadeau;
- Heard a presentation from the developer for redevelopment of 3215 Mount Pleasant Street.

Due to the **coronavirus emergency**, this newsletter will not be hand-delivered, but will only be posted on the internet. Also, the ANC1D meeting for March has been cancelled, in keeping with the stricture against group congregations during this emergency.

Last August DDOT abruptly nullified the **Parking Enhancement Amendment Act of 2006**, DC law L16-0186. That's the law that allowed residents to park as close as 25 feet from an intersection, compared to the 40 feet indicated by the no-parking signs. I have been struggling, ever since, to have that law restored.

I first objected that the Notice of Proposed Rulemaking that preceded this nullification gave no warning that such a change was a possibility. The NOPRs (two of them) explicitly continued the 25-foot law, merely reorganizing the paragraphs in the DC Municipal Regulations (DCMR) implementing the law. It was a surprise when, with the Notice of Final Rulemaking, our parking regulation was eliminated.

DDOT replied that doing exactly the opposite, in the Final Rulemaking, of what was contemplated in the Proposed Rulemaking, was a "logical outgrowth" of that rulemaking. The Office of the Attorney General (OAG) repeated that claim. I don't know what manner of "logic" supports doing exactly the opposite of what was proposed.

I protested further (to the OAG, now) that District agencies do not have the power to nullify laws passed by the District Council. District agencies are supposed to carry out the acts of Council, not veto them. The OAG responded with the peculiar argument that, if the Council didn't want to allow District agencies to overrule the Council's acts, then the Council should explicitly say so, in the law. Absent such a restriction, District agencies are free to modify Council acts as they wish, including simply vetoing them.

In this case, DDOT deleted the regulation allowing residents to park as close as 25 feet from an intersection, and replaced it with text explicitly prohibiting such parking. In short, DDOT wrote a regulation specifically nullifying the 2006 Act of Council. (No one at the Council seems to care about this usurpation of their authority.)

And that, I'm afraid, is that. That 25-foot provision served us nicely for 13 years, never causing a problem. The regulation includes a provision that DDOT could exempt any intersection from 25-foot parking, if that proved to be a problem, but DDOT never invoked that possibility, indicating that 25-foot parking on residential blocks is not hazardous, anywhere. Nevertheless, the Director of DDOT, Jeff Marootian, didn't like the 25-foot provision, and it's gone, despite my efforts to recover it.

About 10 years ago, the owner of the steeply sloped property at the convergence of **17th Street and Oakwood Terrace**

ANC 1D03 NEWSLETTER #201

Jack McKay, March 16, 2020

Jack McKay
3200 19th St, Tel. 462-8692
e-mail: jack@dcjack.org
<http://DCJack.org>



proposed the construction of residential townhouses on that lot. Nothing had been built there because of the steep slope.

The only issue for this development appeared to be the historic preservation permit. My policy at the time was to leave historic preservation matters to Historic Mount Pleasant, so the ANC did not review this project.

That turned out to be a mistake, because neighbors were intensely interested in what was to be built on that lot, and viewed the ANC as their vehicle for review of the proposed development. The then-commissioner for that district could have put this project on an ANC agenda, but he chose not to.

In December, 2010, the Historic Preservation Review Board (HPRB) "passed a motion approving the conceptual site plan, height and massing of the three rowhouses and retaining wall, with suggestions for minor revisions as the plan is further developed".

In 2013 the project came up again, as the applicant requested renewal of the 2010 approval. Well-organized neighbors complained to the HPRB that "development will cause damage to the historic integrity of the neighborhood, structural damage to our homes, negative environmental impacts, and reduced quality of life" (letter to the HPRB, May 7, 2013). In May, 2013, the HPRB "renewed the conceptual approval of the proposed site plan, height, massing of the new construction, including the 17th Street wall, but with the applicant to return to the Board with further development of the design". Aware of strong neighborhood opposition to the development, "The Board recommended that the applicant communicate revisions to the community".

Expressions of opposition to the development included a news photograph of a house under construction engulfed in flames, evidently a case of arson, with the handwritten notation, "It will NEVER Stand in our NEIGHBORHOOD".

In October, 2013, the HPRB again "approved the design development of the concept and delegated further review to the staff", with a number of conditions.

In November, 2014, the developer brought a revised concept to the HPRB for review. The HPRB "supported roughly the dimensions of the building, . . . requested further revision to establish proportions, rhythm, massing and materials of the building and proportions and rhythm of fenestration more compatible with the character of the historic district".

In May, 2019 – we're all by now totally sick of hearing about this project – yet another revised design was brought to the

HPRB. The HPO staff report “finds the footprint, height and massing of the concept to be compatible with the character of the historic district, but encourages the applicant to revise the plans to address the comments above”.

The historic preservation law does not forbid alterations, but requires alterations to be “compatible with the character of the historic district”. Much of the opposition to this development is based not on the historical compatibility of its design, but its very existence. As one neighbor writes, “*This is a bad idea point blank! Just because you have a permit and can do something doesn't mean you should build!! It's all about making \$\$\$ and not looking at the tenuousness of the situation to build right there.*” Another: “*where are the dozen or so cars going to park on the street? . . . Bad idea to build on it [this lot]*” Those are legitimate concerns, but they don't fall under the historic preservation law.

The ANC does not have the power to prevent a development based on such neighborhood concerns. We do not have “approval” authority, but can only “advise” DC agencies about their coming actions, and those agencies must judge matters before them according to the laws of the District, not according to whether the ANC likes something or not.

The upcoming HPRB meeting is on March 28. Given the cancellation of our March 26 meeting, we've asked the HPRB to postpone this until April.

Speaking of historic preservation – last month I described a proposal for a **major redevelopment at 3215 Mount Pleasant Street**, the location of a laundromat. The design presented by the developers at our February meeting was, I thought, a bit radical, calling for a very modern-architecture 11-unit residential structure to be built behind, and towering over, the renovated retail area. In my opinion, this would never be approved by the HPRB.

I guess the developers came to the same conclusion, and at our February meeting, they presented a very different concept. The laundromat again becomes a retail space, and again, over the laundromat, and rising three stories, is a condominium apartment house, now with 15 units. But now the design is very carefully done to blend in with the neighboring buildings, looking, indeed, as if it had been built a century ago.

I think that's going to get quick approval at the HPRB. I believe that the ANC will also endorse the design (though again, only historic preservation conditions matter), because the development will be good for Mount Pleasant, offering additional housing at modest cost. These 15 residential units are not going to be million-dollar condos.

The intersection of Park Road, Klingle Road, and Walbridge Place has always been troublesome. Park Road and Walbridge Place are “minor arterials”, meaning that they're expected to carry heavy east-west traffic, and are not merely “neighborhood” streets.

The intersection is complicated by odd geometry. The roads do not cross at 90-degree angles, and it's not possible to have the normal intersection pattern of a “through” street simply crossing a “side” street.

Traffic flow on a normal cross-street intersection is bidirectional: first east- *and* west-bound traffic goes, then north- *and* south-bound traffic goes, traffic flowing easily in opposing directions. Because this won't work with the geometry of this intersection, DDOT has implemented a completely *unidirectional* system: each of the four streets at the intersection gets an exclusive green, traffic flowing in one direction only, while the traffic in the opposing direction has a red light. This makes for an inefficient intersection, the green-light time being divided among four traffic flows, not two.

Years ago, to allow some bidirectional traffic despite the peculiar geometry of this intersection, DDOT implemented a system separating the Park Road lanes: first one lane gets a green, while the other has the red, then vice versa. For example, northbound Walbridge Place traffic had the green, as did the right lane of southbound Park Road, while the left lane of Park Road – eastbound – had a red arrow and had to wait.

That system worked, allowing some bidirectional traffic flow, but the occasional driver didn't understand the apparently conflicting lights for adjacent lanes and ran the red, especially in the right turn from Park Road westbound to Park Road northbound. That evidently caused DDOT during the week of March 2 to abandon the separate-lane system and implement the simpler one-direction-only arrangement, despite the reduction in traffic efficiency caused by the elimination of all bidirectional traffic flow.

DDOT's changes may have made the crosswalk a bit safer, but at significant cost in traffic flow. What the ANC asked for, two years ago, was an elevated crosswalk, like that on Park Road at 19th, and a curb bulbout to enhance pedestrian visibility. DDOT hasn't given us those.

Initially, with the newly revised traffic-light system, the southbound Park Road to Walbridge direction – a route that gets a lot of morning traffic, of drivers continuing on to Adams Mill Road, then east to Irving Street – was getting only about 15 seconds of green. This led to occasional overloads of that direction, and traffic backups reaching all the way to the bridge over Piney Branch Parkway, and into Rock Creek Park. I brought this to the attention of DDOT, and now the green-light time in that direction is close to 30 seconds (one-fourth of the two-minute total cycle), and there haven't been any long backups, to my knowledge, since.

It would have been nice if DDOT had informed us, and the Mount Pleasant public, of this forthcoming change, and perhaps even allowed us to express our opinion on the traffic-light compromise. But DDOT these days simply does what it wants – see the elimination of our 25-foot parking – without a word of notice to us residents, much less actual consultation.

A contract has been let, and work should soon begin on improvements to **the 1900 Lamont park**, in particular, modifications to deal with the terrible erosion afflicting that lot.

The March meeting of the ANC has been cancelled, due to the coronavirus emergency.