

## Jack's March report

At the February ANC1D business meeting, the ANC did the following:

- Advised the Historic Preservation Review Board (HPRB) to support the permit application for 1818 Kilbourne Place;
- Advised DDOT to “purchase and install a bicycle fix-it station on Lamont Plaza”;
- Asked DDOT to improve safety for pedestrians and bicyclists on Irving Street, specifically by restoring the barriers that widened the north-side sidewalk between Mount Pleasant Street and 16th;
- Advised DDOT to conduct a bike-lane study for Columbia Road in Adams Morgan, from Connecticut Avenue to Harvard Street.

I mentioned last month that the ANC received a “Notice of Intent” from DDOT to carve out a **loading zone on Newton Street**, along the Stoddard Baptist Home frontage. The case for the loading zone was irrefutable, given the frequent complaints of Newton being blocked by double-parked trucks making deliveries to the Home. The “Notice of Intent” meant that DDOT was going to do this, barring some really strong arguments in opposition.

Much as Newton residents need all the curbside parking they can get, it was clear that this loading zone was needed, and justified the cost of three parking spots. The lost parking was not Residential Permit Parking, being along the Home frontage. And the loading zone will be available for overnight parking, when the need for parking by residents is greatest.

Residents of Newton expressed concerns about the noise from delivery trucks, and we took advantage of this notice from DDOT to ask for signs posted advising truckers of the ban on idling a vehicle while making the delivery. Residents also asked that the loading zone not be available before 8 AM, to minimize being awakened in the morning by truck noise. Much to my surprise, DDOT agreed to both measures. There will be signage warning truckers that idling for more than three minutes is prohibited, and the hours for the loading zone will be 8 AM to 6:30



PM.

The dreadful **covid-19 plague** continues. The daily count of positive covid tests dropped sharply in January, certainly an encouraging sign. But that decline, like the nationwide decrease in positive tests, stopped in late February, and lately has shown signs of increasing again. Nobody really understands the decline by two-thirds, and nobody's sure why the count is increasing again.

Whatever the reasons for the dramatic changes in the daily count, we've got to continue to be careful. I see very few people in public without masks. Vaccination proceeds, and about 12 percent of the DC population is now vaccinated. Between that, and warmer weather (less time spent indoors), I expect the daily test-positive count to decrease. But the

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Jack McKay, March 15, 2021

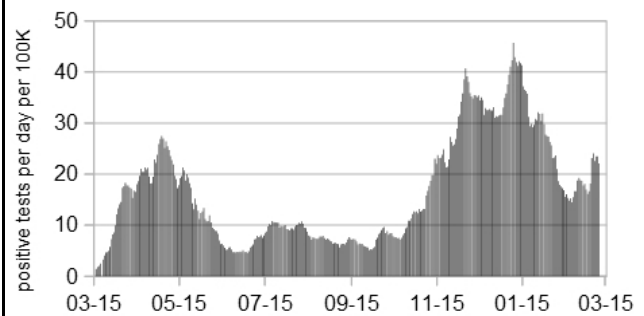
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current rate, about 20 per day per 100,000 residents, is well above the 5 per day that is a criterion for proceeding to a less stringent mitigation regimen. Lately there's been an increase in the daily count, which I hope is temporary.

### DC test positives, per 100K population

7-day average, through March 10



I was a lone vote in opposition to the resolution calling for a **bike-lane study for Columbia Road**, from Connecticut Avenue to 16th Street. That's not because I oppose such a notion – I'm a longtime bicyclist, and of course I support measures to make bicycling in DC safer. The problem with this resolution is simply that this road is entirely in ANC1C, Adams Morgan. Not an inch of it is in our ANC.

The advocates argued that the bike lane in Adams Morgan would benefit residents of Mount Pleasant, so we should support it on that basis. But the law defining the purview of ANCs is explicit: we are to consider District government policies “*which affect that Commission area*”. Not “*which affect the residents*” of that area, but “*which affect that Commission area*”. I do not believe that we have standing to deal with issues that are not within the boundaries of Mount Pleasant.

Consider the converse situation: should the ANCs of Adams Morgan, or Columbia Heights, be “advising” the District Government concerning matters that are entirely within Mount Pleasant? Should those ANCs have “great weight” for matters that are only in Mount Pleasant, on the basis that their residents sometimes come to Mount Pleasant, and so are affected by matters here? I should think we would object strenuously to other ANCs judging matters that are entirely outside of their commission areas, and within ours.

The commissioners of other ANC's are not answerable to residents of Mount Pleasant, and have not been elected by the residents of Mount Pleasant. Similarly, we Mount Pleasant commissioners are not chosen by the residents of Adams Morgan, and so are not answerable to the residents of Adams Morgan. So we should refrain from taking official ANC positions on matters that are entirely in some other ANC area. Hence, my "no" vote.

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I mentioned last month that I've been trying to get a **permit to install handrails** on our front steps. As is the case in much of Mount Pleasant, our front yard is public space, being unused right-of-way for 19th Street. So a permit must be approved by DDOT Public Space.

I filed the permit application in mid-November, and got immediate approval from Historic Preservation. If it's okay with Historic, then what might Public Space have to be concerned about? They wouldn't say, but the application sat idle at the DDOT Public Space desk for six weeks. Then they said they wanted more information, which I promptly filed. That was followed by another six weeks of inaction.

Finally, in mid-February, a response: I needed to apply for some curbside space occupancy, as if I need a dumpster or something to do the job. Okay, I obediently filed for one curbside space, and imagined that that would complete the permit application.

No such luck. When pressed, DDOT replied that "DDOT requires 30-days to process all applications". Those are business days, so that means six calendar weeks. And no matter that the latest "change" is irrelevant to the proposed object: DDOT wants its six weeks; not once, not twice, but now three times, and there's no assurance that they won't demand something more from me at the end of this six-week delay.

I tell people that yes, you must apply for the required permits for any work done on your house. But it's hard to ask people to get permits, when the DC permit process is so absurdly obstructionist.

I must say that the DCRA has been very cooperative and helpful. And the Historic Preservation Office, the same. Only DDOT seems to be bent on preventing residents from doing anything to improve their homes.

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**A nasty assault** took place in the alley between Harvard and Hobart on February 19. The victim was walking from Mount Pleasant Street through the alley when a man stepped out from a dark, doorless garage, and approached her from behind. A brief but ugly encounter followed. The victim cried out for help, and, this being Mount Pleasant, people appeared to see what was happening. The attacker fled.

I mention this because we have to be aware of places where such a person could lurk, ready to assault an innocent passerby. In this case, the unlit garage made an easy hiding place.

I am told that, since this incident, lighting has been installed in that garage, possibly of the motion-sensing sort. That's an effective measure to take for such locations: the motion-sensing light switching on due to the detection of an intruder will warn anyone that there's somebody in that garage.

The victim in this case is doing well, seriously upset and angry but not physically harmed.

Third District Commander Emerman writes that he had "not seen any other cases similar to this one recently", and he hopes that this incident will not be repeated. I worry that anyone who does such an ugly thing is all too likely to try it again. So let's keep lights on out there.

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In December the City Paper reported on a historic preservation problem at the 110-year-old **Renaissance apartment building**, on 16th Street at Irving. The building is lauded in the National Register of Historic Places as an example of the "*grandeur and elegance that was to characterize 16th Street at its zenith*". That makes the building especially subject to strict preservation.

On the front of the building there are balconies, which in urgent need of repair, at a cost of \$1.69 million. The residents, who are not high-income folks, don't have that kind of money, and would like to be permitted to remove the balconies. I'm afraid that there's little chance of that.

This will go to the Historic Preservation Review Board (HPRB) on March 25. I'm sure the Board will be sympathetic to the hard-pressed residents, but will be unable, limited by the District's historic preservation law, to permit such a change. If the HPRB won't allow a small change in the dimensions of a front window on a mere Monroe Street row house, they certainly can't allow such a drastic change as the removal of these balconies from the front of the Renaissance.

The cost of preservation is not a factor that the HPRB can consider, other than this provision: "*No permit shall be issued unless the Mayor finds that . . . failure to issue a permit will result in unreasonable economic hardship to the [low-income] owner*". Perhaps the residents qualify as "low-income", I don't know. Ownership is complicated by this building being a mix of condos and a cooperative.

The HPRB does not itself decide on permits; it only offers expert advice to the Mayor, and the final decision is in fact up to the "Mayor's Agent". I expect the HPRB to advise against permitting removal of the balconies, while likely expressing concern about the heavy cost, and the limited financial resources of the residents. The issue will then go to a hearing by the Mayor's Agent, who is currently J. Peter Byrne, Professor of Law at the Georgetown University Law Center. It'll be up to him to decide the matter.

I think the residents would be well advised to resign themselves to keeping the balconies, and to appeal for financial assistance for their repair from the DC Government, and the ANC should advise the District to provide that assistance. Then we can have it both ways: the historic preservation of a truly special building, and the continuation of some relatively affordable housing in the Renaissance.

**The March meeting of the ANC will take place at 7 pm, March 23. Due to the pandemic, it will have to be a "virtual" meeting, accessible only via the internet, using Zoom software. See the ANC1D website, [anc1d.org](http://anc1d.org), for details.**