ANC 1D03 NEWSLETTER #160

Jack McKay, May 15, 2016

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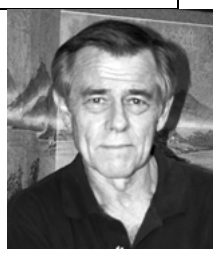

Jack's May report

At the April meeting, the ANC:

- Approved a budget of up to $1500 for "web site enhancement";
- Voted to oppose an application for a zoning variance for 1716 Hobart Street (4 to 1 vote, my "no");
- Endorsed the DDOT proposal for bike lanes on Adams Mill Road;
- Supported the routine liquor license renewal applications for all six Mount Pleasant restaurants;
- Advised ABRA to approve the request by Corado's Restaurant for termination of its "voluntary agreement";
- Advised DDOT to retain the 16th Street bus stops at Newton and Lamont, opposing the proposal to eliminate those stops;
- Endorsed the application for a "special exception" to permit a rear deck at 3240 19th Street;
- Endorsed the application for a variance, and a special exception, to permit a gym/fitness center in the Woodner Apartments, 3636 16th Street;
- Advised the DCRA to restore its on-line permit application status database;
- Agreed to pay up to $200 for "posters and flyers" for a Meet the Neighbors event in Lamont Park, April 30.

The ANC's job is to represent the neighborhood, as a whole, to District agencies, to have a voice in their policies concerning Mount Pleasant. I do not like to see the ANC **getting into the middle of a neighborhood dispute and taking sides, one neighbor against another**. That's what this zoning matter at 1716 Hobart was about: the resident wants to add to her house, the neighbors – some of them, anyway – object. On what grounds should the ANC choose to support one side, against the other?

My advice to the commission was to refrain from taking sides, let the ANC be neutral, and let the Board of Zoning Adjustment (BZA) decide the matter, according to their regulations. I assessed the case for the applicant as weak, and unlikely to succeed at the BZA, especially with neighbors showing up to protest, so there was no need for the ANC to take that position.

However, other commissioners preferred to take sides, joining the vocal neighbors in opposition. Very well, but there was a problem: the ANC never gave the applicant a hearing. She had intended to come to our April meeting to present her side of the matter, including support from some neighbors, but at the last minute the ANC was forced to change its meeting date from April 26 to April 25, the Library being closed on our scheduled meeting date. (How I regret the move of our meetings to the Library, where we are at the mercy of their schedule!)

The applicant could not attend the rescheduled ANC meeting, and offered to request a one-month delay in the BZA hearing so that we could hear her out, and consider the matter, at our May meeting. I thought that was a pretty fair offer. But the other commissioners declined, and insisted on imposing their decision, despite having failed to give the applicant a hearing on a par with that offered her opponents.

I think that's wrong. If we're going to take sides in a controversial neighborhood issue, then we should – we must -- give both sides fair and equitable hearings. The other commissioners disagreed, and voted to "advise" the BZA to deny the permit application. I voted "no" on that resolution, not because I thought the applicant had the better case, but because it was wrong to take that official ANC action without giving the resident a fair hearing.

In my April newsletter, I noted that our **Asian Tiger mosquitoes** – *Aedes albopictus* – are, like *Aedes aegyptie* "yellow fever" mosquitoes, capable of propagating nasty tropical diseases, including the Zika virus. The *A. aegyptie* mosquitoes are rarely found north of the Gulf Coast states, because they do not survive cold winters. The Asian Tiger mosquitoes, unfortunately, do, and so constitute a threat well north of the range of the more commonly known disease-spreading mosquitoes.

Other parts of the nontropical world are beginning to worry about these noxious Asian Tigers. Here's a report from *Der Spiegel*, a prominent German news magazine:

"When the man from India traveled to northern Italy to visit relatives in 2007, he didn't suspect that his trip would cause someone to die. The man was carrying the Chikungunya virus in his body, a pathogen that didn't exist in Italy. After his arrival, he was bitten by an Asian tiger mosquito, which likewise was not native to Italy. The mosquito then spread the virus further.

"Within a short time, 200 people in northern Italy fell ill with Chikungunya fever and one person died. Doctors were later able to determine that the entire outbreak could be traced back to this single visitor -- in combination with the Asian tiger mosquito, which had earlier become established in the Mediterranean country."

That is what will surely happen here, where we have not only countless Asian Tiger mosquitoes, but many residents who frequently travel to countries in tropical regions, potentially returning with infections, which can then be communicated to other residents by these mosquitoes.

It hasn't yet been warm enough for our Asian Tigers to hatch, but that will come soon, and I'm prepared, with four traps to attract and kill the egg-laying females.

The only mosquito trap effective against "container" mosquitoes like the Asian Tiger is the SpringStar Mosquito Trap-N-Kill. There are many mosquito traps made, but most are effective only against the more common mosquito in

temperate climates, the *Culex* mosquitoes. The breeding habits of *Culex* mosquitoes are very different from those of the *Aedes* mosquitoes, so it's necessary to obtain traps designed specifically for the latter. They're available on-line, or at Home Depot, and I'm encouraging our local hardware store to get them.

Perhaps everyone knows now that, by DC law, any tree over 55 inches in circumference (18 inches diameter, measured 54 inches from the ground) is considered a **"special tree"**, and may not be removed without a permit. That's any such tree, including anywhere on your private property, not just trees on public space.

The District Council has recently changed this to reduce the minimum circumference of a "special tree" to 44 inches (14 inches diameter). This will take effect in June.

The fines for removing a "special tree" without a permit are being increased as well, from $100 per circumference inch ($314 per inch diameter) to $300 ($940 per inch diameter). Taking out a 15-inch tree without a permit will now cost you about $14,000.

If it's a mulberry, though, or an ailanthus, or a Norway maple, then you're free to take it down. Many of our street trees are Norway maples, planted when those were thought good trees. Now Norway maples are considered invasive, "weed" trees. I don't know when the District decided that the tree they thought ideal, and planted in large numbers all over the city, was a nuisance that should be chopped down at every opportunity.

The tree outside my house, rudely ripped down by a DC contractor's truck last summer, was a Norway maple, so I suppose the District decided that the truck driver was inadvertently doing us a favor, and didn't hit them with a "special tree" destruction fine.

That tree has been replaced with a little sweetgum, which I will carefully nurture, though I won't live long enough to see it grow the size of that unfortunate maple. Other residents with saplings lately planted near your homes, and equipped with watering bags: you must take care of those trees, most importantly, filling that watering bag once a week, through the hot days of midsummer. The city won't do it, and way too many of these young trees die every summer for lack of water, overlooked by the nearby residents.

"Aging in place" is favored policy these days, as people really want to live out their lives in their familiar homes, despite the troubles of advancing age. This can be difficult in Mount Pleasant, where our homes were not designed to house people with physical limitations.

A Park Road resident wants to remove a portion of an alley wall so that she can put a parking pad in her back yard, easily accessible from her home. It's an alley, so one would think that this wouldn't be a problem. But it's that exceptional alley above Park Road that serves as the primary access to the grand mansions high above the street. And the wall in question is not some ugly concrete-block thing, but is a fine old rock wall. So "historic preservation" becomes an issue, though this is not a matter of building architecture. There will be objections to any removal of a portion of that wall.

My sympathies are with the elderly, and in favor of "aging in place". If a case can be made that the change is necessary for an aging resident to remain in her home, then I think the change should be allowed, her welfare being more important than the cosmetics of the place for the pleasure of passers-by.

Being of advanced age myself, and with a wife who qualifies for handicapped-driver tags, I'm biased, to be sure. It's easy to assert, when you're young and healthy, that old folks ought to be shipped off to assisted-living facilities. But when the time comes – and it does, to all of us – the thought of being forced out of one's home of decades, in favor of some sterile assisted-living home, is dreadful.

Historic preservation is, unfortunately, unsympathetic to "aging in place", demanding that the exterior appearance of one's home be considered all-important, whatever the cost to the ability of the residents to live in their home. I've seen this come up at the HPRB, when a wheelchair-bound resident asked for permission to modify his front porch with a ramp to get his chair up onto his porch. The HPRB only reluctantly agreed to a ramp, and insisted that it be a removable fixture, so that when the old man died, the house could be restored to its proper "historic" appearance. Those folks on the HPRB have hearts of stone.

The District's historic preservation law has no exceptions or considerations for for anyone growing old, or becoming disabled. When you get old, or if you have a crippling accident, you're just supposed to move to a neighborhood that isn't a historic district.

Twenty years ago, I broke my back in a bicycling collision, and came really close to being permanently paralyzed, waist down. Suppose I had come home in a wheelchair. What would I have been permitted to do about my own front steps, suddenly impassable? What's more important, the external architecture of my home, for the esthetic pleasure of passers-by, or my ability to continue to live in it?

Back when becoming a historic district was being sold to Mount Pleasant residents, nobody talked about such things.

"Voluntary agreements", forced on restaurateurs in order to get liquor licenses (they're no longer called "voluntary"), once prohibited live music and dancing in Mount Pleasant restaurants. Getting those onerous provisions removed was a huge struggle, culminating in a 2008 decision allowing some, limited, live music and dancing in Mount Pleasant. Then, far from turning Mount Pleasant into another Adams Morgan, not much happened; as the Director of ABRA said to me, "the sky didn't fall".

Those circa-1999 agreements have been terminated at several restaurants, with the support of the ANC. We were advised this month that the agreement for Marleny's Restaurant has now been terminated. Corado's Restaurant has also requested termination, as has Purple Patch (theirs inherited from Radius). The ANC supports all these terminations.

The next meeting of the ANC will be on Tuesday, May 24, 7:00 pm, at the Mount Pleasant Library.