

## Jack's October report

At the September meeting, the ANC did the following:

- Advised the Board of Zoning Adjustment (BZA) to approve a “special exception” for a garage-roof deck at 1800 Kenyon Street;
- Advised the Department of General Services (GSA) to release the lead levels detected at DC school playgrounds found in their lead testing of poured-in-place playground surfaces.

---

During the summer, the GSA tested **lead levels at public school playgrounds**, including Bancroft. The Bancroft results showed low lead level in the bulk playground material, but a high (greater than 400 parts per million) in playground “rinsate”, i.e., in water used to wash down the surface of the playground material. That suggests that the lead is coming via dust from nearby buildings. As the GSA report says, “Lead in the rinsate or wash samples can be an indication of a significant source of lead in the area that may be contaminating the PIP playground”.

I doubt that the concentration measured in this “rinsate” is meaningful. Basically, using more water for the wash would yield lower lead concentrations, so what does that 400 ppm level really mean? It's encouraging that a surface-wipe test at Bancroft did not show worrisome lead levels. That, of course, appears to contradict the “rinsate” result.

What is one to conclude from this? Well, it seems that the playground material itself is not a problem, but ambient dust in Mount Pleasant may well be a lead problem – hardly a surprise, given the age of the neighborhood, and the many homes that have old, lead-based paint. That implies that this is a neighborhood-wide problem, not something specific to the Bancroft playground.

---

I wrote in my September newsletter about DDOT's sudden nullification of the law **allowing residents to park as close as 25 feet from an intersection**, versus the 40 foot distance where the “no parking” signs are placed. DDOT did this with a perversion of the public notification requirement for such a change. DDOT issued two Notices of Proposed Rulemaking – NOPRs – which indicated that the 25-foot provision would be retained, the proposed rule change amounting to only a reordering of the text. Then, with the Final Rulemaking, DDOT removed the provision altogether, evidently taking advice from a Capitol Hill ANC as expert guidance. So, boom, as of August 16, the 25-foot provision was annulled.

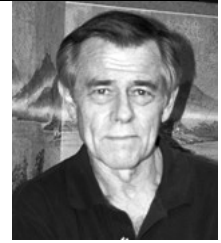
I planned to fight this change, arguing that the notification was inadequate, so there was no real opportunity for the public to comment on the elimination of the 25-foot parking. Given reasonable notification, we could then have a discussion of that provision, which has been DC law since 2006 without evident trouble.

So I introduced a resolution at the September ANC meeting to advise DDOT to publish this specific change as a new NPR. That did not, however, go well. None of the other three commissioners present would “second” my motion. That meant that my resolution died without even a discussion.

## ANC 1D03 NEWSLETTER #196

Jack McKay, October 14, 2019

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



No commissioner was required to explain why he or she declined to have my resolution brought up for discussion.

I just don't get it. Sure, we all want to see fewer cars on the streets of DC, moving or parked. But there are many residents who have legitimate need for a personal automobile, and who don't have private garage or parking pad parking, so they depend on curbside parking. In any case, we should have a fair discussion of 25 feet versus 40 feet distance, rather than having that decision made by DDOT with no public debate.

But my effort to begin a restoration of the 25-foot provision, starting with a public discussion of the pertinent safety considerations, collapsed with the ANC's refusal to even talk about my resolution. I had planned to use that resolution as support in an appeal to DDOT, and to the District Council, to reconsider the termination of the 25-foot rule by DDOT. But without ANC support, I'm just a lone voice. No, it's worse than that – a representative of the Mayor's Office was there, and saw the ANC soundly reject my resolution. So the word is out: this ANC is not giving me any support in recovering that lost bit of neighborhood curbside parking.

In mid-October, the online DC regulations were revised to incorporate the DDOT changes. So, a warning to all my neighbors: *don't park past the 40-foot signs, as we've been allowed to do for the past 13 years.* The 25-foot provision, which gave us just a couple of additional parking spots on each block, is gone.

---

Several Mount Pleasant restaurants, with **CT (tavern) liquor licenses**, must renew their licenses in October, namely the Raven Grill, Sun Cinema, Haydee's, Don Jaime's, and the Marx Cafe. I will ask the ANC to endorse all of these renewals.

---

The owner of 1800 Kenyon has been trying for months to get a permit for a **deck on his garage roof**. This used to be routine, but the Zoning Commission rewrote the zoning rules last year, and in doing so, wrote a definition of “penthouse” that includes anything built on top of any structure – including a garage-roof deck. Everyone agrees that that's ridiculous, because no one thinks that a garage-roof deck is a “penthouse”, and the text will be changed to describe more reasonably what is a “penthouse”. But that correction is very slow in coming.

So this resident decided to apply for a Special Exception instead. The ANC supported his application, which was considered by the Board of Zoning Adjustment (BZA) on

October 9. The BZA readily approved the Special Exception, as I had predicted it would.

This is one of the important roles of the ANC: assisting residents to overcome hurdles imposed by DC regulations.

In a similar effort, I've been assisting Mrs. Hemen Solomon at the **Addis Paris Cafe** in a liquor license conversion from CR (restaurant) to CT (tavern), a license class much more appropriate for her fine little cafe. In July, the ANC passed my resolution of support for the change. I expect that license conversion to be approved by the Alcoholic Beverage Control Board later this month.

**Daylight Saving Time ends on November 3.** Sunset will then come at a few minutes after 5 pm. By half past 5, it will be truly dark. so most of rush hour will be in darkness.

That poses a substantial risk to pedestrians. *Three-fourths of pedestrian fatalities occur in darkness.* Since 2008, the number of pedestrian fatalities in darkness nationwide has increased by 44 percent, while the number of daytime fatalities has increased by only 11 percent.

The darkness effect on pedestrian fatalities leads to a substantial seasonal variation, the rate of pedestrian fatalities increasing in winter. This is clear in the chart below (I know, it's not going to come out well in this black-and-white printing). The smoother up-and-down line is temperature, indicating summer and winter. The more jagged line shows the nationwide pedestrian fatality count, month by month. With the arrival of winter, and early darkness, the pedestrian fatality count increases sharply, almost doubling.

So, with early darkness soon upon us, what is to be done? What we pedestrians can do is wear clothing that will be visible despite the darkness. The increased pedestrian fatality

rate in wintertime isn't because of the cold – it's because drivers have difficulty seeing pedestrians in the darkness. Winter coats tend to be dark colored, as if the wearer is trying to be invisible on a dark night. Too often, when I'm in my car, I see many pedestrians visible only as dark shadows silhouetted by the headlights of oncoming traffic.

No doubt drivers ought to be able to see all pedestrians, however darkly dressed. But that's not much solace if you or a member of your family is hit. Better for us as pedestrians to do what we can to be visible despite the winter darkness.

National Highway Traffic Safety Administration (NHTSA) advice for pedestrians: *"Be visible. Wear bright clothing during the day, and wear reflective materials or use a flashlight at night."* A bit of reflective tape on the sleeves of a winter coat could make the difference between being seen, and not being seen, by that oncoming driver.

I understand that there will soon be a community meeting concerning what's to be done with **the small park at 19th and Lamont**. The area is a dreadful mess, far worse than ever before in the 45 years that we've lived next door to it. With most of the grass gone, erosion is washing away the clay, excavating deep ruts in the ground.

Until 2001, the lot was maintained by the adjacent apartment house, which treated the lot as if it were private property. That's what's done in much of Mount Pleasant, where many of our front yards are not our own lots, but are DC property, unused DC right-of-way. The lot at 19th and Lamont is, like our front yards, a portion of unused road right of way, a block of Lamont Street that was never built into a street.

**The next meeting of the ANC will be on Tuesday, October 22, 7:00 pm, at the Mount Pleasant Library.**

