

## Jack's September report

At the July meeting, the ANC did the following:

- Advised ABRA to permit the license change of the Addis Paris Cafe from CR – restaurant – to CT – tavern;
- Asked DDOT for bicycle, pedestrian, and automobile safety enhancements at the left turn from eastbound Columbia Road onto Harvard Street;
- Asked DDOT to assess the feasibility of a protected bike lane on Harvard Street;
- Endorsed the request by ANC1C that one block of Quarry Road be honorarily renamed “Casilda Luna Way”;
- Approved the expenditure of up to \$6040 in support of La Fiesta del Barrio, hosted by La Clinica del Pueblo.

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There was **no ANC meeting in August**, and hence, of course, no newsletter. The DC government largely shuts down for August. Emily and I took some time off to go to a rocky little island in Canada and spend some time with her sister. But now it's September, summer's over, school's in session, and it's time to return to work!

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The license change to “tavern” at **the Addis Paris Cafe** does not indicate any actual changes at the restaurant. A problem with the “restaurant” classification is the imposition of some hefty requirements to confirm that the place is really a restaurant, and not a bar pretending to be a restaurant. A particularly troublesome requirement is that the place have annual gross food sales of \$2000 “per occupant”. “Per occupant” means the maximum occupancy permitted by the certificate of occupancy, not actual patrons, or even seats; that is, it's as if the restaurant is crowded to maximum legal capacity. Allow for actual patronage well short of legal maximum capacity, and modest-priced meals, and suddenly \$2000 per year “per occupant” is a problem.

Hence, “tavern” licenses, which do not have food sales requirements, are popular in Mount Pleasant; Ellē, Mola, Don Jaime's, and Haydee's are all “taverns”. This has not been a problem for the neighborhood. They're not bars, only pretending to be restaurants; they're restaurants, whether they meet the liquor-license definition of “restaurant” or not. So I led the effort here to support a tavern license for the Addis Paris Cafe. It's a nice place, a credit to the neighborhood, and we want to keep it here.

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The matter of the **protected bike lane on Harvard Street** is indicative of a larger issue: bikes versus cars.

Commissioner Chelsea Allinger's resolution suggested that the parking along the north curb of Harvard be moved out away from the curb, and the bike lane moved into that gap, in order to provide a “protected” bike lane, like that on 15th Street.

But there's a problem with that: one cannot simply move the parking lane out, and the bike lane in, in the same amount of space. If the five-foot bike lane is simply squeezed in between the cars and the curb, then bicyclists face a severe hazard of passenger-side car doors suddenly opening in front of them – being “doored”. This happens with regular bike lanes, certainly, but there a bicyclist can dodge out into the

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Jack McKay, September 16, 2019

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street. Caught between cars and curb, a bicyclist cannot dodge a car door suddenly popping open.

So DC regulations call for at least two feet of buffer space between the parked-car lane and the bike lane – ideally, three feet. So putting the bikes between the parked cars and the curb requires two or three feet more pavement than does the bike lane alongside the parked cars.

But Harvard Street doesn't have an additional two or three feet of width. The traffic lane has to be ten feet wide (it's classified a “collector”, and has bus traffic). Parking lanes are supposed to be eight feet wide, and the bike lane five. Add in two feet for the bike buffer, and evidently 35 feet of street width is required. But Harvard Street, like most streets in this area, is only 30 to 32 feet wide. The resolution asking DDOT to investigate this possibility passed, and DDOT has since confirmed that the street isn't wide enough.

But wait – suppose the curbside parking on the north side of Harvard were eliminated? Then there would be ample space to build a protected bike track on the north side of Harvard, like the bike tracks on Klinge Road. From 30 to 50 curbside parking spots would disappear, making space for the bike track. I'm pretty sure that nearby residents would object vehemently to that. That's a lot of parking, and the residents of the apartment houses in Lanier Heights surely need them.

The ANC has not formally considered that alternative. I understand from Commissioner Allinger that she wouldn't support removing curbside parking for the bike track. I certainly won't. I'm a longtime DC bicyclist, and I appreciate the value of a “protected” bike lane, but the value to the community of a protected bike lane is, in my opinion, far from sufficient to warrant the large cost to the community in curbside parking. A few parking spots, sure. But 30 to 50, depending on how much of Harvard would lose parking? That's too much.

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There have been reports of some guy **attacking young women running along the Rock Creek Park path** that goes from Park Road to Mount Pleasant Street (behind Bancroft). The man seems to favor women running with their hearing hampered by earbuds.

The Park Police, and DC police, are aware of the problem, and are doing what they can. But clearly anyone running alone in the woods is at great risk, with no neighbors nearby to respond to a call for help. Be alert, and aware of things around you! The crime rate around Mount Pleasant is quite low, but it's not zero.

Thirteen years ago, Councilmember Carol Schwarz brought about the **Parking Enhancement Amendment Act of 2006**, which included the provision that, on Residential Permit Parking (RPP) blocks, the minimum distance to an intersection for residents' RPP-stickered cars would be 25 feet, instead of the 40 feet that is otherwise the rule. The no-parking signposts are placed at 40 feet distance, so this unusual provision allowed residents' cars to extend up to 15 feet beyond the no-parking signs, and yet be legal.

It took a while for that odd arrangement to become understood by the parking enforcement folks, but in time they learned that what mattered was the 25 foot distance, not the location of the signpost at 40 feet. This additional 15 feet has allowed residents of high-density neighborhoods just a few additional parking spots, much valued by residents coming home late. There are two such spots visible from my home office window, and I see them very frequently used.

Well, on August 16 DDOT rather abruptly, without warning, terminated that provision of the parking law. This was bizarre. In 2016, DDOT issued a Notice of Proposed Rulemaking (NOPR) which revised a number of parking regulations, but preserved this 25-foot rule. In 2018, this was followed by a second NOPR, refining the various proposed rules, but still leaving the 25-foot rule unchanged. Then, this past August, the concluding rulemaking was published, a Notice of Final Rulemaking. And, in that publication, the 25-foot provision was deleted!

It seems that a Capitol Hill ANC had “advised” that no parking be allowed within 40 feet, anywhere. DDOT, apparently respecting the opinions of this one ANC more than it did the 2006 decision of the District Council, agreed to nullify the 13-year-old 25-foot provision. And, because this DDOT decision was announced only in the final publication of the rules, not in either of the two preceding NOPRs, no one -- not the public, not the District Council, not any other ANCs -- had an opportunity to question the elimination of the 25-foot provision.

One can certainly debate the 25-foot provision, though it's not been a problem anywhere, so far as I know, during the 13 years that it's been in force. But that discussion never took place, because DDOT made this change to the regulations with no prior notice.

I've pointed out to DDOT that this was improper, even illegal. The DC Code is clear: “If, after a proposed rule has been published initially in the District of Columbia Register, an agency decides to alter the initial text so that the proposed rule is substantially different from the initial text, the agency shall submit the altered text as though for initial publication.” That is, if DDOT intends to make such an important change to the proposed rules, that change should appear as a NOPR, not as a final rulemaking notice (“effective upon publication”).

Right now that's all I'm trying to accomplish – to have this nullification of the 25-foot provision held off, to be announced as another Proposed Rulemaking, allowing proper public discussion of that provision. DDOT on September 15, rejected my request for that reconsideration.

Meanwhile, is parking according to the 25-foot regulation legal, or not? I think not, but it will be a while before Parking Enforcement incorporates the change in the parking law.

Meanwhile, if anyone is ticketed for parking beyond the 40-foot sign, please tell me about it (and be sure to document the parking with a photograph).

Now, about that notion of **putting a bike track between parked cars and the curb** on Harvard Street – that would require the removal of 30 to 50 good curbside parking spots, which are especially needed by the apartment house residents of Lanier Heights. I would never support such a thing, simply because the cost to automobile-owning residents far exceeds the benefit to neighborhood bicyclists. (And I must note that I've been a bicyclist for all of my years here, including bike-commuting for some decades.)

But the discussion of the Harvard Street possibility showed that not everyone agrees that curbside parking is to be preserved. There were comments to the effect of “cars get more than their fair share of street space now”. True, and that's something to consider. But beyond that, there's an attitude of willfully inflicting inconvenience on automobile owners in order to persuade them to give up their cars – a “war on cars”.

The anti-car people argue, correctly, that the dominance of the personal automobile in cities has to change, not only for the quality of life in the city of the future, but to reduce our fossil fuel consumption and carbon dioxide emission. What we're doing now is, truly, not sustainable.

The ANC oath of office commands us to judge matters on the basis of what's best for the District, “as a whole”, not just what's preferred by us and our neighbors. So it's legitimate to argue that we should decide these parking issues based on the notion of a DC with fewer cars, and lower carbon emissions.

Nonetheless, I say that such fundamental changes should come at a higher level of government than ours. If the District chooses to establish a policy of reducing car ownership by reducing the availability of curbside parking, okay, we would have to deal with that. But I'm not going to support such an important policy change imposed only at the Mount Pleasant neighborhood level. Let a Mayor, or Councilmember, run for office on a program of reducing car ownership by reducing the supply of curbside parking, and see how that fares in an election. Should such a citywide policy be endorsed by the voters – unlikely, I think, but it could happen – then we would have to incorporate that policy in our neighborhood decisions.

Until that happens, I'll continue to support *preservation of curbside parking* for Mount Pleasant residents, beginning with retrieving the 25-foot intersection-parking provision that DDOT so arbitrarily terminated last month. Maybe some residents could get along without owning cars, certainly. But there are residents who have compelling needs for a personal automobile, and who must find parking for their cars on the street at night.

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