

Jack's April report

At the March meeting, the ANC:

- Agreed to be “supportive” of a liquor license application by the Pupuseria San Miguel, when that appears;
- Advised DDOT to make repairs to safety hazards in Mount Pleasant sidewalks (a Monroe Street resident recently suffered a broken foot, stumbling in one sidewalk defect);
- Heard about plans for an “accessory apartment” at 3304 19th Street, but took no position on the permit application;
- Heard about work planned for 1711 Kenyon Street, again taking no position on the permit application;
- Passed a resolution advising the District Council to revise the “short-term rental regulation and affordable housing protection Act of 2017” to accommodate the small short-term rental operations of communities like Mount Pleasant;
- Passed my resolution advising the Metropolitan Police Department, the Department of Public Works, and the Department of Motor Vehicles to make the list correlating traffic and parking ticket codes with Municipal Regulations readily available on their websites.

I mentioned in the March newsletter my concerns about Councilmember McDuffie's bill to regulate **bed-and-breakfast, short-term rental operations** in the District. The Councilmember intends to drive some of them out of business, arguing that such rentals deplete the supply of affordable long-term rental housing. The District is not alone in worrying about these operations, most operating under the aegis of Airbnb, an illustration of how the internet has revolutionized certain businesses.

I was surprised to discover that there are perhaps 200 such short-term rentals here in Mount Pleasant. They seem to be hardly noticeable, and I've heard few complaints from neighbors about them. As for depleting the supply of regular rentals, there are roughly 3000 rental households in Mount Pleasant, so even if those 200 short-termers were converted to long-term – and many would not convert, but would simply cease operation, if the District regulations become too onerous – the effect on our regular rental market would be insignificant.

I have to think also that, unless the harmful consequences of Airbnb rentals are substantial, the property owner ought to be able to choose whether to offer rentals for short-term or long. Yes, I'm a believer in property rights.

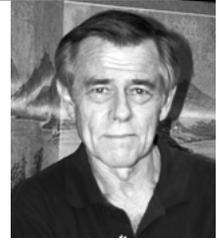
That said, if a short-term rental is not just a spare bedroom or basement apartment being rented out, but is multiple units, functioning like a commercial motel in a residential neighborhood – well, that may be a problem.

Commissioner Jon Stewart agreed with my concerns, and took the lead on our resolution. We later heard from Councilmember McDuffie's Legislative Director, who assured us that his bill was not intended to end short-term rentals, but would “limit home-sharing to primary residences, [where] District residents are permitted to rent their extra rooms or English basements all year long to short term

ANC 1D03 NEWSLETTER #169

Jack McKay, April 16, 2017

Jack McKay
3200 19th St, Tel. 462-8692
jack.mckay@verizon.net
<http://DCJack.org>



guests, as long as they comply with current zoning regulations” (e-mail, March 22).

We will watch this closely to see how this bill develops. Commissioner Stewart will testify to the Council on April 26.

About my resolutions concerning “**traffic and parking ticket codes**” – if you examine a ticket, you'll see that the violation is indicated by a three-digit code, preceded by the letter T for traffic, P for parking, with a very terse description of the violation. There is no way, however, for the recipient of the ticket to identify the actual violation, the explicit description in the DC Municipal Regulations of the law. My resolution simply says that there ought to be a readily available code list correlating these three-digit codes and the corresponding DCMR paragraphs. It's only right that a person accused of having violated a law be told specifically what law he or she has violated. The three-digit codes fail to do that.

Speed and red-light cameras generated \$190 million in fines in 2016. The speed camera on the 2000 block of Park Road was a small contributor, just \$7200 in fines during the year. Still, that's a fair number of drivers who have been persuaded, presumably, to slow down. That's the point to the camera: not to issue lots of tickets, but to compel drivers to refrain from speeding down that residential street.

Back in 2012, DDOT initiated a fundamental change in the **parking privileges allowed for disabled drivers**. DC practice has been to allow drivers with “disabled” tags to park at any meter for free, for twice the ordinary time limit. That free parking made fraudulent use of disabled tags very attractive, and certain streets downtown were crowded with commuter-owned cars with “handicapped driver” placards, evidently not too hard to forge. (And how is anyone to examine closely such a placard, inside a locked car?)

DDOT's answer was to end the free parking privilege, but set aside over a thousand parking meters for handicapped drivers only, namely the “red top” meters one sees around town. This caused an enormous uproar, as both able and disabled drivers objected. The disabled drivers complained that they preferred being able to park at any meter, rather than having to seek out a red-top meter, and yes, they liked free parking. Able-bodied drivers, and many businesses, protested the loss of so many parking spaces to “handicapped only” status. That brought the program to an abrupt halt, as DDOT had managed to offend everybody, in its effort to end the bogus-placard scam.

DDOT is now trying again, but on a limited scale: the new policy of red-top meters only for the disabled, and no free

parking for anybody, will go into effect on May 8, but only in the “Central Business District”, that is, south of Massachusetts Avenue, east of 23rd Street NW, west of 2nd Street SE, north of D Street SW/SE. Within that area, only disabled drivers may park at the red-top meters, and all must pay for parking. Outside that area, the old rules apply.

DDOT plans someday to expand this parking policy to the rest of the District. Perhaps we'll see how well it works downtown, first.

DDOT is beginning a year-long project to **upgrade the streetlights on Mount Pleasant Street**. These are now industrial “cobra” fixtures, practical, but homely. They will be replaced with fixtures suitable for a historic district, namely Washington Uprights and Teardrops.

That's good news, but there's a worry, too: these will be LED lamps, far more energy-efficient than the high-pressure sodium-vapor lamps now in use, but producing relatively harsh, blue-white light, much different from the yellow light that we're accustomed to. The 400-watt sodium lamps will be replaced with 120-watt LEDs, a very substantial energy saving. But many people dislike that cold blue-white color of the LED lamps.

Not long ago some alley streetlights were replaced with LED lamps, and that brought about complaints about how “bright” the new lights were. In fact, by measurement, the new alley lights aren't any brighter than the old ones, they just seem to be brighter. We anticipate the same concerns with the new Mount Pleasant Street lights.

I'm sure that some residents will be unhappy with the “color” of these LED lamps. Maybe this is just something we can get used to, as we've become accustomed to the yellow light from the present lamps. The promised savings in energy consumption and maintenance costs are very persuasive.

There's a resolution on the ANC agenda concerning the **Comprehensive Plan**, essentially calling for more “affordable” housing in the District. Well, no doubt there's a need for lower-cost housing, and housing here in Mount Pleasant has become crazy expensive. But is this text proposed for the Plan going to lead to acceptable results, here in Mount Pleasant?

The provisions of this proposed text for the Comprehensive Plan call in general for more housing to be built, and higher densities everywhere, hoping (rather optimistically, I think) for so much new housing that market prices will drop. For a “neighborhood commercial corridor”, such as Mount Pleasant, the proposed text calls explicitly for “*increased housing density*”. Well, how does one achieve increased housing density, in a neighborhood such as ours, which is already totally built up? Basically, one changes the restrictions of the zoning regulations to permit more dwelling units to be built on each lot. As a Commissioner supporting this resolution wrote, “If the comprehensive plan is amended to favor density, then zoning will follow.”

That's what worries me. The Comprehensive Plan guides future changes to zoning, so this will be a directive to future DC governments to revise those zoning restrictions that limit

density, to permit more dwelling units on any lot than are currently allowed. One can imagine more row houses here being turned into three- and four-unit apartment houses, relieved of the restriction that there must be 900 square feet of lot for each unit. Or the 40 percent lot coverage limit could be changed to allow row houses to expand out the rear and add dwelling units. Why not? The Comprehensive Plan calls for “increased density”, so something will have to be done.

The Comprehensive Plan text offers no guidance as to what zoning changes should take place in order to achieve the desired “increased housing density”. This is a blank check, written to future bureaucrats, to make whatever changes they think suitable in order to achieve the desired “increased housing density”.

I know from experience that such increases in density, achieved by compromising the zoning regulations, are not popular here. Take the row house on Lamont Street, now being built for four apartments, twice the number allowed by our row-house zoning (and approved in November by the BZA, over Historic Mount Pleasant's objections). I recall an earlier case on Irving Street, seven apartments built on a lot sized for just three; neighbors protested, but failed to overturn that decision by the DCRA Zoning Administrator.

Those are isolated incidents; this Comprehensive Plan resolution calls for such outcomes to be official policy. For that reason, I will not support this ANC resolution. Yes, we all want to see affordable housing. I don't believe that the transformation of Mount Pleasant from a neighborhood of row-house flats to one of small apartment houses is an acceptable means of achieving that end.

The much-anticipated **Paisley Fig** is now planning to open in the Heller's Bakery site in late summer or early fall. Their sister operation, the Room 11 Restaurant and Bakery, just received a glowing review in the Washington City Paper.

The **Each Peach Market** on Mount Pleasant Street also won plaudits from the City Paper, selected by readers as the best food market in DC. City Paper readers also named the **Beau Thai** the best Thai restaurant in the District.

On April 14, large **dividers appeared on the benches in Lamont Park**, evidently installed to prevent anyone from lying down on those benches. It turns out that, on a neighborhood walk-through by Mayor Bowser in February, somebody asked for such things. Nobody cleared this with the ANC, and the first I knew of them was in the e-mails from residents protesting the “dividers”.

As one resident wrote, “Please remove these exclusionary eyesores asap. These dividers shout from the heavens that this is a community of discrimination and segregation against the more vulnerable. I know we are better than this.” I agree, and a resolution will be considered at the next ANC meeting to ask that they be removed.

The quarterly **PSA (police) meeting** will be on April 26, 7 pm, La Casa Community Center.

The next meeting of the ANC will be on <u>Tuesday, April 25</u> , 7:00 pm, at the Mount Pleasant Library.
