

August report to constituents

Here is news of the **August 7 ANC meeting**, and other happenings in Mount Pleasant. The ANC:

- Endorsed the draft “Voluntary Agreement” (VA) developed by Hear Mount Pleasant;
- Authorized up to \$2000 for work with Washington Architecture Foundation (for plans and drawings to support new traffic concepts);
- Endorsed CM Jim Graham's measure providing for a six-month delay in the strict enforcement of the 45% food sales requirement for restaurant liquor licenses (my resolution);
- Advised the Public Space Administration to reconsider its decision concerning the Bestway/Zion Holdings public space application.

Hear Mount Pleasant, the group formed to **bring live music back to Mount Pleasant after seven years of the MPNA ban**, has worked out a detailed “voluntary agreement” (VA) that would allow such entertainment, while providing stringent controls to prevent disturbances to neighbors. Live music and entertainment would be permitted only until midnight during the week, and until 1 AM on Friday and Saturday nights. A night manager must be on hand and reachable by telephone to receive complaints. Restaurants offering live entertainment must conduct noise impact studies and have noise management plans.

The ANC joined Mount Pleasant Main Street and other “protestant” organizations in endorsing this agreement. The MPNA has been invited to do the same, but has declined, insisting on its severe limits on live music, limited to two evening hours per month, and continuing its absurd ban on dancing. Music must be “at a level that permits patrons to talk at a conversational level”. Why does the MPNA want to dictate sound levels *inside* the restaurants? No one is forced to go into any restaurant.

The new VA cannot end the live music ban unless the MPNA VA is overturned by the ABC Board. Three Mount Pleasant restaurants – Haydee's, Don Jaime's, and Don Juan's – have petitioned for revocation of the MPNA VA, so that they might offer live music and entertainment. Two of those three restaurants have lately been visited by inspectors and charged with violations. This regulatory harassment is not, I think, a coincidence.

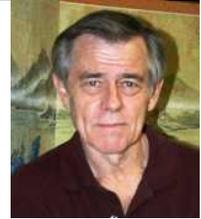
The **Mount Pleasant Traffic Study** is now beginning in earnest. There will be a public meeting in early October, to report their first traffic observations and hear residents' concerns.

The District Department of Transportation (DDOT) and the contractor anticipate only modest changes to the existing traffic network. I will press them, for example, to consider ways to control the speed of traffic on our “minor arterial” streets, such as Park Road, Walbridge Place, and Adams Mill Road. But beyond that, we want more fundamental changes to make our neighborhood friendlier to pedestrians and

ANC 1D03 NEWSLETTER #60

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bicyclists. Among the more radical concepts we want to have considered is **the conversion of Mount Pleasant Street to a one-way street**. Ordinarily converting a two-way street to one-way is done to expedite traffic flow, and such a change would lead to a number of undesirable effects, such as increased traffic speed. The idea here is very different: it is to take a full lane away from automobile traffic in order to provide clear space for pedestrians and bicycles. The sidewalks along Mount Pleasant Street are quite narrow in places, forcing pedestrians to dodge each other through narrow passages, e.g., in front of the Deauville. No space is set aside for bicycles.

No one wants to give up the already-scarce parking along the street. Hence, taking a traffic lane is the only way possible to widen the sidewalks and create a bicycle lane. Imagine Mount Pleasant Street with space for sidewalk cafes, and more open space for pedestrians than for automobiles. Lamont Park could also be enlarged. Bus routes would remain much the same as now, because all the bus routes are southbound through Mount Pleasant, except for the #42 end-of-route track.

DDOT appears to be trying to get **the traffic calming audit for the 2000 block of Park Road** done via the traffic study, thus getting it done for free. I object, because these residents petitioned for a proper calming study of their block, and they've earned specific, individual attention to their concerns.

FiestaDC is supposed to take place here on September 30, from noon until 7 pm. The ANC called emergency meetings on August 20 and August 28 to review plans for this event. I support Fiesta DC in Mount Pleasant, as an expression of our Latino heritage, as a sign of welcome to our many Latino residents, and as a fun day for everybody. Of course, there are problems for residents, as the street is taken over for a day, thousands of people come to Mount Pleasant and clog our streets with parked cars, and bands perform at each end of the street. We want to minimize those problems – I put special effort last year into controlling the sound levels of the musical performers – while making FiestaDC welcome.

Unfortunately, there seems to be a significant likelihood that the Fiesta will not get its permits, reportedly due to influence by certain Mount Pleasant opponents of the Fiesta. The ANC is doing what it can to overcome this opposition. If this Fiesta is derailed here this year, it will go elsewhere, and never return. That would be, I think, a great shame.

Photos of last years' Fiesta are on my Web site, DCJack.org. For information on this year's plans, visit www.fiestadc.org.

The longstanding **Bestway trash problem** came up yet again. The ANC has long supported the construction of a masonry housing for Bestway and Don Juan's trash, ending the chronic problems of odors and rats at that location. Some residents insist that the market and restaurant garbage should be kept "indoors", as if there's a lot of unused space inside that little building. There is not, and asking for their wet garbage to be kept indoors is comparable to insisting that residents keep their Supercans indoors. (The common practice of leaving Supercans in alleys all week long is explicitly illegal, but is countenanced, because of the impracticality for many residents of taking their Supercans to private property between collections. If residents are allowed to keep trash on "public space", why shouldn't the Bestway be allowed to do the same?) Mayor Fenty's staff agreed to reassess the situation and decide if the ANC-endorsed trash housing solution was acceptable. We understand that this decision was negative, despite our assertion that this was, *for the neighborhood*, the best solution to the problem.

The Fenty evaluation was complicated by the participation of DDOT Public Space Administration manager Denise Wiktor, a Mount Pleasant resident, in the final meeting on the matter. Denise certainly has the appropriate expertise, but her participation is improper because of her close personal association with residents opposing the ANC-endorsed settlement. This creates the appearance, if not the substance, of personal bias affecting a professional judgment, and she should have recused herself from the evaluation.

The ANC passed, 5 to 0, a resolution protesting Denise's participation, and calling on DDOT to reconsider its decision.

For several years I have warned of the unfortunate consequences of strict enforcement of the regulation requiring establishments with restaurant liquor licenses to have **at least 45% of their gross income come from food sales**. This has long been the law, but has been unenforced due to lack of personnel to conduct restaurant audits. The purpose is to prevent establishments from obtaining restaurant liquor licenses, then turning into nightclubs or taverns, for which liquor licenses are much more difficult to obtain. That's not unreasonable, but the fact is that many restaurants will have trouble achieving this 45% requirement, not because they're nightclubs in disguise, but because they're something in between conventional sit-down restaurants and nightclubs or taverns. Conventional restaurants will have a tough time surviving in Mount Pleasant because there's no lunchtime business, and food prices are low, as is necessary to attract a predominantly Latino customer base.

The 2004 liquor law promised increased staffing, and enhanced enforcement, to begin in 2007. Now that the time has come, the District government is discovering that many restaurants are in trouble. Almost every restaurant in Adams Morgan is now applying for tavern licenses, not because they suddenly want to become bars, but because they know that they will fail the 45% criterion. Faced with this wave of tavern license applications, District Council has just passed legislation capping the number of tavern licenses in Adams Morgan at 10, halting any further applications.

Now they've got to answer the question I raised in 2004, when I arranged for Councilmember Graham to meet with restaurant owners here: if a restaurant cannot meet the 45% criterion, and is not allowed to get a tavern license, what are they to do? They cannot force their customers to eat more food, and they cannot raise food prices. As one restaurateur said, if he raises food prices, his customers will simply have dinner at home, further depressing his food sales. Perhaps these aren't pure sit-down restaurants, but that's the nature of the Mount Pleasant marketplace. How do we residents benefit by putting them out of business?

The Adams Morgan situation has forced District Council to consider the consequences of their law, now that the moment of truth is upon them. Councilmember Graham brought about a six-month postponement so that they can reconsider the situation and think about what makes sense, given the realities of the ethnic-restaurant marketplace. He's taken some criticism for this, because there are people who just want these quasi-restaurants to close down, imagining that they'll magically be replaced by more conventional, Ward Three style restaurants. I thought his position warranted our explicit support against such critics, and my resolution of support was passed, 5 to 0, by the ANC.

Last November a new law came into effect allowing parking, for cars with Residential Permit Parking (RPP) stickers, on RPP blocks, **as close as 25 feet from the intersection, versus the legal limit of 40 feet**. This had already been allowed overnight, from 10 pm until 7 am, but now is allowed 24/7. Because the "no parking to intersection" signposts are placed at the 40-foot mark, this means that RPP cars can extend up to 15 feet past the signpost. That's the full length of many cars.

Unfortunately, parking enforcement people have difficulty understanding that a car parked past a "no parking" sign can in fact be legally parked. Residents have gotten Metropolitan Police tickets (reddish, both faces) and Parking Enforcement tickets (white on one face) for such legal parking. My wife commonly parks in one such "extended" spot, and has gotten two MPD tickets. (My denial of the first was accepted by DMV; my denial of the second remains in their hands.)

I'm still struggling with the Parking Enforcement people (under DPW, whose director wasn't aware that the 10 pm to 7 am rule had been changed), but perhaps the MPD have figured it out. Lieutenant Vines, who was surprised that a car could park beyond a "no parking" signpost and yet be legally parked, wrote that he had clarified this to his officers, and "we should not see a repeat of this issue in the future". I do hope not, because we need these additional bits of parking space, especially for residents who arrive home late at night.

As you can see, I'm trying a different layout for my newsletter. I hope this newspaper-column layout, much easier for me to produce, is satisfactory.

The **next ANC meeting** is on Tuesday, September 4, 7:00 pm, La Casa Community Center, 3166 Mt Pleasant Street. For an agenda, see anc1d.org.