

December report to constituents

Here is news of the **December 4 meeting**, and other happenings in Mount Pleasant. The ANC:

- Advised the Mayor's Agent (Historic Preservation) to approve permits for the Lucas residence on Walbridge Place (my resolution);
- Advised the Public Space Office that District law does not prohibit a properly closed trash container on public space (my resolution);
- Advised the ABC Board to include voluntary agreement protestants with standing for their consideration of voluntary agreement terminations;
- Advised ABRA, and the ABC Board, to respond to ANC resolutions according to the requirements specified in the District of Columbia Code;
- Approved modifications to the ANC "voluntary agreement" as requested by Andrew Kline, lawyer for Marx, Tonic, and Radius;
- Agreed to ask the ABC Board to combine hearings scheduled for December 15 and 30, to reduce the burden on residents required to appear for hearings.

On December 17, Councilmember Graham held a "public oversight hearing" on **traffic in Mount Pleasant** and Columbia Heights, as it might be affected by the large developments in Columbia Heights. I testified as a resident, not for the ANC, principally to the effect that there's *no need to consider major changes to Mount Pleasant road or traffic patterns to deal with the anticipated increase in traffic to and from Columbia Heights*. Shopping traffic will take place during off-peak hours, when there's road capacity to spare. DDOT offered estimates of the traffic increase, thought to be about 8% on Irving Street, and 10-12% on Park Road. Mr Graham appeared to be persuaded that the feared tidal wave of traffic to Columbia Heights will in fact be a mere ripple.

Hence, I said, the current traffic study should concentrate on the problems that afflict Mount Pleasant residents right now, namely excessive traffic speed, and rush-hour cut-throughs on residential streets and alleys, as drivers try to bypass backups at stop signs and traffic lights.

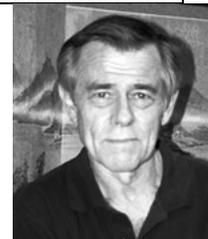
Robberies have been too frequent here, and even worse in nearby Adams Morgan. Commonly one or two young men will accost a person found alone on a street, then flee in a waiting car. Two robberies occurred on the night of December 14, on Irving Street at 10:35 pm, and on 18th Street at 11:30 pm. The MPD may have nabbed the perps:

"There were several armed robberies in the Third District late last night (12/14) and early this morning (12/15). At about 4:15 AM a 3D officer tried to stop a vehicle occupied by two individuals which was believed to be involved in the robberies. The operator failed to stop for the officer and a vehicle pursuit was initiated. The vehicle pursuit lasted for at least 20 minutes, passed through several other police districts and finally concluded in PG CO MD, where the subjects bailed out of the stolen vehicle they were in. Both individuals

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were pursued on foot and both (juveniles) were apprehended when they ran into an apartment building.

"While the investigation is very preliminary and much follow up work will be done by the 3D detectives, evidence recovered on the scene links these juveniles to other robberies which occurred previously in the Third District." -- 3D Commander McCoy

Winter's here, and it's time for my annual snow message: Residents are responsible for **removing ice and snow from the sidewalks** in front of their homes. This includes renters, not just homeowners: whoever is "in charge or control of any building . . . whether as owner, tenant, occupant, lessee, or otherwise" must clear away the snow "within the first 8 hours of daylight after the ceasing to fall of any snow or sleet".

Also, about Christmas trees: "Residents . . . are encouraged to place **holiday trees and other greenery** in curbside tree boxes -- without ornaments or tinsel -- by January 2. Trees will be picked up during a special two-week collection from January 2-13. Trees not collected by January 19 should be placed with your regular trash." -- DPW

The liquor-license, live-music dispute continues. On December 12, many residents showed up at an ABC Board "roll call" hearing concerning the application by Haydee's and Don Jaime's Restaurants for "**entertainment endorsements**" to their liquor licenses. The restaurants want to offer live entertainment and dancing from 6 pm until 2 am during the week, until 3 am on Friday and Saturday nights.

The ANC has also filed as a "protestant" to these applications, not because we object to entertainment, but because that's the only way to be allowed to participate in the proceedings. We will support the applications for entertainment endorsements, with the actual hours and conditions to be limited by "voluntary agreements" (VAs).

These restaurants are already permitted to serve alcohol until 2 or 2:30 am, so that's not a change. The changes here are adding live entertainment, dancing, and a cover charge. Neighbors worry that entertainment will draw more patrons, and so exacerbate any late-night problems. I observe that our streets are deserted late at night, and more people will contribute to our personal safety.

The ANC supports the "Responsible Hospitality Partnership" (RHP), so that any problems, *whether associated with live entertainment or not*, can be dealt with specifically, by us, at the neighborhood level.

The MPNA approach is simply to ban *all* late-night live entertainment. But there are residents who want live entertainment and dancing in our neighborhood restaurants. For many, restaurants are not merely places to sit and eat, but places to socialize with friends. And why not? I have seen, with my own eyes, young folks dancing happily in a Mount Pleasant restaurant, and the neighborhood seems to survive, unharmed. The conventional sit-and-eat restaurant model doesn't work well here, and isn't what many residents want.

The MPNA's ban on dancing isn't about regulating restaurants; it's about regulating the behavior of the *patrons* of the restaurants, including us residents. Marleny's is ordered not to "obscure the windows of the establishment in such a manner as to eliminate the ability of those outside *to see into the establishment from the street*". Presumably the MPNA wants to be able to make sure, from the sidewalk, that nobody inside is singing or dancing. Yes, the **Taliban** come to mind, imposing their notions of proper behavior on all.

What has reaction to my "Taliban" jab been? One resident wrote, "I don't think it helps the cause *even though I agree with you*". Another wrote "well done – good to see someone calling MPNA what it deserves to be called." These writers are gray-haired longtime residents, not young hotheads. It seems to me that the MPNA, instead of complaining angrily about my use of the "Taliban" label, should be concerned that many Mount Pleasant residents agree with it.

The problem of **Historic Preservation** denying a wheelchair ramp for two aging **Walbridge Place** residents continues. In July, the Historic Preservation Review Board (HPRB) denied the family permission for a small mechanical lift and staircase, proposed as less visually obtrusive than the ramp. The Board argued that the staircase, required for front entry to the home for the non-disabled, was still too visible a change to the front of the house. The lawyers assisting the family are appealing that decision to the "Mayor's Agent", who has the final say. I'll be there, backing the residents.

The lawyers for the elderly residents argue two important principles. One is "aging in place": as we residents grow old, we should be allowed to remain in our longtime homes, and not be forced out because "historic preservation" prevents us from making alterations necessary for coping with the disabilities of old age. The second is "equal access": not the minimal access offered by the Americans with Disabilities Act, for which a back door accessed via a trashcan-littered alley may suffice, but *equal* access, for residents and guests, through a front door, anything less constituting discrimination against the disabled.

There's been complaint about the ANC's "protest" of liquor license renewals for the several Mount Pleasant restaurants that do not intend to challenge the MPNA "voluntary agreements" banning live music and dancing. There already are problems in the neighborhood that have nothing to do with live music, such as excessively loud recorded music, and rude behavior by inebriated patrons on the street. Hence, it makes sense to bring all liquor-serving establishments under the same "Responsible Hospitality" umbrella, so that such

problems can be dealt with, by restaurateurs and us residents, at the neighborhood level.

The ANC "voluntary agreement" for these restaurants was intended to be so mild that they could sign up to it without concern. The lawyer for Marleny's Restaurant, Dimitri Mallios, the "dean" of DC liquor-license lawyers, signed up readily, praising us to the ABC Board for our cooperativeness. The owner of the Pupuseria San Miguel signed up without complaint. The lawyer for the Marx Cafe, Tonic, and Radius, Andrew Kline, wanted some changes, which we granted, thus presumably making our VA acceptable to his clients.

Jesse Corado, proprietor of Corado's Guatemalan Restaurant, was unhappy about being involved in this process, mainly because he had made his way downtown to an ABC Board hearing, only to find that the hearing had been postponed, and no one had told him. I like Jesse, and I've agreed to offer a motion that the ANC withdraw its protest of his license renewal at the January 8 meeting, as a favor to a good man.

Aleks Duni, of Marx Café, has persuaded the MPNA to increase his live-music quota to once a week, instead of once a month. It's still limited to 9 to 11 pm, and is to be "performed at a volume level that allows patrons to talk at a conversational level". (Elevator music, I guess.) He hasn't complained to us about our protest of his license renewal.

Jeremy Pollok, of Radius and Tonic, has complained bitterly about the ANC and its VA. I've asked him why he doesn't just sign the VA, with the changes won by his lawyer, thus putting an end to the matter. He won't do that, and he won't say what he objects to about our VA.

There's an interesting aside to this. Early on in his Tonic venture, Jeremy complained bitterly about the restrictions of the MPNA VA. Now he says he has no complaints, and the MPNA's Laurie Collins has been testifying to the ABC Board in his support as he tries to open another Tonic in Foggy Bottom, over the strenuous objections of some residents of that neighborhood.

Opponents of the trash housing behind Don Juan's and the Bestway have asserted repeatedly that **trash on public space** (the area being unused road right-of-way, like many of our front yards) is "illegal". Not so! DC regulations allow, explicitly, trash receptacles on public space. The supposed regulation against trash pertains only to loose trash, i.e., litter. The ANC passed my resolution supporting that position.

Christmas brings packages in the mail, many filled with **styrofoam packing "peanuts"**. These are awful for the environment, being indestructible and non-recyclable plastic. But you can bag up clean packing peanuts and take them to the UPS Store on Monroe at 14th, where they will accept them for re-use. That beats putting them in the trash.

A neighbor noted that there's a huge accumulation of **beer cans in Rock Creek Park**, behind Bancroft Elementary. I'll be there at 11 AM Saturday, Dec. 29, weather permitting, with bags, to collect the things. Assistance will be welcome.

The next ANC meeting will be on January 8 , 7:00 pm, La Casa Community Center, 3166 Mount Pleasant Street.
