

Jack's December report

At the November 19 meeting, the ANC:

- * Advised the BZA to approve a zoning variance for a rear deck at 3150 17th Street;
 - * Advised the ABC Board to approve the request of the Raven Grill for termination of its "voluntary agreement";
 - * Requested additional time for the study of the proposed new zoning regulations.
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The **November 19 meeting** was abruptly terminated, despite time-critical work yet to be done, because the Library closed at 9 pm, throwing us out. This is exactly what I had worried about when I objected to the demand that we have our meetings at the Library, instead of at the Casa Community Center, where ANC meetings have been held for many years. At La Casa, our meetings could continue until our work was done, however late. At the Library, we're tossed out when the Library closes, even if there's ANC work remaining to be done.

I tried to use our limited time to deal with a couple of time-critical issues, but the ANC chairperson, China Terrell, refused to allow that, shoving my resolutions aside in order to have brought up a resolution that she preferred. Then, when no one else would second that motion, she did so herself, a violation of the rules of parliamentary procedure.

After all that, the commission voted to table that resolution for a month, there being in fact no need to rush it. But for my important issues, it was too late.

One of the time-critical issues I tried to address was **the revision of our voting precincts, and voting locations**. The Board of Elections is changing precinct boundaries so that each ANC single-member district (SMD) is wholly contained within one precinct. As it is, our five SMDs are split by precinct boundaries, complicating ballot preparation and vote counting in each precinct, and sometimes confusing voters.

In October the Board of Elections proposed a new precinct map for Mount Pleasant, putting three SMDs in one precinct, two in the other. No longer will we have a voting precinct that combines part of Mount Pleasant with a portion of Columbia Heights.

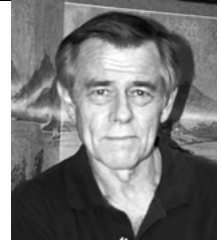
All the residents of my SMD will vote at Bancroft, as most have done in the past. This includes those who live south of Lamont Street, though in the past they've voted at the Columbia Heights Educational Campus (or, prior to 2008, at the Library). Residents of China's SMD will vote at the Library, including some who, residing north of Lamont Street, have previously voted at Bancroft. Residents of Phil Greiner's SMD will vote at the Library, and of Adam Hoey's, at Bancroft.

The only question about the Board of Elections proposal was where the residents of 1D01, Yasmin Romero-Latin's SMD, should vote. The Board put them at the Library, though most of these residents reside north of Lamont Street and in the past have voted at Bancroft. Some live right across Newton Street from the school. I argued that they should continue to vote at Bancroft, and I wanted the ANC to consider that possibility. But the premature termination of our monthly

ANC 1D03 NEWSLETTER #134

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meeting by the Library staff, and the chairperson's demand that we give priority to her preferred resolution, prevented consideration of this resolution.

The due date for public comments to the Board of Elections was November 22, so this could not be put off until our December meeting. In the absence of a commission resolution, I proceeded with a solo-commissioner comment to the Board, advising on my own that the residents of Yasmin's SMD vote at Bancroft, rather than at the Library.

The other issue that got dumped, due to the premature termination of our meeting, had to do with the **rehabilitation of Broad Branch Road**. As I mentioned in my November newsletter, only one of the alternatives under consideration would provide safe use of Broad Branch by bicyclists. For us in Mount Pleasant, this would add a very fine mile and a half of recreational bicycling to the Rock Creek Park bike path. For residents of Cleveland Park and Chevy Chase, the bike lane would provide a safe connection to the Rock Creek Park bike path, promoting bicycle commuting, which benefits all of us by reducing rush-hour automobile traffic.

The due date for comments on this topic was November 29, so this could not be postponed to the December meeting. I wrote up my support for the bike-lane alternative and sent it in on my own, without an ANC endorsement.

I continue to work on recovering some of **the four curbside parking spots lost on 18th Street** when DDOT increased the minimum parking distance to the alley from the normal 5 feet to 20 or 25 feet. I introduced a resolution advising DDOT to restore the 5-foot spacing for three of the four locations, leaving the critical location, for drivers exiting the alley on the west side of 18th, looking north, at 25 feet. The commissioners, however, insisted that this be tabled for a month so they could "examine" the situation.

At least one of the other four commissioners (China Terrell) supports the new no-parking distances, despite the loss of curbside parking. I'm concerned about the many Mount Pleasant residents who struggle to find on-street parking when they arrive home in the evening, and for whom the loss of even a few parking spaces matters. I'll bring this up in December, when I'll need votes from other commissioners to get my resolution passed.

The topic that the ANC chairperson insisted that the ANC consider, at the expense of my two time-critical resolutions, dealt with ANC support for the testimony by Historic Mount Pleasant (HMP) to the Zoning Commission concerning the

revised zoning regulations for our neighborhood. In fact, there's plenty of time to consider this issue, because the Zoning Commission has extended the comment time indefinitely, having gotten numerous complaints from ANC's, and others, that this rewrite of the zoning regulations is so large and complex that much more time is needed. I'm now working with HMP to formulate an ANC response to the proposed regulations.

A troubling development has appeared at **1867 Park Road**, one of the grand buildings high above the street. A developer has bought the house and proposes to put an enormous six-unit apartment house/condominium on the lot.

This is a coincidental illustration of a specific zoning problem that Historic Mount Pleasant wants to address in the zoning rewrite: the permission to convert a structure from single-family use to apartment-house use, as a "matter of right", and with that, a bizarre increase in the maximum allowed lot coverage. For a detached house (like 1867 Park Road) the lot coverage limit is 40%, leaving a good deal of open space. But upon conversion to an apartment house, the lot coverage limit is increased to 60%, thus allowing a much larger building on the same lot. The current building planned for 1867 Park Road would more than triple the area of the lot covered by the current building. Many neighbors are upset at this size.

I've suggested to the developer that two large, luxury condominiums, built to resemble the two houses originally on the lot, would be just as profitable as six small ones, would be much more fitting to the area than the apartment house planned, and would be much more acceptable to the neighbors. I've brought up examples of similar developments in Mount Pleasant to persuade them of this point.

I'm doing what I can to address this current problem, and to change this situation in the **zoning rewrite** as well. According to a resolution I intend to submit at the December ANC meeting, the lot coverage allowed detached and semi-detached structures, 40% , would not be changed by an apartment-house conversion. Also, any apartment-house conversion would require a zoning "special exception", and thus would be permitted only if it would "not tend to affect adversely, the use of the neighboring property".

In addition, areas of Mount Pleasant characterized by single-family houses on large lots (such as part of Park Road, 17th Street north of Newton, and Oakwood Terrace) would be governed by a zoning "overlay" appropriate for such neighborhoods, instead of the "residential flat" zoning designed for row-house areas. This overlay would prohibit apartment-house conversion, would limit lot coverage to 40%, and would require that at least 50% of each lot surface be rain-pervious.

Speaking of **Oakwood Terrace**, a good deal of time at that November meeting was spent listening to residents complain about old Jack, asserting that I had something to do with the outcome of that controversial development matter. On the contrary, all I did was object to China Terrell's abuse of her position as ANC chairperson in her testimony to the Historic Preservation Review Board (HPRB). *This had no effect whatsoever on the HPRB's decision.*

When the chairperson testifies for the commission, she can only "present the views of the Commission with respect to any matter on which the Commission has taken a position". The resolution passed in May by this ANC said only that "ANC1D advises the Historic Preservation Review Board (HPRB) to consider design concerns to be submitted by a group of residents". This was carefully ambiguous, failing to claim that the commission actually supported any of those "design concerns", merely asking the HPRB "to consider" them. The HPRB did that, in hearing the testimony of numerous residents, so that should have been the end of it.

Unfortunately, our chairperson implied that the commission had taken positions on some of these specific concerns. If explicit endorsement of any specific concerns was wanted, then those should have been brought to the commission in July or August, before the September HPRB meeting. That didn't happen, so there's no way to know whether the commission as a whole would support, say, the complaint by the chairperson that "there's not enough ornamentation", or that the roof shouldn't be flat. The commission as a whole hasn't even seen the latest plans, much less taken positions concerning any aspect of those plans.

I did not argue against the content of her testimony, only that she had testified for the commission, without the appropriate explicit support from the commission.

As a single commissioner, she can say what she wants. (The ANC by-laws require a commissioner to "clearly state whether views represented are views as approved by the full Commission or represent the view of the individual Commissioner". China failed to do that.) As chairperson, she's obliged to confine her remarks to views "as approved by the full Commission".

The HPRB, like other DC agencies, implements the written regulations, *without regard to public opinion*. They're not supposed to let popular pressure affect their interpretation of the regulations. The "great weight" accorded to ANC resolutions means *only* that the Board is supposed to explain, in writing, why it "is or is not persuaded by" an ANC's advice. It does *not* mean that they're supposed to give the ANC's advice any special consideration. So whether China testified as ANC chairperson, or as solo commissioner, made no difference to the outcome.

Councilmember David Grosso has introduced a bill in the District Council that would give **noncitizen legal residents the right to vote** in local elections. This ANC, 10 years ago, pioneered this concept, and I'll ask it to support this bill. Legal residents pay taxes, and are affected by our local governance, and denying them the right to vote amounts to "taxation without representation".

As for citizenship being a prerequisite for voting, that's an artifact of the anti-immigrant fervor of the early 20th century. Before that time, allowing noncitizen legal residents to vote was not at all uncommon. Residency was the requirement, not citizenship.

The next meeting of the ANC will be on Tuesday, December 17, 7:00 pm, at the Mount Pleasant Library.
