

## February report to constituents

Here is news of the **February 5 meeting**, and other happenings in Mount Pleasant. The ANC:

- Petitioned for reinstatement as “protestant” to the applications by Haydee's and Don Jaime's for entertainment endorsements;
- Advised the ABC Board to accept voluntary agreements including live music, live entertainment, dancing, and cover charges;
- Agreed that the ANC would offer liquor licensees their choice between two ANC “voluntary agreements”;
- Agreed to Gregg's request to withdraw his resolution calling for ANC funding of an ABC-issues lawyer.

There were 13 **street robberies** in Mount Pleasant in January, triple our normal rate. Our Lieutenant Vines has posted a plain-clothes patrol in the neighborhood, on watch for robberies. On February 6, this paid off:

“On February 6, 2008 @ 8:15 PM the complainant (C-1) was approached by 2 individuals in the 1700 blk of Irving St NW. 1 subject put a gun to C-1's head at which time the other subject punched C-1 in the face & knocked him to the ground. S-1 went thru C-1's pockets and took his wallet and cell phone. Both suspects fled eastbound on foot.

“As the suspects ran, they encountered another individual (C-2) who was getting out of his car. The suspects threw C-2 to the ground, produced the gun and demanded the keys to the car. About that time an unidentified female began screaming from a nearby window and another car pulled into the blk, which caused both suspects to run off again.

“[PSA] 301 Officers canvassing the area after the lookout was broadcast for the first robbery, encountered the suspects as they tried to hide in a stairwell. The suspects were both apprehended in the 3000 blk of Adams Mill Rd after a foot chase. A BB gun was recovered at the time of arrest.” -- Third District Commander McCoy, February 9

Thanks to the “unidentified female” who spooked the robbers, and the quick call after the first robbery that brought officers to the area, uniformed and plainclothes MPD officers pursued and captured the two teenaged robbers (one a juvenile). *There has not been a street robbery in Mount Pleasant since.*

Almost all of the robberies that occur in Mount Pleasant are on the street, as roaming bandits attack residents found alone and vulnerable. But this, an **armed robbery of a Mount Pleasant Street check cashing shop**, was different:

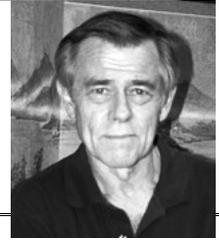
“R-1 reports for C-1 that S-1 forced her into the office at gun point and demanded her to give him money. R-1 complied. S-2 then entered the location and told S-1 to hurry up. S-2 grabbed a black bag full of money while S-1 tied R-1's hands. Suspects fled the scene on foot.” -- MPD report

This took place early in the morning of February 13, as the employee opened the shop for business, and was followed in by the two robbers.

## ANC 1D03 NEWSLETTER #66

Jack McKay, February 24, 2008

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On February 13 the Alcoholic Beverage Control (ABC) Board held a hearing dealing with the **applications by Haydee's and Don Jaime's restaurants** for (1) renewal of their liquor licenses, (2) issuance of “entertainment endorsements” to their licenses, and (3) termination of the MPNA “voluntary agreement” that prohibits live music, live entertainment, dancing, and cover charges. This was a nine-hour marathon, ending at 7:45 in the evening. It was especially hard on the witnesses, who were compelled, at the insistence of the MPNA attorney, to be held in isolation, prevented from observing the proceedings while they waited to be called.

The dispute boiled down to this: how much live music to allow, under what restrictions? The MPNA now asserts that it does not oppose live music, but simply wants stringent limitations to it. (Times have changed; recall how bitterly they fought Don Juan's over karaoke, and filed a formal complaint when Alberto Ferruffino's brother, visiting from El Salvador, dared to sing in the restaurant.) The latest MPNA prescription is for live music from 6 to 10 pm Tuesday through Thursday, 6 pm to midnight Friday and Saturday, none on Sunday and Monday. Music could only be played quietly, allowing “patrons to talk at a conversational level”. (Why does the MPNA want to regulate sound levels *inside* restaurants? This has nothing to do with what disturbs nearby residents, but is about forcing restaurants to conform to the MPNA's image of a “proper” restaurant .)

Hear Mount Pleasant would permit live music until midnight Sunday through Thursday, until 1:30 am Friday and Saturday, and until 2 am on up to six special occasions per year (only on evenings not followed by school days). The ANC endorsed the Hear Mount Pleasant formulation, but with the additional proviso that the clock-time limits should “automatically expire at the end of one year, if there is no strong proof that there has been significant degradation of peace, order, and quiet in the area directly attributable to live music and live entertainment offerings by the licensees.” Restrictions imposed by residents must be justified by effects on the neighborhood, and should not be imposed just because we want them to conform to our own own ideas of what a proper “restaurant” is. In our multicultural neighborhood, we must respect diverse ideas of what a restaurant should be.

The MPNA bans on dancing and cover charges will end. The ABC Board has had enough of being “the dance police”. As for cover charges, they say that that's a business decision, not a matter for government regulation. Some residents said that

one shouldn't have to pay to go into a restaurant; but no one's being forced to patronize any restaurant with a cover charge.

The ABC Board will publish its "findings" within a few weeks. One thing is certain: *live music will soon return to Mount Pleasant restaurants*. Then we can discover the facts: will live music bring crowds of people to the neighborhood so that Mount Pleasant Street turns into a noisy, congested copy of Adams Morgan at night? Not likely. Mount Pleasant will have perhaps four restaurants offering live music, versus more than 30 in Adams Morgan. Our restaurants are small places; even Haydee's, our largest, is dwarfed by the likes of Habana Riviera on Columbia Road, which offers four floors of music, dancing, and entertainment. Furthermore, the food-sales requirements for restaurant liquor licenses (45% of gross revenues must be for food) prevent any restaurant from abandoning food sales and "morphing" into a night club.

The ABRA inspector who reviewed conditions at Haydee's and Don Jaime's observed no one loitering around the restaurants, and noted that patrons arrived on foot, evidently coming from nearby homes, or from bus stops. He could find nothing to criticize about the operations of either restaurant.

Both restaurant owners, Haydee Vanegas and Jaime Carrillo, testified. Don Jaime testified under oath that he negotiated his "voluntary agreement" personally, with Laurie Collins, in her home on 17th Street, at which time he objected to a couple of provisions of the MPNA VA, and those clauses were crossed out on the document that he signed. He later was stunned to find that the VA filed with ABRA was the MPNA original, not the one that he had agreed to. The second page of the three-page document, the page with the crossed-out clauses, had been replaced by the original.

Twelve different residents have served on this six-member ANC during the past five years, and every single one has voted *in favor* of music and entertainment in Mount Pleasant restaurants. The MPNA is way out of touch with the neighborhood that it purports to represent.

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Jonathan Kass, of Councilmember Graham's office, reports that Mr Graham now will take a "wait-and-see" approach to deal with **Mt. Pleasant traffic due to Columbia Heights development**. This is a change from his earlier concern that there would be some great avalanche of traffic across Mount Pleasant to the new Target. I'm certain that there won't be, because people west of Rock Creek Park will continue to drive out to the suburbs for their shopping. Many Ward Three folks are afraid to go anywhere near Columbia Heights.

On February 7, Gregg Edwards and I met with DDOT and the **Mount Pleasant Traffic Study** contractor for an advance look at their recommendations. We were very upset at what we saw.

Last summer I compiled the principal complaints of the neighborhood about traffic conditions here: excessive traffic speed and noise on our crosstown routes (Park Road, Adams Mill Road, Irving Street, Klingle Road, Walbridge Place); congestion and truck traffic on Mount Pleasant Street; congestion around our several schools at the afternoon pickup time; several troublesome intersections, such as Park Road/Klingle Road/Walbridge Place; the absence of any

good route for trucks northbound on Mount Pleasant Street to return to 16th Street; commuter cut-through traffic, racing along neighborhood streets to bypass bottlenecks on our "minor arterials"; and traffic speed on 17th, the link between Piney Branch Parkway and Newton Street. I advised specifically that the longstanding proposal by Klingle Road residents for parking, traffic calming, and Rosemount Avenue intersection improvements be implemented.

No advice concerning any of these problems was to be seen. What has this traffic engineering contractor been doing for the past nine months? I fear that they've been so distracted by a couple of "radical" concepts (Mount Pleasant Street one-way, Harvard Street converted to an east-west arterial, and Irving to a residential street) that they've neglected our ordinary concerns and complaints. I complained sharply about their omissions, and I believe they'll take another look.

Mount Pleasant has long been troubled by automobile break-ins -- "**thefts from auto**". It's an easy crime to commit, and an easy crime to get away with. Smash the window, pop the door open, grab whatever's visible, run away. Once the thief is gone, there's negligible chance that he'll be caught. Forget fingerprints, and any other forensic evidence. Either there's none, or it's too costly to do such an investigation for what's considered a minor crime. Virtually all these thefts -- 92% -- remain forever unsolved.

In January, there were 21 such thefts-from-auto in Mount Pleasant, well above our average of 11 in a month. Similarly, Columbia Heights suffered 56, and Adams Morgan 47, both numbers well above their averages. These thieves lately are targeting GPS navigation systems. The MPD is now taking advantage of this with a GPS-equipped "bait" car. The universal advice to drivers: leave nothing of any value whatsoever visible in your car.

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Our row-house zoning allows basement apartments "as a matter of right". Fire safety code requires such apartments to have two separate exits, in case one is blocked by fire. But three **permit applications for basement apartments** in Mount Pleasant have lately been denied by the Historic Preservation Review Board (HPRB), which objects to any visible changes in the front of our houses. In a row house, if you need two separate exits, but Historic won't let you add a front exit, then you can't have a legal basement apartment.

Historic Mount Pleasant (HMP) has been asked to come up with guidelines specific to our neighborhood that would permit such front exits. The HPRB wants to be able to approve such front exits, so that our zoning for basement apartments isn't nullified by preservation restrictions. It's up to HMP to allow them to do that.

The **Lucas family on Walbridge Place** have won their battle with Historic for a front entrance. No space here for details!

The **Ward One Democrats** are electing officers, and our neighbor **Anita Shelton** is a candidate for Chair. The election will be held at the Columbia Heights Rec Center, 15th and Girard, on Saturday, March 15, 10 am to 2 pm.

The next ANC meeting will be on <b>March 4</b> , 7:00 pm, La Casa Community Center, 3166 Mount Pleasant Street.
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