

## January report to constituents

Here is news of the **January 3, 11, and 23 ANC monthly meetings**, and other happenings in Mount Pleasant. At the regular January meeting on the third, the ANC:

- Authorized the expenditure of up to \$300 to make the interpretation equipment a two-way system, that is, providing for Spanish to English, as well as English to Spanish
- Authorized the expenditure of up to \$800 to hire a bilingual assistant for our monthly meetings
- Agreed to request from the District Attorney General an interpretation of the regulation prohibiting the depositing of trash on public space.

Because a large number of people wanted to talk about the Bestway application for a public space permit to build a trash housing behind the market, the bulk of the meeting was given over to public discussion of this issue. A large number of Latinos were in attendance, and we were very glad to have an interpreter on hand (provided by Ingleside Terrace resident Lillian Perdomo's Multicultural Community Service).

We are required by DC law to elect officers "in January", so a special meeting of the ANC was held for that purpose on January 11. The vote for ANC chairperson ended in a tie, and,

according to the recently revised by-laws, this results in the division of the 2006 term equally between the two tied candidates. I will continue through June, and Gregg Edwards will be ANC chair from July through December. Stormy Scott is vice chair, while Wayne Kahn and Rich Wysocki will continue as secretary and treasurer, respectively.

The January 11 meeting also became another lengthy debate of the Bestway problem. I had not arranged for an interpreter, believing that this meeting be limited to the required election of officers. In fact, we spent another hour in public debate of the Bestway issue, and Marika Torok valiantly performed the simultaneous interpretation for us. This is a highly polarized issue, Mount Pleasant's Latinos favoring the Bestway, loyal to the market that offers groceries at good prices, while the nearby homeowners object, disliking the appearance of the 17th Street frontage of the market, the truck noise, and the personal misbehavior that goes on there.

On January 23, we held a public meeting specifically to deal with the Bestway public space permit application. The ANC passed a resolution in support of the permits, by a four to one vote (Rich Wysocki voting "no"; the unhappy residents are in his district). The absent Commissioner, Stormy Scott, later said that she supported the resolution, and would have voted for it, so the ANC stands 5 to 1 in favor of the Bestway permits.

## ANC 1D03 NEWSLETTER #41

Jack McKay, January 30, 2006

Jack McKay  
3200 19th St NW, DC 20010  
462-8692  
jack.mckay@verizon.net

Many residents observed, or were caught in, terrible **traffic jams on Park Road** during the week of January 17. The 1900 block of Park Road is a rush-hour no-parking zone, because the light allows only one lane to proceed at a time, and parked cars force traffic into a single lane, where the cars with the red light block the cars with a green. Then nobody moves, and chaos results.

That block recently was zoned for Residential Permit Parking (RPP), mainly to allow the residents to get RPP stickers, so that they can park on nearby streets. (What an absurd RPP system we have.) When DDOT came out to put up the new RPP signs, they took down the rush-hour no-parking signs! It took a week to get DDOT to come back and undo their blunder.

In my testimony to the District Council Committee on Public Works and the Environment on January 19, I argued for a restoration of **some reasonable time limit for parked cars**; not the previous 72 hours, which was too short, but perhaps a few weeks, to put a stop to the "warehousing" of cars on our streets. This was well received by Councilmember Schwarz, and I hope to see a provision appear in the legislation.

The main reason for my testimony was to **oppose the bill calling for a sharp increase in our fees for Residential Permit Parking permits**. DDOT wants us to pay \$25 for the first, \$50 for the second, \$100 for the third RPP permit in a household. No household would be allowed more than three. DDOT thinks that this will persuade residents to take their "extra" cars off the street. I argue that anyone who struggles to find curbside parking late in the evening must consider the car indispensable, and isn't going to sell it because the RPP fee is a bit higher than before. This DDOT proposal will simply become another burdensome tax on residents, and will do nothing to reduce the number of cars in the neighborhood.

I also repeated my **call to reduce the minimum parking distance from an intersection from 40 feet to 25**, yielding a few more parking spots in the neighborhood. Virginia requires just 20 feet; why does the District demand 40? Councilmember Schwarz was very pleased by my testimony. Aside, I talked this over with Doug Noble of DDOT, and he agreed with the 25 foot limit, so long as DDOT is allowed to require greater spacing at tight intersections where trucks might be trapped, unable to make a turn.

Despite this support from the ANC, and a strong endorsement from Mount Pleasant Main Street, on January 26 the DDOT Public Space Committee denied the Bestway permit application. I expect the Bestway to try again, and I expect the ANC (and Mount Pleasant Main Street) to continue their strong support for what we believe is a fair and reasonable solution to this longstanding problem.

Next ANC meeting: 7 pm, February 7, La Casa.  
Topics: nonvoting ANC delegates; ANC Web policy; ANC committee policy; ANC budget; pay phone access.

**What's a "parking"?** Legally, it's the space between your property line and the public sidewalk. The city-owned land for our roads and sidewalks is wider than necessary, so there's unused District property between the sidewalk and our homes. By law, this is "under the immediate care and keeping of the owners or occupants of the premises abutting on the public parking", and we can fence it in, garden it, and build porches and walkways and steps on it. Many residents are quite unaware that some or all of their yards are "parkings", and are therefore "public space".

Most homeowners in Mount Pleasant have some such "parking". On streets such as Monroe and Newton, it's just five feet deep. On streets between Park Road on the north, and Irving on the south, it's 18 to 20 feet deep. That's why houses in this area are set back so far from the street, giving Mount Pleasant its spacious appearance.

**The essential problem of the Bestway is that it has no alley**, and what is the back of the store is the "front" seen by neighbors on the other side of 17th Street. The Bestway, and Don Juan's Restaurant, have naturally used their back lot for trash storage, much to the displeasure of those neighbors. After much dispute, the owner of the Bestway has agreed to build a sturdy masonry enclosure for the trash, attached to the back of his building. With steel doors and a concrete floor, this enclosure would contain all the trash odors, keep the rats out, and hide the trash and trash bins from view. He would also landscape the lot, to make it a nice lawn. That seems to me to be a very reasonable solution to the problem.

But the 17th Street neighbors are not satisfied. They insist that the trash be kept *indoors*, and carted out the front doors of the Bestway, so that these neighbors would not be bothered by the daily trash collection truck.

If the lot were private property, they wouldn't have a chance of imposing such strictures on the Bestway. But here's the problem: this back lot is a "parking", that is, unused road right-of-way, 17th Street being zoned for 90 feet in width. It's called a "parking" because it's supposed to be maintained like parkland, not because this has anything to do with cars. Being District-owned land, it is classified as "public space", and that entails many special regulations. One such regulation states that it's illegal to "deposit" trash on "public space", and that's being construed as a flat prohibition of the proposed Bestway trash enclosure.

What worries me is that this supposed prohibition against trash on public space would apply also to a fair number of Mount Pleasant homeowners, who, like the Bestway, lack alley access, and who, like the Bestway, have yards that are "parkings". Irving Street, between 17th and Mount Pleasant, and 18th Street, just north of Kilbourne Place, and the west side of 19th Street, up towards Newton, are examples of residents who, for lack of an accessible alley, keep their Supercans in their front yards, at least part of which are "parking", and "public space". If the Bestway is forced to take its trash off their parking and keep it indoors, will these homeowners similarly be required to keep their Supercans indoors between trash collection days? And if we allow homeowners without alley access to keep their Supercans on their "parkings", how can we deny the Bestway the right to do the same?

**Homeowners are in fact being threatened.** The MPNA says this, in their letter objecting to the Bestway permit application: "Storing refuse on public space is traditionally disallowed, and for good reason: Outdoor refuse storage fosters vermin infestation, which is unhealthy and unsafe for our homes and food-service businesses." (I have to wonder why, if "outdoor refuse storage" is the problem, Supercans on private property are okay, but those on "public space" are not; are rats trained to stay off private property?) Historic Mount Pleasant is even more aggressive: "HMP strongly opposes its fundamental purpose – the storage of trash on public space. . . . HMP welcomes present efforts to bring this property into compliance and *urges similar action wherever warranted elsewhere in the Mount Pleasant Historic District.*" The MPNA says that it is taking action **against the condos at 1900 Ingleside**, for their nice redwood Supercan enclosure next to the sidewalk. What will the MPNA tell the condo residents to do with their Supercans? Like the Bestway, keep them indoors?

I say that residents should be left alone, and if their particular conditions require them to keep their Supercans in their front yards, on "parkings", then let them be. "Parkings" are not "public space" in the sense of "open to the public"; people cannot take over your front yard, over your objections, arguing that it's "public space". Parkings are DC Government-owned property, and in that sense are "public", but that cannot mean "open to the public". Regulations meant to apply to "open to the public" lots should not be blindly applied to parkings. The regulation for parkings says that they are to be "*under the immediate care and keeping*" of the occupant of the adjacent property. I take "care and keeping" to mean that the land is not subject to the same rules as, say, public sidewalks.

**I will oppose any attempt by the MPNA, or HMP, to require residents with front-yard Supercans to take them indoors**, off "public space". Conversely, if it's okay for us residents to have trash containers on our parkings, then it must be okay for the Bestway to have trash containers on its parking.