

January report to constituents

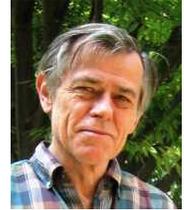
Here is news of the **January 2 and 16 ANC meetings**, and other happenings in Mount Pleasant. At the January 2 meeting, Councilmember Jim Graham administered the ANC oath of office, which includes the remarkable statement that we are to decide matters based on what is best “for the District as a whole”, not just for our own neighborhoods. No official business was conducted at this meeting, and a second January meeting was required (the DC Code specifying that officers be selected in January). At this meeting, the ANC:

- Elected officers, and set standing committees and the meeting schedule, for 2007;
- Endorsed an application for a zoning variance for 3508-3510 16th Street (a very shabby location, much in need of work)
- Passed my resolution calling for a pedestrian advance time for people crossing 16th Street at Irving (5 to 0)
- Initiated a search for staff support
- Passed my resolution calling for a “personal hardship” exception to the historic preservation law (by a 3 to 2 vote, Jane Zara and Dave Bosserman voting “yes”, Gregg Edwards and Joe Esparza “no”);
- Passed my resolution endorsing the Council bill lifting the ban on restaurant liquor licenses within 400 feet of schools and recreation centers (5 to 0).

ANC 1D03 NEWSLETTER #53

Jack McKay, January 29, 2007

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ANC Officers, for 2007:
Chair: Gregg Edwards
Vice Chair: Dave Bosserman
Secretary: Jack McKay
Treasurer: Joe Esparza

A Columbia Heights resident, one Carla Gonzalez, was **killed by a Metrobus** on Park Road at 16th Street, on the evening of January 16. An H8 bus, northbound on 16th, turning left onto Park Road, struck the pedestrian as she stepped off the curb. It was a pitiful sight: the young woman’s body, lying cold in the street, and the bus driver, holding his head in his hands, visibly distraught.

There have been hasty attempts to blame this accident on a missing sign noting that buses can turn left from 16th Street onto Park Road, as if that sign would have saved the pedestrian. I don’t think so. The serious pedestrian problem area is on the other side of 16th Street, where cars going to Mount Pleasant must take Pine off 16th and join the westbound traffic on Park Road on the east side of the intersection. Pedestrian accident data show several incidents on that roundabout, due to heavy foot traffic at the church and in the park, and the speed of traffic taking that “ramp” off 16th. I’m working for elimination of that roundabout, allowing left turns directly from 16th, with a left-turn phase to the traffic light.

The **next ANC meeting** is on Tuesday, February 6, 7:00 pm, La Casa Community Center, 3166 Mt Pleasant Street. For an agenda, see anc1d.org. Historic Preservation will be a hot topic, as the HPRB, and the MPNA, will be there to demand that we rescind my resolution calling for “personal hardship” exceptions to historic preservation restrictions. If you agree that we should show more respect for the needs of people, and worry less about the prettiness of our porches, please come.

District law prohibits any new **liquor licenses within 400 feet of any school**. In our high-density neighborhoods, with charter schools popping up right next to commercial districts, this 400 foot liquor license ban can be troublesome. For example, no new sit-down restaurant on the block of Mount Pleasant Street between Lamont Street and Park Road could get a liquor license, because that block is within 400 feet of Sacred Heart School.

In fact, there are plenty of liquor licenses within this distance of schools, including two restaurants and two retailers on that block near Sacred Heart. That’s because licenses issued before this 400 foot ban went into effect are allowed by “grand-fathering”. That being so, if liquor licenses within 400 feet of schools cause trouble, then there should be plenty of evidence of that trouble at hand.

I know of no such evidence. In the first place, it’s quite hard to see how a restaurant serving wine or beer with dinner could have any effect on children attending school nearby. Are the children at Sacred Heart endangered by people having drinks at Don Jaime’s? I don’t think so. Even a bar, such as the Wonderland, right across Kenyon Street from Tubman Elementary, has little effect, if only because its operating hours are entirely different from school hours.

On December 28 the District Council passed, by an 11 to zero vote, a bill eliminating this 400-foot ban for restaurants and hotels, in part out of concern for restaurants opening up in Columbia Heights, close to Capital City Charter School. I was dismayed to see the Adams Morgan ANC pass, unanimously, a resolution calling on Mayor Fenty to veto this bill, arguing that restaurants might turn surreptitiously into night clubs and so harm the kids at Reed Elementary. (Note to ANC 1C: night clubs don’t operate during school hours.) I know that Councilmember Graham, who supported this bill, would appreciate a bit of public support for his position, hence my resolution in its defense.

I've mentioned the matter of the house on Walbridge Place, occupied by a very elderly couple (86 and 88) who have become confined to their basement because they can no longer manage the stairs in their home of 46 years. They would like to have more air and light in their basement home, and to be able to step out to the front of their home on occasion, and a front door and ramp to serve as an emergency exit in case of fire blocking their back door. The Historic Preservation Office complained that this basement entrance under the front porch would "expose to view the base of the house", that the removal of a portion of the porch floor "would be a very unfortunate, prominent alteration to a character-defining feature" of our row houses, and that the small front yard meant that "there is not even a good opportunity to screen any of the project with planting". *Permit denied!*

This has gotten wide publicity, through Marc Fisher's column in the December 21 Washington Post, and a report on Channel Five News on January 12. People who visit the site, meet the couple, and observe the front of the house, come away totally sympathetic to the residents. A bit of comfort and safety for these aging, longtime residents is surely more important than the niceties of some very ordinary row-house architecture.

The law, unfortunately, is heartless, providing no help to residents who are denied permission to modify their homes to compensate for age or disability. The historic preservation bureaucrats argue that they're compliant with ADA – the Americans with Disabilities Act – but that Act was designed for public places and places of employment, not for residences. The usual "historic" procedure is to let a disabled resident in by a back door, where a ramp will be out of sight and won't offend their sensibilities. ADA doesn't require that residents be able to enter their own homes by their front doors, nor that they have windows for light and air, nor that there be a second handicapped-accessible exit, even when a second exit is required by law for fire safety.

The historic preservation law says that alterations to historic district homes must be "compatible with the character of the historic district", without exception, despite any personal hardship suffered by the residents. You can get zoning variances, when you have good arguments against zoning rules, but *there are no variances allowed from historic district regulations*. If you come home from an accident in a wheelchair, and find that your home is inaccessible; if you get old, and can't handle the steps to your front door; if you have a child born with a disability – well, tough luck. They can just roll their wheelchairs through the alley, past the trash cans, to their home's back door, and the historic-preservationists think they should be content. Historic district designation makes Mount Pleasant very hostile to the handicapped.

My resolution calls for a **"personal hardship" exception to the historic preservation law**, so that special allowances could be made in cases such as this. The resolution makes no judgment concerning the Walbridge Place house, but simply calls on the District Council to change the law so that residents in such situations could petition for variances on the basis of personal hardship. We arrange for zoning variances all the time; why not a historic-preservation variance for the elderly, and the disabled? As former ANC Chair Gladys Mitchell said, eloquently, at the January 16 meeting, "Can't we – don't we have a heart, don't we have consciences? . . . A house! You're going to put a house over a human person? How cold, how cold can anybody be?"

Historic Mount Pleasant (HMP) argues that the current law, giving historic preservation rules absolute priority over the personal needs of residents, is entirely satisfactory. The Mount Pleasant Neighborhood Alliance (MPNA) objects, calling my resolution "ill-considered". "[T]here is no reason to change the law", writes Laurie Collins. HMP, and the MPNA, take the position that no "personal hardship" exceptions to historic preservation regulations should be permitted. Evidently they consider pretty architecture more important than the safety and comfort of people living in Mount Pleasant homes.

Bike lanes have been added to the 2000 block of Park Road, not for the benefit of us bicyclists (I did over 2800 miles in 2006), but in an attempt to slow speeding traffic. Councilmember Graham would not be swerved from his belief that bike lanes slow traffic, and pushed them relentlessly. DDOT, following orders from the councilmember, put in the bike lanes on January 12. DDOT would not do before-and-after traffic speed measurements, but I did. Here are the median (half the cars going faster, half slower) traffic speeds, before and after the bike lanes:

Downhill, before bike lanes: 33 mph : after: 33 mph

Uphill, before bike lanes: 32 mph : after: 33 mph

Plainly DC drivers aren't slowed in the least by bike lanes painted on the pavement. (Is anyone surprised?) Now that we're done with that futile exercise, let's move on to measures that might actually work. Park Road residents Michael Hall and Anne Crowley have led a petition for DDOT to do traffic engineering and recommend traffic-calming measures. What's important is not so much traffic speed, as it is the safety of residents crossing the street.

My pedestrian advance time resolution, advising DDOT to give pedestrians, crossing 16th at Irving, a head start of a few seconds over east-west traffic, was readily approved by the ANC. There's very heavy pedestrian flow at that intersection, and they are troubled by the many cars turning right off Irving onto 16th. The Insurance Institute for Highway Safety has found that giving pedestrians just three seconds of advance time over traffic reduces pedestrian-automobile conflicts by 95%. DDOT is already doing this in other high-foot-traffic intersections, and is now likely to do the same here.