

## Jack's January report

On January 6, the ANC did the following:

- Elected “Stormy” Scott ANC Chairperson, Gregg Edwards Vice-Chair, and me Secretary and Treasurer;
- Decided to make our monthly business meetings every *third* Tuesday, while informal meetings of the ANC with the public will be held every *first* Tuesday;
- Agreed to file a “notice of appeal” of a recent ABC Board decision concerning entertainment at Don Juan's Restaurant;
- Passed a resolution agreeing to fund 22 applicants for small grants (I abstained);
- Advised DDOT not to move the bus stop at the “triangle park” on Park Road at Mount Pleasant Street to the east side of the 17th Street intersection.

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**On January 20, the world changed.** Almost two million people crowded the Mall to celebrate Barack Obama's becoming President of the United States, Commander in Chief of our armed forces, and the leader of the free world. It's good to see this brilliant young man and his beautiful family in the White House. It's great to see Bush depart, after eight years of dreadful misgovernment. It's wonderful to see Barack Obama, the son of a white woman from Kansas and a black man from Africa, become our nation's leader. We are, as the theme of the inauguration said, “one”: *one people*, Americans all, respecting our differences, but not divided by them.

For the first time in our history, black Americans can look at the First Family and see people who look like them. For the first time in our history, they don't look like me and my European ancestors, but I love them no less for that. They may not look like me, but they most certainly mirror my values, and that's what counts. *The election of Barack Obama is the best thing that's happened in this country in my entire life.* We have come far since the era of legal segregation and socially acceptable bigotry. Forty years after the riots and destruction of 1968, we have celebrations in our streets, people of all races coming together to welcome the election of an African American President, symbolizing our progress towards healing the ancient wound of black slavery and its aftermath.

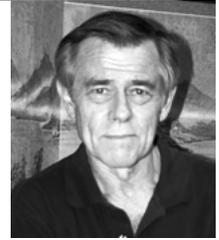
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At the January 6 meeting, the ANC passed a resolution authorizing “the filing of a **notice of appeal in the matter of Don Juan's Restaurant**”. The background is that last April, the ABC Board held hearings concerning Don Juan's application for entertainment, in the continuing battle to bring live music and entertainment back to Mount Pleasant. In July, the Board issued its decision, allowing only karaoke and “roaming mariachis”, no other live entertainment. In August, the ANC requested a reconsideration of this decision, asserting that live music should be allowed “without restricting the type or genre of music”. In December, the Board denied our request. Hear Mount Pleasant then asked the ANC to **appeal this ABC Board denial of our request for reconsideration**, along with their own appeal, and the ANC agreed to do that, facing a January 16 filing deadline.

## ANC 1D03 NEWSLETTER #77

Jack McKay, January 27, 2009

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Only later did I discover that this appeal was not to an executive department judge (such as the Mayor's Agent, to whom decisions of the Historic Preservation Review Board can be appealed), but to the District Court of Appeals, “the highest court of the District”. This is troubling because of an explicit provision in ANC law that ANCs “shall not have the power to initiate a legal action in the courts of the District of Columbia”. Is filing an appeal to the court not the initiation of a legal action? We should have addressed this question before agreeing to appeal.

My raising this question brought a sharp response from ex-commissioner Jane Zara, now working with Hear Mount Pleasant: “. . . don't purposefully misconstrue what the commission had voted on regarding live music. . . . remember, you are a public servant and should comply with the laws”. That is, I'm a liar and a law-breaker.

Well, compliance with the laws is precisely what my question is about. Hear Mount Pleasant lawyers tell me that, according to their interpretation of the law, the ANC can file this appeal, and I should just shut up and do what they say, because I'm not a lawyer. But Assistant District Attorney General Sheila Kaplan asserted unequivocally that “your ANC is prohibited . . . from filing an appeal of an ABC Board decision in the D.C. Court of Appeals.” Looks like I was right to be worried.

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I mentioned last month that I was very unhappy with this ANC's **grants program**, which promises to be an enormous amount of work, expensive to manage, and fraught with legal uncertainties. I'm not pleased, for example, that the ANC has not heard directly from any of the grant applicants, instead depending entirely on a small group of volunteer residents to read and grade the proposals. The ANC did not vote on each application separately, but on a motion to fund the batch of 22 *en bloc*. The recommendations of the volunteer group were accepted without question or further investigation.

The resolution agreeing to fund these grants, for a total of \$3000, was a dilemma for me. The grant applicants offered many fine concepts, in good faith, and I couldn't penalize them for any shortcomings in the ANC's procedures. On the other hand, I can't support an ANC action which I consider inadequate, perhaps even improper. So I abstained, and the resolution passed 5 to 0, without my vote.

There is no legal requirement that ANCs offer grants, half of the District's ANCs don't, and many of those that do run into troubles with the auditor, as ours did in 2004. Been there, done that, don't care to do that again.

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For years I've complained about the District's **block-by-block residential permit parking (RPP)** system. All this does is concentrate all the non-permit cars of the neighborhood (there are many) on whatever blocks remain unzoned. Then it compounds this mistreatment of residents of unzoned blocks by denying them RPP permits, so they can't park in much of their own neighborhood, as if they were not really residents.

I'm making progress towards making Mount Pleasant 100% RPP, which will end this clogging of unzoned blocks with non-permit cars. Councilmember Graham has just taken a step to end the denial of RPP permits to residents of unzoned blocks, with a bill that will allow *all* residents of Ward One to get RPP parking permits. Then the residents of Monroe and Newton Streets, for example, will be able to park around the corner on 18th and 19th Streets, if their own blocks are full. I plan a resolution of the ANC endorsing this proposal.

A second element in Mr Graham's bill isn't useful. In Columbia Heights, near the DCUSA development, certain blocks are, on one side of the street, for "Ward One permits only", eliminating the two hours ordinarily allowed for non-permit cars. This is to prevent shoppers from tying up residential blocks. CM Graham's bill would apply that here as well, but it's not needed, and would only complicate parking for daytime visitors to the neighborhood.

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A terrible **fire** broke out in a row house on Kilbourne Place at 10:30 on the night of January 17. Passers-by saw the fire and pounded on doors to awaken sleeping neighbors. An elderly resident of the house was found unconscious, and died on January 26. The Fire Department reports that the house had no working smoke detectors. (Have you checked yours?)

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Mount Pleasant has a number of people who spend much of their time on Mount Pleasant Street, either because their own living arrangements are dismal, or because they're clients of the nearby homeless shelters and are forced out onto the street all day, every day. What do these people do for toilet facilities? For good reason, one sees "bathrooms for customers only" on every restaurant door. Given little alternative, these people use secluded spots, generally in our alleys, for their bodily functions. Just about every urban area in the U.S. is plagued by this problem, public toilets having disappeared everywhere.

The **alley off Kilbourne Place**, just a few feet from Mount Pleasant Street, is one popular location for this unfortunate use. About ten years ago, resident Greg Nicklas put up a gate across the alley entrance to try to discourage this behavior. There are contradictory recollections of permits being issued for this gate. In October, 2007, the District Department of Transportation (DDOT) undertook the removal of this gate, arguing that there was no permit for it. (No one knows who brought DDOT's attention to this gate.)

It's a very long story, but on January 22, the DDOT Public Space Committee heard the residents' request for a permit for the gate. The ANC appeared in support of this application, with certain conditions, e.g., that the gate never be locked, because this alley may be needed for emergency egress from abutting businesses. Only the ANC appeared in support of the applicants for the gate permit. The MPNA, which in

November, 2007 asserted that it was going to "straighten this out", i.e., win permission for the gate, did not appear.

The Committee was unimpressed by the arguments for the gate, noting that alley urination was a common problem around the District, and allowing this gate would set a bad precedent. The permit application was denied, by a 5 to 0 vote, and the Committee ordered the gate removed.

This shows again the need for public toilet facilities. In years past, public facilities became notorious for criminal abuse, and have disappeared. Cities have tried modern, self-cleaning, crime-resistant public toilets, but have encountered problems with access for the handicapped, and with continued abuse. Seattle, for example, recently dismantled its five public toilets, which "had become so filthy, so overrun with drug abusers and prostitutes, that although use was free of charge, even some of the city's most destitute people refused to step inside them."

I've argued that our homeless shelters (two are nearby) ought to be open during the day, at least for toilets, so that these people wouldn't be left on the street all day long with little choice but to use our alleys as urinals.

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Residents complain of **morning commuter traffic** rushing through our neighborhood on Newton Street, bypassing the lights and congestion on Park Road, or the backups at Piney Branch and Beach Drive. These morning speedsters go right by Bancroft Elementary, just as children are arriving for school. They ought to be compelled to stick to the arterials, and prevented from using our residential streets as commuter bypasses. How can we do that?

Some come up 17th to Newton, while others come from 16th Street. I intend to have the ANC ask DDOT that 16th Street southbound at Newton be posted "No Right Turn, 7-9 AM", and Piney Branch Parkway, "No Left Turn, 7-9 AM" at 17th. These restrictions will no doubt cause some inconvenience to residents, but should significantly reduce this commuter cut-through traffic.

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CM Graham has also introduced a bill that would eliminate that brutal \$500 fine for a **transparent plastic license plate cover**. I don't care for the covers, which can make it harder to read a car's tags, but there's no justification for such a heavy fine. This bill would allow clear tag covers (legal in Virginia, prohibited in Maryland), and reduce the fine for color-tinted tag covers to \$75.

Tag covers installed with the intent of defeating traffic cameras would still bring about a \$500 fine. Television's MythBusters recently showed that the tag covers advertised for that purpose don't work anyway.

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Nine **street robberies** so far this month in Mount Pleasant. Too many! One was on 18th Street, the other eight east of 18th, none to the west, as is generally the pattern.

The ANC will have an *informal* meeting on **Tuesday, February 3**, 7:00 pm, La Casa Community Center, 3166 Mt. Pleasant St. This will be mainly for community dialog. The next ANC *business* meeting will be on **Tuesday, February 17**, 7:00 pm, La Casa Community Center.