

Jack's May report

At the April 19 ANC meeting, the ANC:

- Proposed a number of reforms to the operations of the Board of Zoning Adjustment;
- Endorsed the effort by Mayor Gray to permit liquor stores to be open until midnight, vs. the required closing at 10 pm, and the liquor sales tax increase from 9% to 10%;
- Advised DDOT to “expedite” the moving of the Irving Street loading zone to Mount Pleasant Street, “after assuring feasibility”.

On May 3, the Commission held a meeting for informal dialog with residents.

The matter of the **loading zone for Haydee's Restaurant** has turned a bit unpleasant. In February, the ANC passed the resolution I wrote advising DDOT to “explore the feasibility” of shifting the existing loading zone on Irving Street to Mount Pleasant Street. Mario Alas of Haydee's denounced my resolution as a mere “study”. He seems to think that the ANC has the power to make the loading zone change happen right away, if it really wanted to. Obviously, only DDOT can do that, and all we can do is “advise” the change, as my resolution did.

I've been insistent that we proceed cautiously, knowing from experience that somebody will be upset, either because they like the Irving Street loading zone, or because they object to losing curbside parking spots on Mount Pleasant Street. Mario pressured us with a “petition”, with 23 signatures, supporting “the proposition of a loading zone in front of Haydee's Restaurant”. I pointed out some problems with this petition, in particular that it doesn't mention the elimination of the Irving Street loading zone, nor the elimination of parking spots on Mount Pleasant Street, as a consequence of a new loading zone. It's also hard to decipher the signatures – are all the affected businesses truly in agreement? In yet another complication, whereas Mario claims that the petition had been signed by all the nearby business “owners”, at least one signature, claiming approval by Dos Gringos, was not put there by Dos Gringos owner Alex Kramer, and was done without her knowledge or approval. It's impossible to take this “petition” as proof that all affected business owners really understand and agree with the proposal.

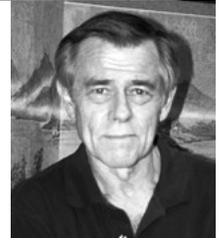
The Mount Pleasant Business Association explicitly endorsed my cautious approach, stating that “further study of these ideas is a reasonable and important next step in this process”. But Mario disagrees, and is now issuing this threat: “we will get this loading zone even if we have to sue [i.e., sue] people in mount pleasant people that are interfering with due process by abusing their position in government office”. Yes, that means me. That's my reward for helping his restaurant get a loading zone, the best way I know how.

About the **Raven Grill**, and that absurd charge that they had “allowed customers to consume alcoholic beverages beyond 3:00 AM” – as I noted in last month's newsletter, “there's no proof here of any violation at all,” and the “only fair outcome, in my opinion, would be a complete dismissal of the charges.” On April 27, the ABC Board issued its decision:

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Jack McKay, May 8, 2011

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“there is insufficient evidence to establish that the [Raven] allowed customers to consume alcoholic beverages after legally permitted hours . . . there is no evidence in the record to suggest that Investigator Parker actually determined that the beverages in the red plastic cups were alcoholic . . . [the charge] is hereby DISMISSED.”

It's not apparent that my ANC resolution in support of the Raven had anything to do with this outcome, but I'm pleased that we did that, as a gesture of support for a fine local business. (It's been rated “the best dive bar in DC” for the past three years straight. “A true dive,” says the Washington Post, “but in the best possible sense of the word”.)

It's infuriating to see our scarce curbside parking space arbitrarily taken over by “**Emergency No Parking**” placards, especially when no one ever shows up to do any actual work. Utilities and their contractors take up more space than they really need, for more time than they really need, thinking only of what's convenient for them, and caring nothing about the inconveniences imposed on residents. I've been fighting this abuse of “Emergency No Parking” placards since 2004.

A little progress was made in 2006, with a new law (now DCMR 18, 2407.25) that requires these contractors to state, on those no-parking posters, the name of the issuing agency, and a contact name and phone number, so we could at least know who put the posters up, and why, and have a person to complain to, if the contractor is a no-show. New no-parking posters have places designated for this information

But District utilities and contractors continue to use the old posters, and ignore the 2006 law. I found a flock of these posted on Kilbourne Place on April 19, reserving half the block, both sides, for four days. I protested to DDOT, and lo, on the 23rd, a DDOT inspector arrived and took them all down, observing that “no contractor or utility companies are mobilized and no sign of work is in progress”. No permits for this occupancy of public space had been obtained (rarely do these contractors bother), so nobody yet knows who was responsible for putting up these placards.

Then a number of these legally-noncompliant no-parking signs appeared on the Park Road end of the 3200 block of 19th Street, demanding parking space on both sides of the street for the entire week of May 2. Who? Why? I protested, again, and on Thursday of that week, seeing no sign of any work being done, I took the no-parking signs down myself. Surprise, that afternoon a cement mixer showed up and poured concrete. Typical: they needed the area for only one afternoon, but they demanded it for the whole week.

Henceforth, I will immediately remove any no-parking placards that do not meet the current legal requirements. DDOT, and Councilmember Graham, are on my side, agreeing that it's time contractors were compelled to respect the four-year-old law.

There was an **emergency exercise drill** planned by the Department of Health for April 26, to test systems to deal with “a gas leak and fire in the community”. This exercise was to include an evacuation of the Stoddard Baptist Home on Newton Street, and the Home advised neighbors that “it would be helpful if you do not park on Newton Street” on the morning of the 26th.

That didn't seem to be much of a problem, but on the 23rd, an e-mail from Lt. Pate of the MPD said that Newton Street would be posted for “emergency no parking”, and that traffic would be blocked from both Newton and Ingleside at 19th Street during the exercise. That was a lot more intrusive than “it would be helpful” not to be parked on Newton.

I responded that this was not only far more disruptive to residents than the earlier information, but that this would occur on the date of the special election, and could interfere with access to Bancroft Elementary for voting. Councilmember Graham agreed that this was a really bad idea, and the authorities agreed to change the date for this exercise. I personally went out and took down all the no-parking signs put up by the MPD, signs instructing residents to remove their cars by 5 AM on that Tuesday morning.

I am told that the exercise has been rescheduled for June 2. Okay, but I have asked that the exercise be less disruptive to residents than was that order to clear the streets by 5 AM. Lt. Pate is concerned only that residents might find their cars trapped on the street. That's considerate, and certainly Newton Street residents would be well advised to park elsewhere the night before this exercise, if they can. But I sure don't want to see another “begone by 5 AM” order, threatening \$50 fines for anyone who doesn't obey.

A home on Monroe Street was **burglarized** on April 14. This was unusual in that the burglars were not deterred by the residents of the house being at home. Usually, burglars look for houses with no one home, preferring not to encounter residents, or to have residents call 911, as they do their thing.

There were two burglaries in Mount Pleasant in April. The burglary rate here has declined substantially in recent years, from 5 or 6 per month in 2006-2008, to 3 per month in 2009, and 2 per month in 2010.

Yes, there was an **election**, of sorts, on April 26. Turnout was very low, so it's hard to say that the vote accurately reflects opinion in Mount Pleasant. But here are our vote totals:

Bryan Weaver, 404 votes (31.7% of the 1188 total votes cast)
Patrick Mara, 306 (24.0%)
Sekou Biddle, 252 (19.8%)
Joshua Lopez, 136 (10.7%)
Vincent Orange, 112 (8.8%)
Alan Page, 33 (2.6%)
Tom Brown, 15 (1.3%)

I know Bryan, and he's a good person, but he never had a chance in this city-wide election, being little known outside Ward One. I guess the only thing to be said about the Mount Pleasant vote totals is that this isn't a hotbed of support for the citywide winner, Vincent Orange.

The **Mount Pleasant Library expansion dispute** continues. The Zoning Administrator of DCRA allowed the library to get around R-5-D zoning requirements by redefining the rear of the building as the “side”, the south side as the “rear”, thus allowing the requirement of a 15-foot rear yard to be met, on paper. One member of the Board of Zoning Adjustment (BZA) commented that, “from a zoning standpoint, this stinks”. The BZA split, two to two, on whether this clever dodge was legitimate. A fifth BZA member will break that tie, one way or the other, at a June 7 meeting.

The library has filed a new zoning variance request, guarding against the possibility that the five-member board will reject the DCRA zoning decision and disallow the already-issued permits. The new request admits that the west face of the building is the rear, but requests a variance from the 15-foot rear yard requirement, so the expanded library building can butt right up against the adjacent building on Lamont Street.

The issue is access to the rear of various apartment buildings in case of fire. The 15-foot rear yard provision would allow firefighters to run hoses to reach these buildings from behind. With the library built up against the adjacent building, that access is cut off.

All this is for a library expansion that would provide a 100-person capacity meeting room. It seems to me that Bell-Lincoln, right across 16th Street, offers that already. We need the library renovation, certainly, but the rearward expansion, which has been very troublesome, seems unnecessary.

Construction is well under way, including steel beams and concrete for that expansion, so a revocation of the permits for the work at this time would be very awkward.

The ANC supported Mayor Gray's budget call for allowing **liquor retailers to stay open until midnight**.

Retailers are now required to close at 10 pm. But why? I don't know of any big problem of street drinkers buying liquor in liquor stores for consumption in, say, Lamont Park, at midnight. The consumption of alcoholic beverages in public places is prohibited, anyway, even in many of our front yards. So what's the point to the sales limitation, which prevents us even from purchasing beer or wine at the Van Ness or Tivoli Giant Supermarkets after 10 pm? Many Mount Pleasant residents keep late hours, and might want to shop for beer or wine after 10 pm. Though the law is perceived as a restriction on liquor retailers, it's really a limitation on us, the public, a decree that you and I may not purchase alcoholic beverages after 10 pm.

I say, unless some clear public benefit can be shown for a legislated early closing time, then let the public, and the retailers, decide.

The next *business* meeting of the ANC will be on **Tuesday, May 17, 7:30 pm**. The next *informal* meeting will be on **June 7, at either 7:00 or 7:30 pm**.