

## Jack's October report

At the September meeting, the ANC did the following:

- Advised ABRA to renew all the Class B Retailer liquor licenses in Mount Pleasant: International Progreso, Best World, Each Peach, Samber, and Los Primos.
- Advised DDOT of a number of recommendations concerning the plans for the 16th Street buses, in particular, opposing the elimination of the Lamont and Newton Street stops;
- Asked the BZA to postpone decision on the rear extension Special Exception requests for 1739 and 1745 Harvard Street.

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The matter of **rear extensions for 1739 and 1745 Harvard** is proving extremely difficult. I like to use this ANC position to help residents get what they want from the DC Government, including permits. But what do I do when numerous neighbors step up to say they don't want their neighbor to get that permit? Being caught in the middle between opposing, and valid, viewpoints, is an impossible position. How does one choose which neighbors to please, and which to dismay?

The owners of 1739 and 1745 Harvard Street want to build extensions out the back of their row houses. I can certainly appreciate that, having added a rear extension on my own house, greatly enhancing its livability. Furthermore, these Harvard Street rowhouses are small, and no doubt residents need more space.

The problem, of course, is that that extension out the back can loom over, and shadow, the neighboring back yard, degrading its light, air, and general comfort. The immediate neighbors of these two homes have made it plain that they object to these extensions.

The District has complicated matters by deciding, in the recent revision of zoning regulations, that a rear extension up to 10 feet will be allowed, as a “matter of right”. Only extension beyond 10 feet requires a “Special Exception”, which requires that the change “shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property”.

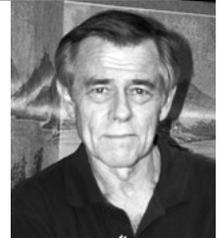
The trick word in there is “substantially”. How much “adverse effect” is needed to be “substantial”? Evidently some adverse effect is allowed, but how much? Furthermore, these proposed extensions go out only 12 or 13 feet – not much beyond the 10 feet that would be allowed, without any Special Exceptions. We ought to be debating the consequences of just that last two or three feet, not the whole extension, but that's not the way the discussions have gone. The applicants have indicated that, if they can't get their 12 or 13 feet, they won't build at all, so the debate has been about the entire extension, not just the portion that requires BZA approval.

Further complicating the issue is the fact that this is all very new. Only in April did the Office of Zoning release the final regulations for these rear extensions. We have little prior experience to suggest how much “adverse effect” is “substantial”. A reason for our resolution requesting post-

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Jack McKay, October 15, 2017

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ponement of the BZA hearing in September was to allow further exploration of this subjective judgment.

The BZA, instead of giving us any useful guidance for what would qualify as “substantial”, basically tossed the problem right back to us: *“the questions you raise are ideas the Board is now considering as well – when does an impact rise to the level of 'undue,' for example. . . the regulations were drafted by the Zoning Commission in this open-ended way to emphasize that each addition should be considered on a case-by-case basis because of how much variety there is in each proposal and each property. This allows for the ANC, and then the Board, to consider elements such as the size and shape of the lot, the design of the addition, sun/shadow studies provided by the applicant, and the support/opposition of adjacent residents when making a decision as to whether an application should be approved or denied.”*

In short, we're on our own here. Key in that direction is that “the support/opposition of adjacent residents” is expected to be a factor in the judgment. Well, the adjacent residents do object, strongly. Are their objections unreasonable? I don't think so, so I see no way that their objections can be over-ruled. I expect to vote against allowing the “special exceptions”, though with great regret.

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I have been waging a battle with the Metropolitan Police over **parking tickets**. The principal difficulty is, of course, that provision that permits residents with RPP stickers, on RPP blocks, to park as close as 25 feet to an intersection, though the no-parking signs are placed 40 feet from the intersection. The police officers have great difficulty with the notion that a car can extend well beyond a “no parking” sign, and yet be legally parked. The Parking Enforcement officers in their little white cars (employed by DPW, not the MPD) have been properly trained, and get it, but MPD officers haven't been given the same training, and persist in ticketing legally parked cars.

My advice to the MPD has been to ignore parking, barring safety issues, leaving the ticketing of improperly parked cars to those DPW Parking Enforcement officers, who are better trained (and paid less). Our MPD officers should be looking for thieves, burglars, and robbers, protecting residents from criminals, not bothering residents for their parked cars, and should leave parking enforcement to DPW Parking Enforcement.

The question is, why have MPD officers suddenly turned their attention to parking? Don't they have more important things to do? Like worry about theft from parked cars?

Fourth District Commander Manlapaz writes that this MPD attention to parking is “due to the numerous complaints we get in Mt Pleasant”. This puzzles me. Who is calling on the MPD for increased parking enforcement here in Mount Pleasant? I know there's concern about trucks blocking alleys, and about commuters abusing visitor parking passes, and double parking on Mount Pleasant Street, but not about parking in general. Commander Manlapaz won't say specifically what the parking complaints are about – just that somebody seems to be calling for more parking enforcement, so some MPD officers have been sent into the neighborhood specifically to seek out, and ticket, illegally parked cars. However, they aren't well trained in the parking laws, and persist in writing tickets for cars legally parked according to that 40/25-feet-to-intersection provision, of which they were quite ignorant.

Aside from that, does the neighborhood really want police officers cracking down on our parking? They're not doing anything about trucks blocking alleys, nor about commuters misusing visitor parking passes, so what's the benefit to the neighborhood? Parking around here is tough – anyone coming home after about 8 pm and needing curbside parking has a real problem.

I see little benefit to the neighborhood in punishing residents who, hard pressed for parking anywhere near home, have no choice but to park in spots of marginal legality.

The annual **leaf collection** is about to begin. Recommended practice is to rake your leaves loose into the treebox spaces – the open ground between the sidewalk and the curb. (If you've nicely planted your treebox space, this won't do, of course.) Do not rake leaves into the street, where piles of leaves clog gutters! The DPW crews come by with an enormous vacuum machine to suck up the leaves and deposit them in a truck. Yes, the District composts these leaves, they don't go to landfills.

Leaves can be bagged for collection, but paper bags must be used – not plastic. Leaves in plastic bags go into the regular trash stream, and end up in landfills, still bagged.

First DPW leaf collection pass here will be the week of November 7. Unfortunately, that first pass generally precedes the serious leaf fall. The second pass will be the week of December 5. That tends to be so late that the piles of leaves have turned wet and soggy, and are hard to vacuum up. But this is the way it's always been.

**Residential Permit Parking (RPP)** exists to prevent commuters from using residential areas as free parking lots. But a commuter could decide that occasionally paying a fine is preferable to paying for parking in a commercial lot. The District has implemented a graduated scale of RPP violation fines, perhaps in response to repeat violators: *In the calendar year: First offense \$35, Second offense \$35, Third and any subsequent offense \$65.*

This doesn't help with our principal problems: commuters to Mount Pleasant using Visitor Parking Passes (obtained how?), or simply parking in the remaining unzoned locations.

There's a portion of the 1700 block of Park Road that is supposed to be posted for RPP, but isn't. (What happened to the signs?) We've been trying to get that fixed, for the benefit of the residents living on and near to that block, but so far without success.

**Daylight Saving Time** ends the morning of November 5. Then, abruptly, sunset will come at about 5 pm. This puts our evening rush hour into darkness, and consequently, an increase in traffic incidents, particularly collisions with pedestrians and bicyclists.

DST returns March 11. Spring! Can't come too soon, for me.

Our community meetings with the police used to be held monthly, but attendance was low, so now we have them quarterly. The next **Police Service Area (PSA) 408 meeting** will be on October 25, 7 pm, La Casa Community Center, 3166 Mount Pleasant Street. This will be the first meeting with our new lieutenant, Jonathan Munk.

The next meeting of the ANC will be on Tuesday, October 24, 7:00 pm, at the Mount Pleasant Library.

**Robbery** – the forcible taking of your property, in person – is classified as a crime of violence, as the robber compels you to yield with an implicit or explicit threat of assault or injury. As is evident from this chart, showing robberies recorded in Mount Pleasant since 2002, the count of robberies here has declined markedly over recent years.

