

November report to constituents

Here is news of the **November 1 ANC meeting**, and notes of other events in the neighborhood.

I reported on **ANC reviews of Residential Permit Parking petitions**. For almost two years I've been insisting that DDOT allow ANCs to review RPP petitions, because DDOT does a bad job of it, regularly accepting petitions that are in fact short of the necessary count of household signatures. It is not easy to count "households", not when so many houses have been divided into two or more apartments.

DDOT has resisted submitting RPP petitions to ANC review, and I have been finding out about petitions only after the signs go up. This was the case for the 1800 block of Kilbourne in February, and the 1700 block of Irving in August. I showed that the Irving Street RPP petition was inadequate, a seven-unit apartment house on that block having been omitted from the household count. Perhaps that has finally persuaded DDOT that they would do well to permit ANCs to review RPP petitions.

In the latest case, concerning the 3200 block of 19th Street (yes, my own block), DDOT faxed me the petitions for review *before* putting up the RPP parking signs – the first time ever that they have done this. Harold Smith, who does this work at DDOT, put the question directly to me: "how many households?" I confirmed the adequacy of the signature count, and RPP for this block will begin on December 6.

RPP petitioning is now under way for the 3100 block of 19th Street, as those neighbors also find that they must defend themselves against the non-permit cars displaced from RPP blocks onto their own. I've arranged for RPP petitioning for the apartment house residents at 1900 Lamont Street (such single buildings can get RPP privileges, under certain conditions). Those folks have no street frontage of their own, and are currently denied RPP permits; what are they to do, when every street around them is zoned? It's only fair that they too be given RPP parking privileges.

I raised the issue of **music in Lamont Plaza (Park)**. This is an example of the problems we face in balancing the operations of the commercial strip with the rights of the neighbors. Certainly we want musical performances to be permitted in the park, but the nearby neighbors also have a right to peace and quiet in their homes. Can we have both?

I've made measurements of the sound levels from musical performances, hoping to find a level that would be adequate for the audience in the park, but not troublesome for the neighbors. It turns out, happily, that the compromise struck some years ago is a good one: 78 decibels, measured at the perimeter of the park. That

ANC 1D03 NEWSLETTER #27

Jack McKay, November 29, 2004

Opinions expressed here are those of Dr. McKay alone, speaking for himself, not for the Mount Pleasant ANC.

DDOT says that the purpose of the RPP program is to prevent "commuters from parking all day on residential streets". But that's not why the residents of 19th Street voted for RPP. The problem is that these blocks, among the last south of Park Road to remain unzoned, have become neighborhood parking lots for visitors and for Mount Pleasant residents whose cars aren't registered in the District. Furthermore, the residents of this block resented being prohibited from parking elsewhere in their own neighborhood, e.g., right around the corner on Lamont, Kilbourne, and Kenyon.

This change will, of course, just force non-permit cars onto blocks that remain unzoned, e.g., Monroe and Newton. Our household help and child care workers are also having an increasingly difficult time finding parking. This is an awful residential parking system.

Whereas entertainment events, including live musical performances, in Lamont Park are popular in Mount Pleasant, and contribute to the vitality and small-town neighborliness of our urban community;

Whereas Lamont Park, a triangle park formed by the confluence of Lamont, Mount Pleasant, and Seventeenth Streets, was built with a stage specifically to permit live entertainment events;

Whereas the maximum permissible sound level from performances in such public parks was, until recently, set by the Department of Parks and Recreation at 78 dB(A), a level which was adequate for musical performances, yet did not impose uncomfortable sound levels on nearby residents;

Whereas the Department of Parks and Recreation has recently revised this maximum to 60 dB(A);

Whereas this lower maximum is too low to permit satisfactory musical performances in the park, because the noise level in the park due to traffic on the adjacent streets is 75 dB(A), as is typical for an urban street;

Whereas this lower maximum sound level is unnecessary for the comfort of the nearby neighbors, the normal noise level of the street being well above this maximum;

Resolved, that ANC 1D calls on the Department of Parks and Recreation to restore the previous maximum permissible sound level to 78 dB(A), and on the District Council to pass any legislation needed to permit this change.

makes the sound level outside the park little more than the ambient street traffic noise (about 75 dB), but provides ample volume, 90 dB, up close to the stage. This 78 dB was the Parks and Rec specified limit as well, so all seemed to be fine. Nearby residents have confirmed that music at this level was not disturbing, while music at 90 dB (a FamJam performance) was.

But in helping the Viva Mount Pleasant group obtain their permit, I was stunned to find that Parks and Rec has sharply reduced that maximum permissible sound level, down to a mere 60 dB. That is so low that people standing right next to the stage would be unable to hear the music above the noise of passing cars. This absurdly low sound level is based on a DC law that limits “noise” in residential areas to 60 dB, while making no provision for outdoor musical performances. *The result is a practical prohibition of all musical performances in Lamont Plaza.*

The ANC passed, unanimously, my resolution (see box) calling for a change to this unfortunate situation. This will go to Parks & Rec, which will do nothing, contending (correctly) that they are forced by District law to impose the 60 dB limit. We have sent this also to each and every member of City Council, calling on them to change this law, and to permit reasonable sound levels for open-air musical performances in public parks.

I complained again about **District contractors taking up excessive amounts of parking space for their projects.** The ANC last month passed a resolution calling for tighter control of contractors. Now I intend to follow up on that resolution by filing complaints with District agencies whenever any of their contractors abuses their “Emergency No Parking” powers. A WASA contractor did just that on my block, the 3200 block of 19th Street, taking up most of the block for several days, but in fact appearing for only a few hours one afternoon. This abuse naturally infuriates residents who are greatly inconvenienced by these 7 AM no-parking commands. The ANC agreed to send a sharp letter to WASA protesting this incident, and citing our resolution.

Gregg Edwards brought up the matter of **permits for table candles in restaurants.** According to the City Paper, the Fire Department is now insisting that restaurants obtain permits for such candles, and that they pay \$100 for those permits. Perhaps the permits are appropriate, but the fee is excessive. I would be willing to support a resolution protesting this fee, but no Mount Pleasant restaurant owners were present to request such a resolution, and we had not been given this matter in advance of the meeting, so we were unable to research it properly. Simple as it sounds, I’m reluctant to support anything without a due-diligence investigation. All too often, the proponents of a measure will omit important details that argue against their case, and I’ve seen past ANCs support matters that turned out to be much more difficult and complex than they thought. Dominic Sale and I called for this measure to be tabled until the next meeting, giving us time to study it further. As it happens, City Council is hard at work at an act that will eliminate this fee, so it’s not at all clear that our ANC needs to take action here.

Final ANC election vote totals:

1D01: Wayne Kahn, 274; Steve Millar, 192
1D02: write-in, 70
1D03: Jack McKay, 694; Todd Kutyla, 167
1D04: Gregg Edwards, 288
1D05: Richard Wysocki, 595
1D06: Dominic Sale, 389

I am extremely pleased at the number of people who voted for me to carry on this job for another two years. And thanks to Todd Kutyla for offering voters a clear choice, making my vote total even more significant.

The 1D02 spot has been won by Devenia Roberts, a Woodner resident who ran an impromptu one-day write-in campaign.

Widening of the 3400 block of Mount Pleasant Street is about to begin. The DC Attorney General’s office (formerly Corporation Counsel) spoke for us in opposition to the filing by one resident for a temporary injunction against this work, and Judge Wolf of Superior Court recognized the strength of our arguments for the public benefit of widening this road (more parking for residents, safer access to Bancroft Elementary). Denying the injunction, said that “plaintiffs failed to demonstrate any substantial likelihood of success on the merits.” The trees will be moved onto Bancroft grounds (still lining the street), and the street will be widened, the culmination of years of effort by the residents of this street.

Fall leaf collection is under way. DPW prefers that residents “rake loose leaves into piles in your curbside treebox space”, where the vacuum trucks can quickly collect them. (*Not* into the street, where the leaves clog the gutters!) **The leaf vacuum trucks will be working Ward One, west of 16th Street, from November 29 to December 10 (i.e., now!).**

The December ANC meeting will be on December 6, 7:30 pm, La Casa Community Center, 3166 Mount Pleasant Street. Possible agenda items include a review of ANC grant procedures, an opening for a new staff secretary, restaurant table candle permits, the ANC Web site, the District Comprehensive Plan, and the ANC’s dealing with resident complaints..

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