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Minutes of the November 11, 2008 meeting of Advisory Neighborhood Commission 1-D

These minutes accepted at the December 2, 2008 meeting.

Call to order

[7:04 pm] Chair Angelia Scott called the meeting to order at 7:16 pm. Present were ANC1D commissioners Scott, Edwards, Bosserman, and McKay, constituting a quorum.

Public discussion

[7:04 pm] The meeting was opened to public discussion. Chris Otten, commissioner-elect for 1C02, spoke. Hadiyah Jordan, civic engagement coordinator for the Columbia Heights streetscape project, spoke, addressing the ANC audience. Gregg noted that there had never been a public meeting dedicated to the Mount Pleasant component of this project; Ms Jordan said that she would relay that request to Mike Jelen of DDOT. Jack reiterated the complaint, and pointed out the unsatisfactory state of sidewalks along Park Road west of 16th Street. This was followed by a discussion of the plans for an expansion of the Mount Pleasant Library into the adjacent driveway and alley.

At 7:20 pm, Jack noted that commissioners Tunda and Zara had arrived.

Chris Otten continued with more discussion of DC libraries. Residents of 3155 Mount Pleasant Street expressed concerns about the expansion of the library towards their building.

Announcements

[7:28 pm] Jane noted the availability of ANC grant applications.

Harvard Street BZA application

[7:29 pm] Jack requested that the people present for the matter of the Harvard Street BZA application be permitted to speak at the time that the resolution was brought up, rather than having them speak during the public discussion period. Gregg moved that each side of the dispute be permitted five minutes to speak when the resolution was considered, and the commission agreed to this.

Minutes of previous meetings

[7:30 pm] No corrections to the minutes of the October 7 meeting were offered by the commissioners, so these minutes were declared accepted.

Treasurer's report

[7:30 pm] Jack listed the bills to be paid that evening, and asked if there were any objections to these payments: Tony Grillo \$50, Albert Varela \$50, Laticia Jefferson \$387.50, Adebisi Odegbile \$277.50, Neil Richardson \$2290.00, Milagros Hernandez \$252.00 (for translation of a grants document into Spanish), Neil Richardson \$191.46 (reimbursement for food expenditures), and Gregg Edwards \$367.30 (reimbursement for copies and printing). After some discussion of the details, the commission offered no objections to these payments.

Executive Director's report

[7:37 pm] Neil reported on ANC staff activities during October.

Meeting refreshments policy

[7:44] Stormy raised the question of ANC policy concerning refreshments, or food, at our business meetings, as well as at midmonth meetings. Gregg offered a resolution in support of refreshments at our monthly meetings, which Jack stated as follows: "we are agreed to have a budget of up to \$50 a month for our monthly meetings for refreshments, but we will respect the boundaries of the ANC law". *Motion passed by 6 to 0 vote.*

New Business:

Representation at DC Public Library meeting

[7:53 pm] Gregg moved the following:

ANC1D authorizes Gregg Edwards to present its resolutions on the Mt Pleasant Branch library to the DCPL board at its next meeting.

Passed, 6 to 0.

Harvard Street BZA application

[7:55 pm] Jack, for Stormy, moved the following resolution:

To the Board of Zoning Adjustment, concerning concerning Application No. 17833, Application of Timothy Lawrence, to construct a private garage on an alley lot in the R-4 District at premises 1665 Harvard Street, N.W.

In its resolution of October 7, 2008, ANC1D advised that the application for variance be denied. But at the hearing of October 28, the Office of Planning recommended approval, and the Board reportedly will reconsider the matter on December 2.

Resolved, that ANC1D advises the Board of Zoning Adjustment again that this application for zoning variance should be denied, on grounds of detriment to the public good, and an adverse effect on the light and air of the immediately adjacent residence, 1701 Harvard Street. ANC1D further advises the Board that ANC resolutions in these matters command "great weight", which requires that the government entity provide a written response, which must "articulate with particularity and precision the reasons why the Commission does or does not offer persuasive advice under the circumstances".

Rationale

As stated in the ANC resolution of October 7, the variance allowing the proposed structure cannot be granted without “substantial detriment to the public good”. It is clear from the peculiar location of this lot, a subdivision of an existing single-dwelling lot, that the structure would have an adverse effect on the residents of 1701 Harvard Street, being a 14-foot-high building only 17 feet away from the rear windows of that residence. Other neighbors have joined with the residents of 1701 Harvard in objecting to this construction. These residents are members of the public, and their protests are a measure of the potential impact of this construction on the public good.

As stated in the ANC resolution of October 7, the structure would “have an adverse effect on the light and air of that dwelling”, namely the residence at 1701 Harvard Street. The Office of Planning report asserts that the structure would not affect light, arguing that the windows of 1701 Harvard would not be in the shadow of this building. By that analysis, one could brick up the windows of 1701 Harvard Street, and argue that the light afforded to that building would not be affected, because direct sunlight never strikes north-facing windows. In fact, sunlight arrives at windows from all directions, due to scattering from the atmosphere. The law does not specify direct sunlight, but simply “light”, and so cannot be interpreted to mean only direct sunlight. This construction would significantly reduce the amount of indirect sunlight on the rear windows of 1701 Harvard Street, and would in fact have the adverse effect stated in this ANC’s October 7 resolution.

The Office of Planning argues further that other houses in this area have garages similarly located with respect to homes. But in every other case, the garage is on the property of the affected homeowner, and if it is that homeowner’s choice to erect such an obstruction near his back wall, then that is his free choice. In this case, the garage is owned by a neighbor, not the owner of the affected residence. That makes this garage an undesirable intrusion upon that residence, imposed against his will and without his consent. That makes this situation different from the others along this row, and those other garages cannot be cited as justification for this construction.

ANC1D notes further that the legal requirements imposed upon the BZA by the District Code in response to its resolutions are as follows:

§ 1-309.10 (c)(3)(B) In all cases the government entity is required to articulate its decision in writing. The written rationale of the decision shall articulate with particularity and precision the reasons why the Commission does or does not offer persuasive advice under the circumstances. In so doing, the government entity must articulate specific findings and conclusions with respect to each issue and concern raised by the Commission. Further, the government entity is required to support its position on the record.

§ 1-309.10 (c)(3)(C) The government entity shall promptly send to the Commission and the respective ward Councilmember a copy of its written decision.

ANC1D notes finally that the resident petitioning for the variance would have done well to follow the BZA’s advice “to contact the ANC to discuss your application at the earliest practical time”, in a letter dated May 28, 2008. The applicant did not do so, and furthermore failed to attend our thoroughly noticed public meetings of June, July, August, and September, while his unhappy neighbors did contact this ANC and attend our meetings. We in fact declined to consider a resolution at the September meeting, postponing that consideration until October, to provide him with another month in which to make his case. Plainly the applicant should simply have come to this ANC months earlier than he did, just as the BZA had suggested. However, the decision of this ANC is based only on the special

circumstances of this application, not on any priority in appeals to us from residents of our neighborhood.

After hearing from the property owner, Timothy Lawrence, and the neighbor immediately adjacent to the property, Ed Schneider, the resolution was passed, 3 to 1, with 2 abstentions (Jack, Stormy, and Gregg voting “yes”, Dave voting “no”, Oliver and Jane abstaining).

Mount Pleasant Performance Parking Pilot Program

[8:24 pm] Jack moved the following:

Resolved, that ANC1D endorses the Mount Pleasant Parking Pass Pilot Program, as described in the DDOT proposal of October 7, including a Visitor Parking Pass Pilot Program, and a Day Parking Pass Pilot Program, and advises DDOT to implement this program as soon as practicable. ANC1D also advises DDOT to incorporate the application of program funds to the neighborhood, as specified by Section 5 of the “Performance Parking Pilot Zone Act of 2008”. Concerning the Day Parking Pass, ANC1D suggests that the blocks on which these permits are applicable be defined as 18th Street and westwards in Mount Pleasant, as a simpler definition than the 60% occupancy criterion.

Rationale: the Visitor Parking Pass system will be a welcome simplification of the current 15-day-pass system, requiring personal visits to police station for visitor permits. The Day Parking Pass program will allow the use of vacant curbside parking space in Mount Pleasant to be a substitute for a commercial parking lot or garage. Allocation of a portion of the proceeds of the Day Parking Pass system is essential for compensation to the neighborhood for the use of curbside parking space by commuters to Mount Pleasant.

Passed, 6 to 0.

Permit left turns from eastbound Klingle Road

[8:25 pm] Jack moved the following:

Resolved, that ANC1D advises the District Department of Transportation to permit left turns from eastbound Klingle Road onto Park Road at the Walbridge intersection.

Why: During the green-light phase for eastbound Klingle Road traffic, the only other permitted traffic direction is westbound Park Road to Klingle Road. A left turn across that traffic direction is a routine left across a single lane of oncoming traffic. There is no conflict with westbound Park Road to Park Road traffic, that stream being stopped by a red-arrow light. Hence, this left turn can be made with no special risk.

This left turn has long been prohibited, for reasons unknown. Drivers on eastbound Klingle Road traffic circumvent the prohibited turn by turning onto Adams Mill Road, then into an alley paralleling Klingle Road, then left from the alley onto Walbridge Place. The left turn exiting the alley is surely more hazardous than would be the left onto Park Road, and traffic speeding through the alley is hazardous to residents and their pets.

The prohibition of the left turn from Klingle onto Park Road currently makes it awkward for residents of the 2000 block of Park Road, and residents of Pierce Mill Road, to reach their homes.

Passed, 6 to 0.

Open up the MtP Transportation Study

[8:26 pm] Gregg asked that the resolution passed at the October meeting be reconsidered, this time with a “why” statement appended. That resolution was:

ANC1D resolves to advise the DC Department of Transportation (dDoT) to upgrade its processes of participation, including a broader and more representative advisory committee, and a more even handed treatment of alternative approaches. In addition, we ask the Mayor and Councilmember Graham to intervene because this situation has been protested for over a year, and because dDoT refuses to obey the ANC law in acknowledging and responding to ANC1D resolutions.

The “why” statement to be appended is as follows:

Why: The Advisory Committee for this study, as revealed in a recent email from the contractor announcing the meeting, appears to be constituted entirely by property owners, a small and highly unrepresentative sampling of Mt Pleasant. The public input has been biased for those with access to the web, perhaps a minority in this neighborhood. The attendance at public meetings has been quite unrepresentative of the actual demographics of the neighborhood; the budget for public participation has been quite small, with the result that the programs have not been welcoming to minorities and non-English speakers. The civic group serving merchants has protested the handling of this process, as has the civic group serving apartment dwellers. ANC1D resolutions on this study have not been handled in accordance to law by dDoT.

Passed by 4 to 2 vote (Gregg, Oliver, Stormy, and Jane voting “yes”, Dave and Jack, “no”).

Staff Position: Administrator

[8:36 pm] Gregg moved the following:

ANC 1D resolves that the commission engage Tracy Butler as a part-time independent consultant with the role of interim Administrator, working in collaboration and with the oversight of the Executive Director (ED), and that the ED advertise for other candidates, prepare a contract, and make a recommendation for the position.

The position would pay \$25 an hour for organizing and administrative work, and \$15 an hour for project work for tasks as approved by the ED. The approximate time commitment would be an average of two days a week. The position requires experience in office management and handling computer systems sufficient to set up ANC1D meetings. Residence in Mt Pleasant or close-by is preferred. The ED is encouraged to select someone that could be delegated to administer ongoing projects and ANC1D staff functions.

Passed, 6 to 0.

Resolutions policy

[8:39 pm] Gregg moved the following:

ANC 1D adopts the following as its policy on handling proposed topics and resolutions:

1. The publication of advanced notice of topics for an upcoming meeting is no promise or schedule. It alerts the neighborhood that the commission may be considering the topic and invites contribution and discussion of evidence and arguments. The discussion at the meeting will depend on circumstances at the time of the meeting.

2. The commission will give preference to considering topics that are introduced by commissioners 9 days before the meeting, so that they can be listed on meeting notices.
3. Topics introduced with less than 1 day notice must include a strong argument for why they should be considered at the last moment.
4. If a proposed resolution does not appear in full on the projected screen, or is not read in whole into the record, there must be an explicit notice (in the audio record when available) that a written version is to be used in whole or in what specific parts. In that case, the text made available to any commissioner requesting.

Passed, 6 to 0.

Dangers in front of Deauville fire scene

[8:41 pm] Gregg moved the following:

ANC1D resolves to advise the DC Department of Transportation (dDoT), the DC Department of Consumer and Regulatory Affairs, and the Office of the Deputy Mayor for Economic Development of ongoing dangers and disorders in front of Deauville fire scene, 3145 Mt Pleasant St NW, and to request immediate action on the following items:

1. A temporary covered sidewalk should be built (much like those seen downtown at major construction sites) with its east wall flush against the steel girders to preserve as much as possible of the current sidewalk, public space, and roadway. Such construction should be made to accommodate handicapped pedestrians.
2. The owner should be forced to immediately clean up the worksite and the landscaping. If the owner does not comply promptly, then some measures such as Clean It or Lien It, or a taking based on procedures for nuisance properties, should be implemented within the month.
3. The site should be adequately lit for purposes of guaranteeing safe passage and for mitigating security risks.

Why:

Eight months after the fire, the temporary situation at 3145 Mt Pleasant St NW has not been stabilized.

This already congested street has been blocked even further by the illegal encroachment on public space and the street by jersey barriers not adequately marked. This greatly adds to stress and inconvenience of a situation which already stressed by:

- * Narrow sidewalks with many random obstacles for pedestrians in a heavily travelled commercial corridor.
- * A narrow street which serves several bus lines and as a cross-town secondary arterial for automobiles.

Trash is not picked up and constitutes a rat harborage.

The sidewalk is largely blocked and presents substantial obstacles for the handicapped and a great discouragement for shoppers in ways that further depress a commercial corridor already in distress. A temporary, covered/protected passageway is needed to protect pedestrians from the danger of falling debris, and provide better facilities for handicapped users. It would likely provide the same security as the chain link fence currently in place (which fell over recently during a storm).

While apparently engineers disagree in their gut judgment, pedestrians and neighbors feel the threat of possible partial collapse of the ruined façade.

Given the dangers of the area, the site is not well lit at night, nor the hazards marked.

Passed, 6 to 0.

DC should consider assistance for an arch publicizing Mt Pleasant

[8:55 pm] Gregg moved the following:

ANC1D resolves to advise the Office of the Deputy Mayor for Economic Development (DMED) and the Office of Planning to assist in the evaluation and planning of a possible arch which would draw shoppers from the 14th & Irving Metro Stop area to the commercial corridor of Mt Pleasant. Once a suitable response has been arranged, this assistance should include accelerated processing and waiving of fees.

Why:

With the opening of a one billion dollar urban center in Columbia Heights, and other ongoing demographic changes nearby, much business seems draining away from the commercial corridor of Mt Pleasant. Yet, there is much potential in business district whose merchants represent or serve authentic cultures of residents from a hundred nationalities around the world.

There may be many ways to make our hidden gem more apparent. One that deserves evaluation, and if reasonable then immediate action, is the building of an arch announcing Mt Pleasant to the passing world. Officers of the Mt Pleasant Business Association (MPBA) are considering and need the help of the DC government in planning several possibilities.

To illustrate, consider the most prominent, a well-lit arch visible from the Columbia Heights Metro stop, positioned above Irving St at the intersection of 16th St. This would not only orient those looking for Mt Pleasant, but could indicate another experience worth exploring someday. MPBA would not require additional money, now estimated at \$100 000, but would be greatly helped if fees (estimated at \$10 000) were waived and implementation of an agreed plan expedited.

Jack moved that the resolution be tabled indefinitely. *Motion to table passed, 5 to 1 (Gregg voting "no")*.

Adjournment

[9:03 pm] Jack moved adjournment. *Approved by 6 to 0 vote.*