

Jack's February report

At the January meeting, the ANC did the following:

- Elected ANC officers for 2018, as required by the DC Code. Chairperson for 2018 will be Commissioner Jon Stewart, and Vice Chairperson, Yasmin Romero-Latin. I continue as Secretary, and Commissioner Stuart Karaffa as Treasurer.
- Set the calendar of monthly meetings, timed to match the monthly meetings of the Historic Preservation Review Board. This is, with holiday exceptions, the Tuesday preceding the fourth Thursday of each month.
- Advised the District Department of Energy and the Environment to support an effort to “to prevent erosion along the Piney Branch trail area of Rock Creek Park adjacent to Park Road NW” (Jon Stewart's resolution).
- Advised the Mayor, and the District Council, “to do what they can to support an extension of Temporary Protected Status (TPS) for residents of the District under that program” (my resolution).

The ANC is required to **elect new officers** every January. The change this year has Jon as Chairperson, Yasmin (the 2017 chair) as Vice-chairperson. I've long argued that the chairperson should change every year, so that anyone in that position will conduct our meetings fairly, knowing that, the following year, he'll be “just” a commissioner, and someone else will be chair. It's too easy for a long-term chairperson to think that he has been elected “boss commissioner”, in charge of the commission, as opposed to being merely the “first servant”, facilitating ANC meetings.

The District Council is considering legislation to **regulate short-term residential rentals**, commonly called “AirBnB” operations, though that company is only one of several providers of such short-term rentals. Many of us have discovered, as customers, the convenience of arranging a short-term rental of someone's extra rooms, or house, instead of a hotel or motel room.

There are many such rentals in Mount Pleasant. AirBnB alone offers more than 200 units here, ranging from spare bedrooms to complete row houses. Some are rather close to being commercial motels, not just homeowners renting out an unused bedroom. I know of one here with eight separate rental units, not unlike a small motel.

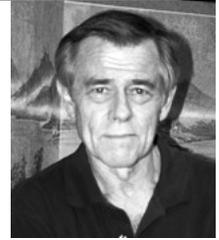
What I have observed here is that most of these short-term rentals cause so little disturbance that they are undetectable to the neighbors. The eight-unit place I'm aware of is well managed, and considerate of the neighbors.

So, is there a problem that needs to be addressed with regulation? Perhaps – but the loud campaign in opposition to short-term rentals, fear-mongering about “dangerous strangers” brought into our neighborhood, and “astronomical housing prices” caused by short-term rentals taking housing off the long-term rental market, is really an assault by the *commercial* hotel business, which sees these residential rentals (correctly) as competition, taking away their customers, and putting pressure on their prices. Most of the short-term rentals I've seen are not ever going to be turned into long-term rentals, even if this legislation terminates the

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short-term business. And if some were, the number would be too small to have a substantial effect on rental rates.

Of course, there are potentially problems due to poorly managed short-term rentals, and I do want to hear from residents with complaints about neighboring short-term rentals. We really shouldn't have commercial motels in the neighborhood, and short-term rentals must be well managed to prevent problems for the neighbors. But let's not overdo it. Some Mount Pleasant residents depend on income from their rentals to be able to live in this increasingly expensive neighborhood.

Perhaps the most significant element in the Council bill under consideration limits the number of days that a unit can be rented while the owner is not staying overnight in the same building – called a “vacation rental”: “a resident may offer a short-term rental as a vacation rental for a maximum of 15 nights cumulatively in any calendar year”. For how many of our “AirBnB” rentals would this be troublesome? Should there be a limit on these so-called “vacation” rentals? And if so, what should that annual limit be?

Arun Mody, proprietor of **Sportsman's Liquors** for the past 14 years, runs a nice shop, which has never been, to my knowledge, a problem in the neighborhood. But last summer he got into trouble with ABRA, the Alcoholic Beverage Regulation Administration, which set him up by sending an under-21 plant into his shop to make a purchase, testing his practices for identifying under-age buyers. Mr. Mody thought he recognized the customer as one of his regulars, who he knew was well over 21, so he didn't question her. But she wasn't, she was in fact a decoy, and immediately, “the Investigators [were] all over my store”.

Mr. Mody was apologetic, and explained the mistake – a case of mistaken identity – but the ABC Board was unyielding. The ABRA officials wanted to punish Mr. Mody with thousands of dollars in fines, as if he was some big-time liquor dealer wantonly handing out booze to minors. In the end, the penalty was reduced to a one-day closure of his shop.

I wish we had known about this incident, so we could have been with him to testify on his behalf. He doesn't need draconian fines to be persuaded to do better. Also, I don't think the sale of alcoholic beverages to persons under 21 is a major Mount Pleasant problem. The rationale behind the age limit is that the ban reduces deaths due to drunk driving. By that logic, we should prohibit liquor sales to anyone under, say, 45 years of age; surely that would save lives, too. The problem is, of course, that Prohibition doesn't work very well.

Arun and his wife are a model case of immigrant entrepreneurs, putting in extremely long working hours to make their venture a success, in a neighborhood that was, 14 years ago, considered a bit risky. His shop gets four stars on Yelp, largely due to wonderful customer service.

The residents of 3305 and 3307 18th Street would love to replace their **old, falling-down alley garage** with something new, built to match the “historic” architecture of Mount Pleasant, and better serving their automobile storage needs. Unfortunately, the District's rigid historic preservation law virtually prohibits the “razing” of buildings designated as “contributing structures” in the historic district. Who decided that this shabby old alley garage was a “contributing” structure? Well, the folks who brought about historic district designation here in 1986 allowed few exceptions, essentially designating anything built before 1950 as “contributing”, however plain, undistinguished, or even ugly it might be.

The Historic Preservation Office staff report last November was explicit: “HPO recommends that the Board deny the concept of razing the subject building, because doing so would not retain a building that contributes to the character of the Mount Pleasant Historic District contrary to the purposes of the historic preservation law”.

This building is on an alley, visible only to people trekking through the alley, and I'm quite certain that no one passing by is impressed with the architectural excellence or historic significance of this old garage. However, once designated “contributing”, it must be maintained, forever, however inconvenient and costly that may be to the property owners, and however much a replacement structure might be designed to be nicely “compatible” with the “character” of the historic district.

As I've noted many times: the District's strict historic preservation law turns our houses (and even alley garages) into museum pieces, to be preserved unchanged forever for the visual pleasure of passers-by, at whatever cost to the homeowner, and however much the homeowner's family may need to make changes.

The homeowners are continuing their effort to be permitted to tear down and replace this crumbling old garage, and it's on the preliminary HPRB agenda for their February 22 meeting. That puts it on our agenda for our February 20 meeting.

I've described many times the peculiar parking law here, in force since 2006, that allows residents (with Ward 1 RPP) to park **as close as 25 feet from an intersection, though the “no parking” signs are placed 40 feet from intersections.** That's the minimum for nonresidents, and for non-RPP blocks. The Parking Enforcement officers (patrolling in the little white cars) know this law well, and it's been years since I've seen a mistaken Parking Enforcement ticket.

The police, however, are another matter. They have the notion that a no-parking sign means no parking, period, and they don't even try to figure out why the no-parking sign is put there, nor what the actual parking violation is. Every bogus MPD ticket I've seen simply refers to parking being prohibited by a sign, for reasons unknown. None suggest that the police officer understands that these signs are to indicate

the minimum distance to an intersection, and invariably they prescribe a \$30 fine, though violating the distance-to-intersection law corresponds to a \$20 fine.

Our Lieutenant Munk, and his Sergeant Mastony, know this law, and have tried to instruct patrol officers about it, so they'll not write bogus parking tickets. However, as the sergeant writes, “Every time I correct one officer for writing them, another pops up”. I currently have three of these bogus MPD tickets in the hands of Lt. Munk and Sgt. Mastony.

The resident of 1665 Harvard Street wants to **build a garage on the alley running behind his house.** Ordinarily this would not be a problem. But the ANC, last October, voted unanimously to advise denial of the zoning “special exceptions” needed to permit the garage. The problem is that this garage would not be on the 1665 Harvard lot, but on the neighboring, 1701 Harvard lot. The steep slope of the lot results in any structure put there being higher than the house, and intruding visually on that resident's lot.

The original design was for a two-story structure, a garage and a second-floor studio apartment. That structure was going to be 20 feet tall. The applicant has returned with a more modest application, now proposing just the garage, and a structure 15 feet tall.

Will that make this proposal acceptable? I think not; again, this is a steep slope, the alley ground level being far above Harvard Street and the ground level of the 1701 Harvard house. The ANC will consider this at the February 20 meeting.

An unfortunate number of my January **newsletters went undelivered.** We had a bit of an ice storm the week of my January delivery, so on Thursday and Friday of that week, I encountered rather a lot of icy front steps. I decline to risk my 75-year-old bones on icy steps, sorry. Numerous Mount Pleasant residents appear to use their back doors for routine access and egress, and so tend to neglect clearing their front steps of ice and snow. But it's the front steps that I've got to use to reach your front door.

My newsletters are always available on my website, dejack.org, so if I miss your abode, that's where you can find the newsletter.

Also significant, concerning my newsletter delivery: there's a law against my using a mailbox. Mail slots are great, but if there is none, then I have to find some other place to leave my newsletter, and that's got to be a place where a bit of wind won't blow it away. Sometimes there's just no such place.

As for using your mailbox despite the law against it – when I've done that, I've had residents tell me, rather abrasively, that I'm violating the law.

One more note about my newsletter: it's paid for out of my own pocket. No ANC funds are involved, and I accept no donations from constituents for it. It's my service to the neighborhood.

The next meeting of the ANC will be on Tuesday, February 20, 7:00 pm, at the Mount Pleasant Library.