

Jack's May report

On April 20, the ANC did the following:

- Endorsed a “stipulated liquor license” for the sidewalk cafe at Don Juan's Restaurant;
- Advised DDOT to study the possibility of a “pedestrian encounter zone” on Mount Pleasant Street, where pedestrians would have priority over cars, everywhere;
- Asked that the northbound buses on Mount Pleasant Street come via 16th Street and Park Road, to reduce the traffic noise for sidewalk cafes on Mount Pleasant Street;
- Advised that the proposed cuts in the budget for the Office of Latino Affairs (OLA) be rescinded;
- Offered advice concerning the use by OLA of these restored funds;
- Advised the District Council to reject the “public nuisance abatement” text of a proposed bill;
- Suggested that the Council consider a “citation” procedure for dealing with public nuisances;
- Asked various agencies of the District Government to address ANC resolutions concerning the expansion of the Mount Pleasant Library.

On May 4, we held an “informal” public meeting, mainly discussing ideas for enhancing the commercial strip.

The ANC passed another resolution calling for “a study of a trial” **“Pedestrian Encounter Zone”** on Mount Pleasant Street, similar to the resolution passed in December. Response to the latter has been largely favorable, including a very enthusiastic reply from the Director of DDOT, Gabe Klein. “I think it’s a wonderful idea, for safety, fun, and economic development,” he wrote. “It would give MT. P an even more unique identity than it already has, and [make it] become a destination.” Mount Pleasant Street would cease being a traffic-dominated thoroughfare, and would instead be a “pedestrian mall with vehicular access”. I would like to see more sidewalk cafés, like that at Don Juan's, which is a great success. The presence of people on the street contributes to a safe and friendly atmosphere.

Greg Nicklas, founder and former owner of Tonic, sees this concept as a boon to Mount Pleasant businesses: “It could be the single most effective and powerful change to help all businesses on the street, and it could finally help us market the wonderful diversity of our street in a way that would get broad attention.” Greg's only complaint was that, if implemented only on the block between Lamont Street and Park Road, it “create a huge competitive advantage for the restaurants” on that block over restaurants on other blocks.

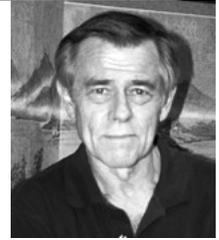
Other Mount Pleasant business owners are unable to see this. Confusing the “encounter zone” with an ordinary pedestrian mall, they've expressed rigid opposition, and fear any changes that they think might impair automobile access to their businesses. They obsess about cars and parking, forgetting that two-thirds of the residents of the “Primary Market Area” for their businesses don't even own cars.

Not that anything will happen anytime soon. DDOT's reply: “No funding has been programmed for the planning, design

ANC 1D03 NEWSLETTER #92

Jack McKay, May 11, 2010

Jack McKay
3200 19th St, Tel. 462-8692
jack.mckay@verizon.net
<http://DCJack.org>



or construction of an encounter zone”. They may like the idea, but they have no money, not now.

One problem on Mount Pleasant Street is **bus noise**, which is oppressive, a bus passing by every two or three minutes. The ANC passed my resolution calling for rerouting the northbound buses (only) on Mount Pleasant Street to 16th Street, where they can make the left onto Park Road to enter Mount Pleasant. That could cut the bus noise on Mount Pleasant Street by half.

Speaking of noise -- A resident, afflicted with the racket of a band practicing in a nearby, open-windows basement, asked about legal limits on sound coming from another home. Yes, there are limits. There is a “subjective” regulation: a “noise disturbance” is “any sound which is loud and raucous or loud and unseemly and unreasonably disturbs the peace and quiet of a reasonable person of ordinary sensibilities in the vicinity thereof”. One doesn't need a fancy sound meter to make that judgment. There's also a “quantitative” regulation: in our neighborhood, the sound level “measured at the property line of the property on which the noise source is located” may not exceed 60 dB(A) during the day, 55 dB(A) at night.

What do those numbers mean? Well, “really quiet”. The sound level of ordinary, kitchen-table conversation is 60 dB. Passing cars peak at 70 dB. So, essentially, sound emanating from one's home, at the sidewalk, should be much less than the noise of passing cars, and low enough to permit conversation in ordinary tones. If a passer-by has to raise his voice to compete with the sound from your house, it's too loud.

The **sidewalk café at Don Juan's** has been a popular attraction since last summer. But owner Alberto Ferruffino got an unwelcome surprise from the alcoholic beverage regulators in April, who told him that his liquor license was valid only indoors, and he couldn't serve beer, or anything alcoholic, outdoors. Well, being unable to offer cerveza with the fajitas was a sidewalk café killer. The first order of business at our April 20 meeting was to pass my resolution advocating a “stipulated license”, allowing the restaurant to serve alcohol at the sidewalk cafe, while Alberto goes through the bureaucratic procedure of applying for the change to his license to include the outdoor tables.

The ANC passed, by unanimous vote, my resolution calling on the Council to reject the **“Public Nuisance Abatement”** text of bill B18-0595. Yes, I know how irritating badly behaved people can be, using alleys for urinals and such. This bill gives any “community-based organization” police powers against such nuisances, with only a “preponderance of

evidence” required for conviction, and no substantial requirement that any certain individual be proven to be guilty of a specified “nuisance” action. There is no assurance that a “community-based organization” will be reasonable or judicious in its use of this legal power placed in its hands. The ACLU filed a similar objection, noting that this provision “will put considerable power in the hands of private groups that are unaccountable to the District’s voters, creating a real risk that these groups will successfully use abusive and vexatious litigation to enjoin others from engaging in legitimate activities”.

The ANC also passed my resolution calling for giving the police a “citation” procedure for dealing with “nuisance” offenses. Police officers avoid making arrests for minor matters, such as public urination, because it takes them off the street for hours as they must work through the arrest bureaucracy. They have asked instead for “citation” power, much like issuing tickets for traffic violations. That would punish the bad behavior without consuming hours of the officer’s time. Councilmember Phil Mendelson reports that this is in fact under consideration.

In March, the ANC passed my resolution calling on the Mayor and the police “to reject any involvement with the Federal **"Secure Communities"** program”. On March 19, I testified to the District Council to that effect. This Federal program makes our police agents of immigration, as persons arrested by the police would have their fingerprints sent not only to the FBI, to determine if they’re wanted for any other offenses, but to ICE, to determine their immigration status. But the Metropolitan Police cannot be effective if they do not have the cooperation of the people, and any connection with immigration would cause many members of the immigrant community cease communication and cooperation with the police. In Mount Pleasant and Ward One, 40% of residents are foreign-born, and the full cooperation of immigrant residents is vital for effective “community policing”.

Well, the District Council got the message, from this ANC and from many other sources. On May 4, the “Secure Communities Act of 2010” was introduced, with this brief and blunt instruction: “The District of Columbia shall not transmit arrest data for an individual to ICE”. Period, no exceptions. *All 13 members of the Council signed up as co-sponsors of this bill.* That ought to stop Chief Lanier, the only strong advocate for “Secure Communities”.

On April 12, **Mount Pleasant resident Constance Holden** was killed by a National Guard truck on New York Avenue, evidently as she was about to ride her bicycle to her home on Kenyon Street. News reports insist on describing this as a “collision” between the truck and the bicyclist. No, this was no aggressive bicyclist crashing into a moving vehicle. Ms. Holden was simply standing in the street, preparing to ride off, as these monster military trucks were being moved about to block an intersection for the Nuclear Security Summit. A traffic guide had ordered her to step back to the curb, and that step put her in the path of the moving truck. In short, while she was a bicyclist, this tragedy wasn’t due to bicycling behavior, and it certainly wasn’t a “collision” of truck and

bicyclist. She evidently didn’t hear the truck, and the driver of the truck didn’t see her.

She was 68, and had lived in Mount Pleasant for 40 years. A neighbor says that “She rode her bike daily when weather allowed. She usually was very nicely dressed in brightly colored skirts as she rode with beautiful red hair visible below her helmet.” What a sadness.

I’m embarrassed at how little I knew about **Bruce Fields, the homeless man** so frequently seen making his way along Park Road with a crutch, going to and from his camp in Rock Creek Park. On April 9 there was a service for him at the Zion Baptist Church on Blagden Avenue. He has a daughter, a granddaughter, and a brother in the area, as well as the mother of his daughter. I’m told that he was not forced by poverty into homelessness, but chose that lifestyle. His death came a month before his 57th birthday. According to one source, his death was not due to exposure to cold weather, but to injuries suffered when hit by a car.

What’s remarkable is how many residents of Mount Pleasant accepted him as a neighbor, despite his homelessness, and despite his irrationality. Several residents have expressed to me their sorrow upon reading of his death. People cared about him, as distant and different as he was from us and our lifestyles, and were saddened to hear the bad news.

I’m told that an Adams Mill Road resident was **assaulted and robbed on May 6**, near the intersection of Lamont Street and Walbridge Place. As always, these cowardly young men pick one someone who is by appearance an easy mark, unlikely to fight back, in this case an elderly man walking with a cane. Curiously, the MPD can find no record of this assault or robbery. I’m pursuing that.

By the way, I’ve seen a couple of reports of “a young man sitting on a brick wall on 17th Street near Lamont Park” bothering women, following them on the street, “asking personal questions and making comments”. I’ve relayed that information to Lt Pate.

Way back in 2004, this ANC passed my resolution calling for controls on those infernal **“emergency no parking” signs**, put up without limit, or concern for residents, by District utilities and contractors. I’ve also complained to CM Graham many times about the abuse of these signs. In 2006, DC Council passed a law imposing regulations on emergency no-parking signs, including the requirement that such signs show the name of the agency putting them up, and provide a contact name and phone number. Just last month, DDOT finally established a system for issuing no-parking signs with these regulations incorporated.

Perhaps this will reduce the flagrant abuse of these no-parking signs, used freely by contractors to mark off more space than they really need, for longer periods than they really need, and commonly without a clue as to who put the signs up and why. Homeowners needing such signs should start with the tops.ddot.dc.gov site on-line.

The next ANC *business* meeting will be on **Tuesday, May 18**. The next *informal* meeting will be on **Tuesday, June 1**.