

## **April 2024 Regular Meeting Minutes**

Wednesday, April 10, 2024; 7:00 p.m.

Online via Zoom

### **Call to Order**

The regular March 2024 meeting of the Dupont Circle Advisory Neighborhood Commission (Commission of ANC 2B) was called to order by Chair Meg Roggensack at 7:01 pm.

### **Introduction of Commissioners**

The Commissioners identified their single member districts (SMDs). Present were Meg Roggensack (2B01), Jeffrey Rueckgauer (2B02), Vincent Slatt (2B03), Z Stein (2B05), Libby Franklin (2B07), Zach Adams (2B08), and Christopher Davis (2B09).

### **Adoption of the Agenda**

Chair Roggensack adopted the ANC's meeting agenda by unanimous consent.

### **Announcements and Public Comments**

#### **Reports from Government Representatives**

Christopher Powell, a Ward 2 representative for the Mayor's Office of Community Relations and Services (MOCRS); Pablo Velasco Rodriguez, the Constituent Services Coordinator for Councilmember Brooke Pinto's Office; Lieutenant Bobbette Forrest, a representative for the Metropolitan Police Department's (MPD) Second District provided updates.

#### **Commissioner Updates**

Chair Roggensack announced an event on June 18th at the TraRon Center for the Jeremy Black Scholarship Fund. Commissioner Slatt announced an event on May 17th at Lafayette Square for the Rainbow History Projects Reenactment of the first national gay rights picket.

#### **Committee Updates**

Commissioner Rueckgauer, Chair of the ANC's Mobility Committee (MC), Chris Davis, Chair of the ANC's Land Use Committee (LUC), gave updates.

#### **Other Public Announcements and General Comments or Future Agenda Items**

Chair Roggensack read announcements on behalf of Bill McLeod, the Executive Director of the Dupont Circle Business Improvement District (BID). Susan Volman, the President of the Dupont Circle Citizens Association (DCCA); and a local resident gave other public announcements and

general comments or future agenda items.

### **Alcoholic Beverage and Cannabis Board Agenda**

*The Commission did not take any action regarding the below matters.*

- Edlavitch Jewish Community Center of Washington, DC, Inc. – Application for a substantial change to the establishment’s Retailer’s Class “D” Restaurant license at 1529 16th Street, NW
- Chocolate City Wellness- Application for a new Medical Cannabis Retailer License to be located at 1723 Connecticut Ave NW
- Rosebud Liquor Inc. - Application for renewal for of the establishment’s Type “A” Retail Liquor Store license at 1711 17th Street NW
- Cairo Liquor Store- Application for renewal for of the establishment’s Type “A” Retail Liquor Store license at 1618 17th Street NW
- Benmoll Liquors- Application for renewal for of the establishment’s Type “A” Retail Liquor Store license at 1700 U Street NW
- Spirits & Spice- Application for renewal for of the establishment’s Type “A” Retail Liquor Store license at 1700 Connecticut Avenue NW
- 1 West Dupont Circle Wine & Liquors- Application for renewal for of the establishment’s Type “A” Retail Liquor Store license at 2012 P Street NW
- National Holistic Healing Center- Application for the renewal of their Medical Cannabis Retailer license at 1636 Connecticut Avenue NW

### **Public Space Committee Agenda**

#### **Public space application for Throne public restroom located in Dupont Circle (DDOT-443767) (2B02)**

Terryl Monroe, employee at Throne Labs, shared an update on Throne public restrooms proposal for Dupont Circle. Chair Roggensack moved to adopt a proposed resolution regarding the matter. Commissioner Rueckgauer seconded the motion, which was voted on and passed (VOTES: 7-0-0). The resolution reads as follows:

WHEREAS, access to safe, clean, and free restrooms is a vital necessity for public health and individual dignity, and has been deemed a human right by the United Nations,

WHEREAS, the District of Columbia has a dearth of public restrooms, and private businesses increasingly restrict their restrooms to paying customers only,

WHEREAS, many residents and visitors to Dupont Circle have need to use a restroom when not at home or somewhere where one is not readily available,

WHEREAS, Dupont Circle welcomes over 5,000 visitors for events such as the Circle Concert Series, Farmer's Market, Art Walk Dupont, and much more,

WHEREAS, ANC 2B previously supported public restrooms in Dupont Circle,

WHEREAS, the Department of Public Works, through the D.C. Public Restroom Pilot Program, has contracted Throne Labs to temporarily provide and service portable, smart restrooms as a feasible means to provide free public restrooms and collect usage data,

WHEREAS, time is of the essence because the best time to collect usage and safety data is between April to September; as the District has the most visitors enjoying the outdoors during the popular spring and summer months,

WHEREAS, the D.C. Council identified Dupont Circle as a priority location for a Throne,

WHEREAS, Throne identified, with input from ANC 2B, DDOT, and community stakeholders, one location on the east side of Dupont Circle, and

WHEREAS, there are traffic and safety plans for the location, and the Throne will be serviced in off-peak hours to avoid exacerbating traffic congestion.

THEREFORE, BE IT RESOLVED that ANC 2B renews its support for a public restroom pilot in Dupont Circle,

BE IT FURTHER RESOLVED that ANC 2B specifically supports the Throne location on the southeast "bump" of Dupont Circle on land controlled by DDOT, and

BE IT FURTHER RESOLVED that ANC 2B recognizes that time is of the essence to maximize the benefit of free public restrooms, and waives the 45-day comment period for the District Department of Transportation Public Space Hearing.

## **General Agenda**

### **Consideration of a resolution supporting The DC Public Service Commission's request for an investigation of Project Pipes Phase 3**

Commissioner Rueckguaer gave an overview of the matter. Commissioner Reuckgaur moved to adopt a proposed resolution regarding the matter. Commissioner Franklin seconded the motion, which was voted on and passed (VOTES: 7-0-0). The resolution reads as follows:

WHEREAS, Washington Gas owns, operates, and maintains the natural gas delivery infrastructure in the District of Columbia; and

WHEREAS, the natural gas infrastructure is aging and in need of ever more frequent repairs to prevent dangerous or deadly failures from occurring in the dense urban environment; and

WHEREAS, Consumer-quality natural gas used in homes and businesses is up to 95% methane. When methane leaks, as it does regularly from gas drilling, fracking, and distribution, as well as from household appliances, it adds to global warming at more than 80 times the rate of carbon dioxide in the 20 years after emission. Natural gas combustion in gas-powered appliances produces toxic air pollutants including nitrogen oxides, formaldehyde, benzene, and black carbon particulates, as well as carbon dioxide; and

WHEREAS, in 2014, Washington Gas initiated a 40-year program to replace all of the delivery pipes and service lines in the District, concluding in 2054; and

WHEREAS, the DCPSC approved phase one of the project for June 1, 2014 through September 30, 2019 for total of \$110 million with a substantial package of annual compliance reporting requirements (subsequently extended through December 2020 for a total of \$141 million); the second phase in December 2020 for 3 years to run from January 2021 through December 2023 for a total of \$150 million with additional compliance reporting and an audit of WGL's implementation Project Pipes; and February 2024 extension of Phase 2 for 12 months with an additional surcharge-eligible \$50 million spend; and

WHEREAS, the Clean Energy DC Omnibus Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22- 257; 66 DCR 1344), requires the Public Service Commission consider the "effects on global climate change and the District's public climate commitments" in supervising and regulating energy utility companies in the District; and

WHEREAS, the Climate Commitment Amendment Act of 2022, effective September 21, 2022 (D.C. Law 24-176; 69 DCR 9919), includes a public climate commitment; specifically, section 2 of the law requires the reduction of greenhouse gas emissions from both public and private sources to achieve "a level consistent with carbon neutrality by 2045, and in each year thereafter; and

WHEREAS, the anticipated completion of Project Pipes is a decade *after* the District's carbon neutrality target; and

WHEREAS, February 2024, the Council informed the PSC to that Project Pipes is incompatible with the District’s statutory mandates regarding reduction of GHG emissions, does not align with the fossil-free future charted for the District, and that the ultimate price tag of \$4.5 billion (\$672 million for the next 5 years) will not be borne evenly by a declining base of District ratepayers –disproportionately impacting those who lack the resources or ability to join the electrification program.

WHEREAS, in February 2024, the District’s Office of The People’s Counsel filed a petition with the PSC, requesting a formal investigation be initiated to study Washington Gas’ infrastructure, leak mitigation practices, and an evaluation of Project Pipes including performance improvements from Project Pipes phases 1 and 2.

THEREFORE, BE IT RESOLVED that ANC 2B supports OPC-DC’s request for a pause and thorough investigation of Project Pipes, focusing on concerns about increases in Class 1 leak occurrences, reducing the environmental impacts of leaks, reevaluating near and long-term financial impacts on District ratepayers; and

BE IT FURTHER RESOLVED that ANC 2B requests Washington Gas, the Public Service Commission, and the Office of the People’s Counsel improve transparency and timely updates to the public regarding progress, delays, with particular regard to the number, distribution and severity classification of leaks by Ward on at least a quarterly basis; and

BE IT FURTHER RESOLVED that ANC 2B requests Washington Gas develop alternative or contingency efforts to ensure safety of pipe and service lines should the ratepayer base decline and jeopardize funding more quickly than projected; and

BE IT FURTHER RESOLVED that ANC 2B requests the Council of the District of Columbia support and authorize actions facilitating conversion from fossil fuels to electric alternatives, including resources for residential buildings, the food service and hospitality sectors, and economically disadvantaged District residents and businesses.

#### Consideration of a resolution opposing the Initiative Amendment Act

Commissioner Rueckgauer gave an overview of the matter.. Commissioner Reuckgaur moved to adopt a proposed resolution regarding the matter. Commissioner Adams seconded the motion, which was voted on and passed (VOTES: 7-0-0.) It reads as follows:

WHEREAS, D.C. Official Code § 1-204.101 defines the term “initiative” as the process by which the electors of the District of Columbia may propose laws (except laws

appropriating funds) and present such proposed laws directly to the registered qualified electors of the District of Columbia for their approval or disapproval; and

WHEREAS, initiatives are an integral and vital part of the legislative process, specified in the Home Rule Act, that put matters that the Council may not want to address or opposes in the hands of the District's voters to democratically decide; and

WHEREAS, efforts to undermine and weaken ballot measures nationwide have been increasing since the 2016 election in response to progressive wins and people-powered democracy at the ballot box. In 2023 legislative sessions, 139 bills were introduced in 35 states that would impact the ballot initiative process, 58 of which would restrict or undermine the process; and

WHEREAS, in various states, politicians, powerful individuals, and special interests, are trying to make it harder for voters to propose and pass ballot initiatives under the cover of so-called "reforms." These attacks are increasingly more nuanced, sophisticated, and would have deeper impacts on the initiative process. These restrictive measures take a variety of forms, but they all serve the same function: to undermine the will of the people and diminish their decision-making power; and

WHEREAS, in May, 2023, the District Board of Elections reviewed a proposed initiative regarding Ranked Choice Voting and determined that it would, if enacted as written, violate a prohibition on initiatives that would intrude upon the discretion of the Council to appropriate funds. The proposer submitted a revised version which was deemed acceptable by the Board of Elections as it left funding to the discretion and action of the Council to provide a requisite budget; and

WHEREAS, in September, 2023, Council Chair Phil Mendelson and Councilmember Anita Bonds introduced Bill 23-0475, the "Initiative Amendment Act of 2023" in direct response to the Board of Elections decision, stating: "the proponents of an Initiative crafted a novel approach to circumvent the prohibition: make the Initiative subject to appropriations. No matter how costly a proposal may be, simply make the Initiative "subject to appropriations." The Board of Elections went along with this argument, reversing longstanding practice of rejecting proposals that would have a fiscal cost; and

WHEREAS, the Bill's introduction continues with emphasis that "without this bill, the Initiative Amendment Act of 2023, it is possible that the floodgates will open to all kinds of good, but expensive proposals, and policymaking by the Council will become reactive to the Initiative process"; and

WHEREAS, examples are cited of citizen lawmaking that do not require an appropriation include: legalizing some forms of gambling (Initiative #6); limiting campaign contributions (#41); legalizing recreational cannabis (#71); and eliminating the tipped minimum wage (#82); and

WHEREAS, the argument of Chair Mendelson and Councilmember Bonds avoids mention of the reality that *all legislation actually does require funding* – whether it is a direct budget line item or an increase or reprogramming of agency funds to provide the requisite implementation, staffing, management, and oversight; and

WHEREAS, in practice and in line with the statement that the Council would become reactive to Initiatives, the need for indirect funding could be claimed to be an imposition of a requirement obligating the District to a “fiscal cost” which the Council could then use as justification to nullify an Initiative.

THEREFORE, BE IT RESOLVED that ANC 2B does not support Bill 23-0475, the “Initiative Amendment Act of 2023” on the basis that it is undemocratic on its face; not in the spirit of the Initiative process provided for in the Home Rule Charter; and not in the best interest of the District of Columbia; and

BE IT FURTHER RESOLVED that ANC 2B respectfully requests Councilmember Brooke Pinto, Councilmember Kenyan McDuffie, Councilmember Matt Frumin, Councilmember Janeese Lewis George, Councilmember Trayon White, Councilmember Christina Henderson, Councilmember Robert White, Councilmember Christina Henderson, Councilmember Brianne Nadeau, Councilmember Vincent Gray, Councilmember Zachary Parker, and Councilmember Charles Allen, to stand for the voice of District residents and vote against Bill 23-0475.

Consideration of a resolution supporting DDOT’s Notice of Intent to reduce the speed limit of 16th Street NW to 25 MPH

Commissioner Rueckguaer gave an overview of the matter. Commissioner Reuckgaur moved to adopt a proposed resolution regarding the matter. Commissioner Davis seconded the motion, which was voted on and passed (VOTES: 7-0-0.) It reads as follows:

WHEREAS, the District Department of Transportation (“DDOT”) has issued Notice of Intent (“NOI”) 24-104-TESD, reducing the speed limit on 16<sup>th</sup> Street NW between

Eastern Avenue NW and K Street NW from 30 mph to 25 mph; effective in the summer of 2024; and

WHEREAS, ANC 2B has long advocated for action to reduce the dangerous conditions that every day threaten the safety of pedestrians, motorists, and other street users, created by speed limits that favor throughput of vehicles.

WHEREAS, a pedestrian struck by a vehicle traveling 30 mph has a 70% greater risk of fatality than being struck at 25mph.

THEREFORE, BE IT RESOLVED that ANC 2B supports NOI #24-104-TESD, reducing the speed limit from 30 mph to 25 mph on 16<sup>th</sup> Street NW between Eastern Avenue NW and K Street NW; and

BE IT FURTHER RESOLVED that ANC 2B requests the timing of traffic signals be adjusted on 16<sup>th</sup> Street NW and the crossing streets to match the new speed limit which will improve flow of traffic in all directions, as well as help reduce speeding, red light running, and other aggressive driving behaviors; and

BE IT FURTHER RESOLVED that ANC 2B requests DDOT review and adjust pedestrian crossing timers to afford sufficient time for people to safely complete crossing; and

BE IT FURTHER RESOLVED that ANC 2B requests automated traffic enforcement (“ATE”) along 16<sup>th</sup> Street NW be expanded to also include illegal travel, speeding or stopping in the bus lanes, illegal turns, and failing to yield to pedestrians in crosswalks at all times of day.

### **Administrative Matters**

#### **Approval of the ANC’s March meeting minutes**

Commissioner Rueckgauer moved to approve the ANC’s regular March 2024 meeting minutes. Commissioner Franklin seconded the motion, which was voted on and passed (VOTES: 7-0-0).

#### **Approval of Financial Report**

Commissioner Slatt made a motion to approve ANC 2B 2024 Q1 financial report. Commissioner Adams seconded the motion, which was voted on and passed (VOTES: 7-0-0).

### **Adjournment**



Chair Roggensack adjourned the meeting at 8:07 pm.