ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION REGULAR MEETING MINUTES

Wednesday, January 14, 2009 Jewish Community Center

The January Regular Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chairman Estrada at 7:00 pm. The Commissioners identified their Single Member Districts (SMDs). Present were: Mike Feldstein (2B01), William Hewitt (2B02), Bob Meehan (2B03), Jack Jacobson (2B04), Victor Wexler (2B05), Mike Silverstein (2B06), Will Stephens (2B08) and Ramon Estrada (2B09). Commissioner Phil Carney (2B07) was not present. The Chairman noted the presence of a quorum.

PUBLIC TESTIMONY AND ANNOUNCEMENTS

Commissioner Meehan noted that he distributed a working paper on Commercial Loading Zones on 17th Street.

Commissioner Silverstein noted that the Commission would address the ABRA single sales matter tonight.

Rick Busch, DCC: A symposium by the Historic Districts Coalition on Historic Districts will take place on March 15th, 12:00 - 4:30 PM. More information will follow.

Desi Deschaine, Director of Communications, Jack Evans Office, introduced himself to the neighborhood. You may contact him at 202-724-8780 or at ddeschaine@dccouncil.us.

Representatives of City Year spoke briefly about volunteering at public schools in DC.

PUBLIC SAFETY

Sgt. MacDonald, MPD, PSA 208:

In the past month:

- Armed robberies are up
- Rooftop burglar was arrested

He noted MPD officers would be in short supply due to the Obama inauguration. He recommended DC residents check gettingthere.dc.gov for more information on how the inauguration would affect different neighborhoods. Sgt. MacDonald noted that people would not be allowed to take backpacks, purses, etc. into the inauguration.

The Dupont Circle Public Safety Committee meets every third Tuesday of the month at 7:00 PM at the Metropolitan Police Department (MPD) station at 1620 V Street NW.

GENERAL AGENDA

Election of ANC 2B Officers

Commissioner Hewitt made a motion to nominate the following Commissioners for the Chair, Vice Chair, Secretary and Treasurer positions:

Chair - Mike Silverstein Vice Chair - Will Stephens Secretary - Phil Carney Treasurer - Jack Jacobson

Commissioner Meehan seconded the motion. The motion carried (8-0).

Commissioner Estrada turned the gavel over to Commissioner Silverstein to continue the meeting as newly elected Chair.

Commissioner Silverstein made a motion to elect Ramon Estrada as Chairman Emeritus. Commissioner Stephens seconded the motion. The motion carried (7-1) with Commissioner Meehan opposing.

Presentation and consideration of request for legal fee support by Kalorama Citizens Association President Denis James & Architect Volker Zinser on appeal of Hilton zoning issues

Commissioner Stephens requested the Commission table this matter indefinitely.

Resolution in support of extending Metro hours during inaugural weekend

Commissioner Stephens noted that WMATA announced extended hours after he had added this item to the agenda. WMATA will close the metro at 2:00 AM for the Obama inauguration. Commissioner Stephens noted that WMATA anticipates congestion in major transfer metro stations. Commissioner Stephens withdrew this item.

Resolution Congratulating Mr. Gabe Klein on His Appointment to DDOT Commissioner Stephens made the following motion:

Whereas, Mayor Adrian Fenty has named Mr. Gabe Klein as the new head of the District Department of Transportation (DDOT); and

Whereas, DDOT is currently in the planning and execution stages of many transportation infrastructure projects in the Dupont Circle neighborhood—including 14th Street, 15th Street, 17th Street, 18th Street, U Street, and others; and

Whereas, smart growth, environmentally friendly vehicles, and public transportation improvement will be key issues for our neighborhood and City to consider over the next several months and years; and

Whereas, it is important for DDOT and ANC 2B to be in good and regular communication on these projects and other transportation-related issues in our neighborhood and our City;

Therefore be it resolved that ANC 2B congratulates Mr. Klein on his appointment and looks forward to working with him and his agency on the many transportation projects and issues facing both the Dupont Circle neighborhood and the City at large.

Therefore be it further resolved that the Chairman is authorized to send a letter to Mr. Klein to welcome him and to invite him to meet the community at a future ANC 2B meeting.

The motion carried (8-0).

Resolution in support of Council legislation legalizing same-sex marriage in the District of Columbia

Due to the tight agenda, Commissioner Stephens requested this item to be tabled for one month

Resolution in support of D.C. tax credits for purchase of trash compactors

Due to the tight agenda, Commissioner Stephens requested this item to be tabled for one month

Resolution in support of Congressional legislation to provide for elected chief prosecutor in the District of Columbia

Due to the tight agenda, Commissioner Stephens requested this item to be tabled for one month.

Presentation by DDOT on proposal to eliminate rush hour restrictions and increase commercial loading zones on 17th Street NW

Commissioner Meehan presented his findings from his paper regarding DDOT 17th St Proposals for Lifting Rush Hour Restrictions and Increasing Commercial Loading Zone Space and Draft Resolutions for Consideration by ANC 2B.

Commissioner Meehan presented the following, comprehensive white paper as discussed at the January 14th meeting:

Report on DDOT's 17th St Proposals for Lifting Rush Hour Restrictions and Increasing Commercial Loading Zone Space and Draft Resolutions for Consideration by ANC 2B

Prepared by: Bob Meehan, Commissioner ANC 2B03

BACKGROUND: For six months, I had been hounding DDOT to follow up the ANC's 2005 proposal for a pilot project to reduce commercial double parking in the morning on 17th St. The ANC and the community had felt that the double parking between R and Q Sts in the morning was a serious safety problem for both pedestrians crossing the streets (especially with children going to Ross School or a pre-school) and for motorists going in and out of the alleys. As part of the community's feedback on the streetscape project, we also asked DDOT to study the possibility of eliminating the morning rush hour restrictions on the West side of 17th St between Q St and Mass Av. After our December ANC meeting, DDOT responded with a report on both the rush hour and commercial parking requests as well as scheduled a meeting for December 18 for joint ANC, business, community and other government agency comment. Notice was provided as followed: Historic Main St e-mailed all its members, I leafleted all 17th businesses and gave them a spreadsheet for providing delivery truck info, Dupont Forum published a notice, DDCA e-mailed its members, and the ANC e-mailed those on its list.

I prepared a provisional report on my take of the meeting and sent it to DDOT, MPD, Parking Enforcement, Ross School and each of you. DDOT subsequently used the report as a minute of the meeting and forwarded it to its people working on the proposals. This memo is a more complete report of the meeting.

RECOMMENDATIONS OF THE DDOT PROPOSALS

A. Lifting Rush Hour Restrictions

- 1. DDOT's study supported lifting the restrictions.
- 2. DDOT recommends an all-day loading zone from P to Church on the West side and a 60-foot all-day zone in front of Trios on Q St.

3. DDOT recommends a taxi pick up zone on the West side of 17th between P and O Sts before "RPP" taking effect.

B. Adding morning commercial loading zone space

DDOT recommended eliminating metered parking from 7-11AM on the East side of 17th St from Riggs Place to P St for commercial loading zone space for a three to six month trial period.

RESULTS OF THE DECEMBER 18 MEETING

- 1. All endorsed the recommendation to eliminate the rush hour restrictions.
- 2. The businesses present unanimously opposed any dedicated loading zone space, whether all day or limited to the morning hours. Cairo Liquor, which could not attend, requested that I report that it wanted a morning loading zone on the West side in front of its store at the corner of Corcoran and 17th. Business pointed out: 1) on a three-lane, one-way street, double parking does not pose a safety hazard or traffic congestion so long as it does not happen on both sides of the street simultaneously; 2) the two van-size all-day loading zones – one in front of True Value Hardware and one in front of JR's – are used only by contractor service trucks (which is illegal) because they are too small for delivery trucks; 3) to prevent all double parking by delivery trucks one would have to extend the loading zone hours from 11am to 2pm or even to 4pm; 4) the businesses are already starving for customers and could not afford half the street with no metered parking; 5) even with the East side limited to delivery trucks, the drivers are going to unload in the immediately proximity of their customers, not driving down the street where there might be open space; and 6) one would not be able to manage the expanded loading zone space efficiently to accommodate the 55-foot beer trucks and the 65-foot 18 wheelers whenever they arrived (we saw a 20 foot delivery truck in the middle of a 90 foot loading zone force an 18-wheeler double park next to it because 70 feet of the loading zone space was inaccessible to it.
- 3. There was unanimous clamor for a solution to the Safeway 18-wheelers holding up traffic while backing into the loading dock. While there were suggestions that the alley curb cut across the street be expanded in front of the hardware store so that there would be a wider radius for the trucks to swing into the loading dock, it was pointed out that this would not pass in a historic district.
- 4. DDOT, MPD, and Parking Enforcement could not agree on what should be the ticketing policy regarding double-parked delivery trucks on a street like 17th St. In response to complaints about contractor service trucks parking more than the allowed 20 minutes, Parking Enforcement said it did not have time to clock whether vehicles parked more than 20 minutes in a loading zone, thereby further undermining the purpose of loading zones.

- 5. There was agreement that double-parking on both sides of the street was dangerous but business representatives could not agree on what to do except to say that it doesn't happen except early in the morning and is limited to the R Q St stretch.
- 6. There was agreement that the double-parking by CVS 18-wheelers at night at the corner of 17th and P Sts constitutes a serious safety hazard both to pedestrians crossing P St and to motorists turning left onto P St.
- 7. There was agreement that DDOT should post a school crossing guard at 17th and R
- 8. The taxi pick up zone between P and O Sts on the West side was not discussed because it was overlooked in the meeting,

RESOLUTIONS

- 1. In accordance with the findings of the DDOT study, ANC 2B endorses the recommendation to eliminate rush hour parking restrictions on the West side of 17th St between Q St and Mass Av.
- 2. Based on the feedback from the business community, ANC 2B proposes that the pilot project for additional loading zone space be modified as follows: 1) establish a pilot loading zone project to include only the space on the East side of 17th St between R and Corcoran Sts from 7-11am and on the West side of 17th St between Corcoran St and the alley to the South from 7-11am; and 2) Parking Enforcement and MPD strictly enforce the time limit in these zones as well as the eligible vehicles as part of the evaluation of the pilot project. ANC 2B concludes that even the extensive loading zone proposal of DDOT cannot prevent double parking but that providing extra loading zone space between R and Q Sts should eliminate the double parking on both sides of the street.
- 3. Based on the seriousness of the safety issues from double parking on both sides of the street and of double parking at night at the corner of 17th and P Sts, ANC 2B proposes that Parking Enforcement and MPD focus their energies on preventing delivery truck drivers from creating these hazardous situations.
- 4. Based on the feedback from the business community, ANC 2B proposes that the two van-sized loading spaces be eliminated and that no additional loading zone be added in front of Trios on Q St or in front of Blockbusters.
- 5. Based on an inspection of the Safeway loading dock situation by DDOT, ANC 2B endorses DDOT's proposal to re-erect the missing no parking sign next to the driveway and to move it back toward the tree box two feet so that the trucks backing in don't knock it down again. ANC 2B also endorses the suggestion of DDOT staff that DDOT work with Safeway to show how an alternate pattern for backing into the docking space should reduce substantially the amount of time it takes to enter the docking area.
- 6. ANC 2B resolves that a school-crossing guard should be provided at the corner of R and 17th Sts.

7. ANC 2B believes the inclusion of a taxi pick up zone should be in commercial space or within a designated entrance space in front of a residence. The ANC generally opposes a taxi stand in front of a residence with residential sticker parking unless the residents of the building request such a use of the parking space. However, there is an entrance zone for one of the two high rise buildings between P and Mass on the West side of 17th that might double as an early taxi pick up zone.

The Commission considered Commissioner Meehan's motions:

RESOLUTIONS

1. In accordance with the findings of the DDOT study, ANC 2B endorses the recommendation to eliminate rush hour parking restrictions on the West side of 17th St between Q St and Mass Ave

Commissioner Jacobson seconded the motion. The motion carried (8-0).

2. Based on the feedback from the business community, ANC 2B proposes that the pilot project for additional loading zone space be modified as follows: 1) establish a pilot loading zone project to include only the space on the East side of 17th St between R and Corcoran Sts from 7-11am and on the West side of 17th St between Corcoran St and the alley to the South from 7-11am; and 2) Parking Enforcement and MPD strictly enforce the time limit in these zones as well as the eligible vehicles as part of the evaluation of the pilot project. ANC 2B concludes that even the extensive loading zone proposal of DDOT cannot prevent double parking but that providing extra loading zone space between R and Q Sts should eliminate the double parking on both sides of the street.

Commissioner Jacobson seconded the motion. The motion carried (8-0).

3. Based on the seriousness of the safety issues from double parking on both sides of the street and of double parking at night at the corner of 17th and P Sts, ANC 2B proposes that Parking Enforcement and MPD focus their energies on preventing delivery truck drivers from creating these hazardous situations.

Commissioner Jacobson seconded the motion. The motion carried (8-0).

4. Based on the feedback from the business community, ANC 2B proposes that the two van-sized loading spaces be eliminated and that no additional loading zone be added in front of Trios on Q St or in front of Blockbusters.

Commissioner Stephens seconded the motion. The motion carried (8-0).

5. Based on an inspection of the Safeway loading dock situation by DDOT, ANC 2B endorses DDOT's proposal to re-erect the missing no parking sign next to the driveway and to move it back toward the tree box two feet so that the trucks backing in don't knock it down again. ANC 2B also endorses the suggestion of DDOT staff that DDOT work with Safeway to show how an alternate pattern for backing into the docking space should reduce substantially the amount of time it takes to enter the docking area.

Commissioner Stephens seconded the motion. The motion carried (8-0).

6. ANC 2B resolves that a school-crossing guard should be provided at the corner of R and 17th Sts.

The motion carried (8-0).

7. ANC 2B believes the inclusion of a taxi pick up zone should be in commercial space or within a designated entrance space in front of a residence. The ANC generally opposes a taxi stand in front of a residence with residential sticker parking unless the residents of the building request such a use of the parking space. However, there is an entrance zone for one of the two high rise buildings between P and Mass on the West side of 17th that might double as an early taxi pick up zone.

Commissioner Silverstein suggested dropping this resolution. Commissioner Meehan agreed.

Commissioner Meehan requested the Commission table consideration of DDOT's proposed modification of parking meters to 8:30 PM.

REGULATORY AGENDA

Preliminary Discussion of the upcoming renewal of the East Dupont Moratorium Commissioner Silverstein expressed concern over the moratorium expiring March 23, 2009, and the Streetscape beginning in the near future. He expressed concern over the effect on local businesses and restaurants. He expressed concern over the possibility of losing businesses and attracting more licensed establishments. Commissioner Estrada suggested requesting additional time from ABRA.

Commissioner Wexler made a motion that an adhoc committee be formed of all Commissioners whose districts include 17th Street, namely Commissioners Carney,

Wexler, Jacobson and Meehan; and that the committee start work on this immediately to establish its credentials; and that Commissioner Jacobson chair this committee. Commissioner Estrada seconded the motion. Commissioner Silverstein offered a friendly amendment that Commissioner Feldstein be included in the committee. Commissioner Silverstein also requested the Commission appropriate a sum not to exceed \$5,000 for legal fees, and other miscellaneous expenses, if necessary, to further the Commission's aims and goals. Commissioner Wexler accepted the friendly amendment.

The motion carried (8-0)

Discussion of Inauguration modifications by ABRA

Commissioner Silverstein noted that various establishments in ANC 2B SMDs have requested to stay open later for the inauguration. Commissioner Silverstein made a motion to approve all inauguration modifications applied to by establishments in ANC 2B. Commissioner Estrada seconded the motion. The motion carried (8-0). Commissioner Stephens noted that we would need to submit a letter or notification to ABRA on behalf of applicants. Commissioner Silverstein reported that Fred Moosally, acting head of ABRA, would consider an e-mail from Commissioner Silverstein sufficient.

Possible exemptions for single sales for ANC 2B establishments

Commissioner Silverstein noted that the Council passed a singles sale ban for Wards 2 and 6, which goes into effect February 10th. Establishments were only advised recently of this decision. The ban applies to any single sale of beer, ale and malt liquor less than 70 ounces. Commissioner Silverstein noted that many establishments' sale of high-end singles sales are unfairly affected by the ban.

Commissioner Silverstein made a motion to approve the request for an exemption from the single sale ban for Wine Cheese & Liquor, and Cairo Liquor, subject to the successful negotiation of voluntary agreements involving brand and sizes. Commissioner Estrada seconded the motion. The motion carried (8-0).

Commissioner Stephens requested ANC 2B to establish a committee addressing ABRA law and issues. Commissioners expressed that this action be considered at a future meeting after a more thorough discussion of committee structure and other commission operational and administrative issues. Commissioner Stephens agreed to table this motion.

Consideration of request by D-P, Inc., t/a Pesce, to secure a temporary Certificate of Occupancy authorizing seating for 50 persons

The applicant requested a temporary certificate of occupancy, pending seeking a permit to become code compliant. Commissioner Silverstein made the following motion:

RESOLVED, that Advisory Neighborhood Commission 2B supports the efforts of D-P, Inc., t/a Pesce, to secure a temporary Certificate of Occupancy authorizing seating for 50 persons effective until the date of our next meeting, which is February 10, and that the appropriate authorities of the Government of the District of Columbia be notified of the foregoing forthwith.

Commissioner Estrada seconded the motion. The motion carried (8-0).

Request for approval of stipulated CR/Restaurant license for E&CEyeStreetLLC t/a Elephant and Castle. 900 19th Street NW and Sidewalk Cafe. Sidewalk cafe till midnight. Restaurant max hours, but plans earlier closing. (2B06) Commissioner Stephens made a motion to support the application.

ANC 2B supports the application for a new Class CR license and the stipulated license request by E & C Eye Street, LLC t/a Elephant & Castle Pub Restaurant, 900 19th Street, N.W.

Commissioner Estrada seconded the motion. The motion carried (8-0).

Request to modify existing permit to add 3 additional parking in public spaces. 1901 R Street NW (2B01)

Commissioner Stephens made a motion to renew support for the additional three spaces. Commissioner Silverstein seconded the motion. Commissioner Meehan stated his opposition to the motion. Commissioner Estrada called the question. Commissioner Meehan repeated Commissioner Stephens' motion to support the request to modify the existing permit to add 3 additional parking spaces. The motion carried (6-1) with Commissioner Meehan opposing.

Update on Whitman Walker

Commissioner Estrada noted that the BZA decided to withhold its ruling until the HPRB meeting on the concept plan. He noted that this was a positive development. Commissioner Estrada noted that the applicant requested a flexibility condition. The BZA requested ANC 2B's comments on the request.

Commissioner Estrada made the following two motions:

1. ANC 2B rejects the revised plan for the placement of the garage and asks the developer to work with neighbors to relocate the garage so that it is responsive to neighborhood concerns for safety and access.

Commissioner Meehan seconded the motion. The motion carried (7-0).

2. ANC 2B asks the BZA to withhold its rulings on the requests for a variance and special exceptions until the HPRB approves the concept plans for the proposed development. No flexibility condition should be granted to the developer until specific drawings have been approved by the HPRB. The ANC would like to point out to the BZA that the HPO staff report noted that "the design is not compatible with the character of the historic district as proposed, and the HPO encourages further consideration."

Commissioner Stephens seconded the motion. The motion carried (7-0).

Review of HPRB Concept Plans for 1524 18th Street NW

The item was withdrawn from the agenda.

UNFINISHED/NEW BUSINESS

Commissioner Silverstein presented the quarterly financial report to the Commission and made a motion to approve.

- \$20,955 in checking
- 19,800 in savings

Commissioner Feldstein seconded the motion. The motion carried (6-0-1) with Commissioner Silverstein abstaining.

Commissioner Silverstein made a motion approving \$25.00 for the ANC Security Fund. Commissioner Jacobson seconded the motion. The motion carried 7-0.

Discussion of Commission reform working paper

The Commission briefly discussed the Commission reform paper, written by Commissioners Stephens and Jacobson. The Commission agreed to review the paper and provide feedback for review at the February 2009 meeting.

MINUTES

The November and December minutes were tabled until the February 2009 meeting.

At 10:00 PM, Commissioner Silverstein moved to adjourn the meeting, which passed by acclimation.

The next regular meeting of ANC 2B will be held on Wednesday, February 11, 2009, 7:00 PM at the D.C. Jewish Community Center at 16th and Q Streets, NW.

Respectfully submitted,

Alfred E. Blicher, Jr. Executive Director Dupont Circle Advisory Neighborhood Commission 2B

ADOPTED: February 11, 2009