



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Dupont Circle Advisory Neighborhood Commission 2B

Regular Meeting Minutes

Wednesday, January 11th, 2017; 7:00 p.m.

Brookings Institution, 1775 Massachusetts Avenue NW

Call to Order

The January 2017 meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Stephanie Maltz at 7:07 pm.

The Commissioners identified their Single Member Districts (SMDs). Present were: Amy Johnson (2B01), Daniel Warwick (2B02), Stephanie Maltz (2B03), Randy Downs (2B05), Mike Silverstein (2B06), John Kupcinski (2B07), Nicole Mann (2B08), and Scott Davies (2B09).

Election of 2017 Commission Officers

Chair Maltz moved to elect Commissioner Nicole Mann as the ANC's Chair, Commissioner Daniel Warwick as the ANC's Vice Chair, Commissioner Mike Silverstein as the ANC's Secretary, and Commissioner Stephanie Maltz as the ANC's Treasurer. Commissioner Johnson seconded the motion, which was voted on and passed (VOTES: 8-0-0).

General Agenda

Presentation by Councilmember Jack Evans Regarding Ward 2 and Citywide Updates

Councilmember Evans gave a presentation regarding Ward 2 and citywide updates.

Historic Preservation and Zoning Agenda

Consideration of a Resolution Regarding the Closure of the Embassy Sunoco Gas Station and Service Center at 2200 P Street NW in Conjunction with Marx Realty's Proposed Development Project on the Site

Commissioner Warwick moved to adopt a proposed resolution regarding the matter. Commissioner Kupcinski seconded the motion, which was voted on and passed (VOTES: 8-0-0). The resolution reads as follows:

WHEREAS, Advisory Neighborhood Commission 2B understands that the approval of the Gas Station Advisory Board is required in order to close a full service station within the District of Columbia,

WHEREAS, ANC 2B requested clarification of the process to request approval to close a service station from the Department of Energy and Environment (DOEE) at the Commission's November 9, 2016 meeting,

WHEREAS, the Gas Station Advisory Board jurisdiction was amended as recently as July 2016 with the passage of emergency DC Council Bill B21-808, which exempted a segment of service stations from the Gas Station Advisory Board's review purview,

WHEREAS, ANC 2B understands that the Gas Station Advisory Board must provide Great Weight to an affected Advisory Neighborhood Commission before a hearing regarding a service station closure within an affected ANC,

WHEREAS, ANC 2B has not received notification of an application to the Gas Station Advisory Board or other District of Columbia agency to close the service station at 2200 P Street NW,

WHEREAS, ANC 2B has not received Great Weight of a Gas Station Advisory Board proceeding which would allow the closure of the service station to proceed,

WHEREAS, the owner at 2200 P Street NW ended the lease for the operator of the Sunoco service station at 2200 P Street NW, effective December 31, 2016,

WHEREAS, ANC 2B received notification of this closure through a constituent communication and did not receive notification from any District of Columbia agency,

WHEREAS, the owner has subsequently fenced off the service station, removed gas pumps, and has applied for a permit to remove the service station's fuel tanks,

WHEREAS, ANC 2B did not receive notification of a permit application to remove the gas pumps, which would be a prerequisite to the closure of the service station,

WHEREAS, ANC 2B believes that the approval of the Gas Station Advisory Board has not been reached for the closure of the service station, and

WHEREAS, ANC 2B further believes that the Commission was not and should have been granted Great Weight in any proceeding regarding the closure of the service station.

THEREFORE, BE IT RESOLVED that ANC 2B requests that the owner at 2200 P Street NW reinstall the gas pumps and reopen the Sunoco service station.

BE IT FURTHER RESOLVED that if the owner does not reopen the service station, ANC 2B requests that the Department of Energy and Environment and the Office of the Attorney General enforce the existing law.

BE IT FURTHER RESOLVED that ANC 2B recognizes that legally closing a service station under the existing law is challenging to the owner of 2200 P Street NW due to the current composition of the Gas Station Advisory Board and urges the owner to work with ANC 2B and Councilmember Jack Evans' office to develop legislation which would potentially allow a legal closure of the service station under conditions of community benefit to be developed through the process.

General Agenda (Continued)

Approval of the ANC's Proposed Mission and Vision Statements

Commissioner Johnson moved to adopt the ANC's proposed Mission and Vision Statements. Commissioner Davies seconded the motion, which was voted on and passed (VOTES: 8-0-0). The Mission statement reads as follow:

Improve the quality of life in the Dupont Circle neighborhood and the District as a whole through leading public engagement, advocacy and facilitating dialogue.

The Vision statement reads as follows:

Dupont Circle thrives as a diverse neighborhood that is vibrant, livable, accessible, sustainable, and civically engaged. Community stakeholders weigh in constructively and collaborate on decisions that affect their lives.

Announcements and Public Comments

Commissioner Announcements

Commissioner Silverstein gave an overview of the recent disappearance and murder of Tricia McCauley during Christmas. He said that Jonathan Padget, a local Dupont Circle resident, was able to identify the suspect's car and help the Metropolitan Police Department (MPD) apprehend the suspect.

Commissioner Silverstein said that last week a DC Superior Court judge sentenced Wayne Bridgeforth to a one-year prison sentence for mail theft, as well as two three-year stay away orders from the neighborhood. He thanked Rob Halligan, a local resident, for his work in pushing the DC government to adopt stricter penalties for the worst repeat offenders.

Commissioner Johnson encouraged meeting attendees to study what street closures, Metrorail closures, and other transportation changes will occur for Inauguration weekend. She encouraged attendees to patronize the local restaurants participating in All for Service, a campaign where participating DC restaurants will be donating a portion of their proceeds over Inauguration Weekend to charity.

Commissioner Johnson said that Dupont Festival will be holding its annual Groundhog Day event on Thursday, February 2nd at 8:30 am in Dupont Circle.

Commissioner Davies said that he and Commissioner Downs will be co-chairing the ANC's Transportation and Public Infrastructure Committee. He said that the Committee's first meeting of the year will be on Tuesday, January 17th at 7:00 pm at the Dupont Circle Resource Center.

Commissioner Maltz said that DC's school lottery application, MySchoolDC, is currently up and running.

Other Public Announcements and General Comments or Future Agenda Items

Richard Livingstone, a Ward 2 representative for the Mayor's Office of Community Relations and Services (MOCRS), encouraged meeting attendees to visit the city's website for Inauguration plans, inauguration.dc.gov.

Seth Miller Gabriel, the Director of DC's Office of Public-Private Partnerships, said his office looks to deliver large-scale projects through partnerships with the private sector. He said that the partnerships, or P3s, are not privatization deals. He encouraged meeting attendees to visit the office's online pipeline to see what projects the office is currently working on.

Susan Volman, a representative for the Dupont Circle Citizens Association (DCCA), said that DCCA recently held its annual Resolutions party. She thanked Commissioner Silverstein and Mr. Halligan for their work regarding the Wayne Bridgeforth case. She said that DCCA has testified in support of a new DC Council bill proposed by Councilmember Nadeau that raises the limit on nonprofit taxes for fundraising activities.

Bonnie Garrity, a local resident, gave an overview of the District Department of Transportation's (DDOT) efforts to replace streetlights with LED lights. She said that she is requesting that DDOT use a different type of LED light that is less harmful on the eyes and the environment.

Update Regarding the Commissioner Vacancy for Single Member District 2B04

Chair Mann gave an overview of the details for the ANC's special election to fill the vacancy for single member district 2B04. Gottlieb Simon, the Director of the Office of Advisory Neighborhood Commissions, said that if there was more than one candidate for the seat, the election would be held during the ANC's regular March meeting.

Alcoholic Beverage Control Board Agenda

Lemon Cuisine of India – Application for a New Retailer's Class "C" Restaurant License at 2120 P Street NW

Commissioner Warwick moved to approve a stipulated license as part of Lemon Cuisine of India's application for a new license. Commissioner Maltz seconded the motion, which was voted on and passed (VOTES: 7-0-0). The resolution reads as follows:

ANC 2B approves the issuing of a stipulated license for Lemon Cuisine of India's application for a new Retailer's Class "C" Restaurant license at 2120 P Street NW based on the Commission signing a settlement agreement with the applicant, which is attached alongside this resolution.

Consideration of a Resolution Regarding Applications from ABRA Licensees with Settlement Agreements for Extended Hours During the 2017 Inaugural Week

Chair Mann moved to adopt a proposed resolution regarding the matter. Commissioner Maltz seconded the motion, which was voted on and passed (VOTES: 7-0-0). The resolution reads as follows:

ANC 2B supports the extension of hours for licensed establishments with settlement agreements for Inaugural Week 2017 dates approved by the Alcoholic Beverage Regulation Administration.

Designation of a New Representative for ANC 2B's Protest of Eye Bar / Garden of Eden's License Renewal Application

Chair Mann moved to designate Commissioner Downs and former Commissioner Abigail Nichols, in addition to all other current commissioners with the exception of Commissioner Silverstein, as representatives for the ANC's ongoing protest of Eye Bar / Garden of Eden's license renewal application. Commissioner Davies seconded the motion, which was voted on and passed (VOTES: 6-1-0). The resolution reads as follows:

ANC 2B designates Commissioner Randy Downs (2B05) and former Commissioner Abigail Nichols (2B05), in addition to all other current ANC 2B Commissioners with the exception of Commissioner Mike Silverstein, to represent ANC 2B for the ANC's ongoing protest of Eye Bar / Garden of Eden's license renewal application at 1716 I Street NW (ABRA-083133).

Update Regarding Safeway's Upcoming License Application

Commissioner Maltz said that the Safeway at 1701 Corcoran Street NW has submitted an application to the Alcoholic Beverage Regulation Administration (ABRA) for a new license. She said that the ANC's intention is to have a Safeway representative come to the ANC's February meeting to give an overview of the license application.

Commissioner Downs said that he looks forward to engaging with community members regarding their thoughts on the store's proposal to sell beer and wine. He said that he has some concerns with the application.

Historic Preservation and Zoning Agenda (Continued)

1610 Riggs Place NW – Addition of a Painted Metal Egress Stair on the Rear, Alteration of Two Window Openings to Doors and the Addition of One Twin Window on the Alley at the Cellar Level

Commissioner Warwick moved to adopt a proposed resolution regarding the matter. Commissioner Mann seconded the motion, which was voted on and passed (VOTES: 8-0-0). The resolution reads as follows:

WHEREAS, the application is within the Dupont Circle Historic District and Advisory Neighborhood Commission 2B,

WHEREAS, the currently existing building has an existing nonconforming lot occupancy that is larger than allowable by the zone,

WHEREAS, the applicant proposes to add a fire escape to the rear of the property at 1610 Riggs Place NW,

WHEREAS, ANC 2B appreciates the applicant's desire to provide life and safety infrastructure after the fire which killed two people residing in the building,

WHEREAS, ANC 2B believes portions of the project as proposed are excessive and may not be compliant with the building code, especially the roof hatch from the front room and stairs to the roof deck,

WHEREAS, ANC 2B opposes the de facto creation of a roof deck by including egress stairs to the roof,

WHEREAS, ANC 2B is concerned with the project's potential visibility from 17th Street NW, which is a view that HPRB found important in recent decisions regarding 1626 Riggs Place NW and 1630 Riggs Place NW, and

WHEREAS, ANC 2B believes that if the goal of the project is to provide a second means of egress, the applicant could provide this through utilizing lot occupancy within the existing structure.

THEREFORE, BE IT RESOLVED that ANC 2B opposes the project as proposed and especially opposes the portion of the proposed fire escape which extends to the roof.

1532 U Street NW – Concept / Rear Addition and Front Basement Entrance

Commissioner Warwick moved to adopt a proposed resolution regarding the matter. Commissioner Davies seconded the motion, which was voted on and passed (VOTES: 8-0-0). The resolution reads as follows:

WHEREAS, the project as proposed is within the Strivers' Section Historic District and Advisory Neighborhood Commission 2B,

WHEREAS, the built environment and building usage of the 1500 block of U Street NW are significantly altered from the time of historic significance,

WHEREAS, while ANC 2B would ordinarily not support a project which includes an entrance through a bay window on other blocks of the historic district, ANC 2B believes that the portion of the project fronting U Street NW as proposed is contextual to how the historic fabric of this block has changed over time and is supportable,

WHEREAS, the proposed stairs to the bay window do not extend farther into public space than currently existing stairs on the block, and

WHEREAS, ANC 2B requests that the property owner take measures to mitigate any negative impacts to alley access during the construction phase of the project and maintain communication with surrounding residents regarding impacts and mitigation measures.

THEREFORE, BE IT RESOLVED that ANC 2B supports the project as proposed with the following modifications:

1. The utility meters are not visible from public space.
2. The applicant takes all reasonable measures to mitigate noise in the alley from the exterior condenser.

Consideration of a Resolution Regarding ANC 2B's Priorities for the 2016/2017 DC Comprehensive Plan Amendment Process

Commissioner Warwick moved to adopt a proposed resolution regarding the matter. Commissioner Johnson seconded the motion, which was voted on and passed (VOTES: 8-0-0). The resolution reads as follows:

WHEREAS, ANC 2B believes that DC's Comprehensive Plan is a vital document to the planning of the Dupont Circle neighborhood and the District of Columbia as a whole.

THEREFORE, BE IT RESOLVED that ANC 2B adds its name to the diverse group of DC-area organizations and companies who build housing (for-profit and not-for-profit), advocate for policies that increase affordable housing, support the needs of disadvantaged communities, strengthen neighborhood commercial corridors and locally owned businesses, and educate the public on planning issues which support the attached statement of priorities for housing and community development in the Comprehensive Plan.

Public Space Committee Agenda

1700 M Street NW – Application for Streetscape Improvements, Including New ADA Curb Ramp; Driveway, Sidewalk, and Alley Paving; and Bike Rack Installation

Chair Mann moved to request a 30-day delay of the Public Space Committee's hearing of the public space application for 1700 M Street NW. Commissioner Kupcinski seconded the motion, which was voted on and passed (VOTES: 8-0-0). The resolution reads as follows:

ANC 2B's requests a 30-day delay of the consideration of Vornado Realty Trust's public space application for streetscape improvements at 1700 M Street NW in order to allow the Commission to further discuss the project plans with the applicant.

Administrative Agenda

Approval of the Regular December 2016 Meeting Minutes

Chair Mann moved to approve the ANC's regular December 2016 meeting minutes. Commissioner Kupcinski seconded the motion, which was voted on and passed (VOTES: 8-0-0).

Approval of the ANC's 2017 Meeting Calendar

Chair Mann moved to approve the ANC's proposed 2017 meeting calendar. Commissioner Maltz seconded the motion, which was voted on and passed (VOTES: 8-0-0).

Approval of the ANC's Participation in the 2017 ANC Security Fund

Commissioner Maltz moved to approve the ANC's participation in the 2017 ANC Security Fund. Chair Mann seconded the motion, which was voted on and passed (VOTES: 8-0-0).

Approval of the Addition of New ANC Officers as Signatories for the ANC's Checking Account

Commissioner Maltz moved to remove former Commissioner Noah Smith as a signatory for the ANC's checking account and to add Commissioner Warwick as a signatory. Commissioner Silverstein seconded the motion, which was voted on and passed (VOTES: 8-0-0).

Update Regarding the Dupont Circle Resource Center Renovations

Commissioner Silverstein said that Commissioner Davies has joined the planning team for the Resource Center renovation project.

General Agenda (Continued)

Consideration of a Resolution in Support of Planned Activities in Stead Park for 2017

Commissioner Downs moved to adopt a proposed resolution regarding the matter. Commissioner Maltz seconded the motion, which was voted on and passed (VOTES: 7-0-1). The resolution reads as follows:

WHEREAS, the DC Department of Parks and Recreation has requested a 2017 resolution from ANC 2B concerning permitting Stead Park for activities sponsored by the Friends of Stead Park,

WHEREAS, as voted previously, ANC 2B recognizes the important role the Friends of Stead Park organization plays in supporting children and families residing in the Dupont neighborhood and surrounding communities and that the activities sponsored by the Friends of Stead Park are consistent with the purpose of the Stead Trust to serve the children of the District of Columbia, and

WHEREAS, the Advisory Neighborhood Commissioner for the Single Member District in which Stead Park is located is traditionally a member of the Board of the Friends of Stead Park, and this collaboration between ANC 2B and the Friends of Stead Park ensures that ANC 2B is aware of Friends programming in the park should intervention be necessary.

THEREFORE, BE IT RESOLVED that ANC 2B supports the permitting for any programs sponsored by the Friends of Stead Park until such time as it finds an objection necessary.

Consideration of a Resolution Regarding Proposed Amendments to the “Youth Rehabilitation Act of 1985”

Chair Mann moved to adopt a proposed resolution regarding the matter. Commissioner Silverstein seconded the motion, which was voted on and passed (VOTES: 5-0-3). The resolution reads as follows:

WHEREAS, the Washington Post’s four-part series “Second Chance City” analyzed the ineffectiveness of the Youth Rehabilitation Act of 1985, demonstrating that the liberal implementation of probation and leniency has led to violent offenders remaining on the streets,

WHEREAS, 121 defendants sentenced under the Youth Act have gone on to be charged with murder in the District since 2010, according to The Post’s analysis of available sentencing data and court records. Four of the slayings occurred while the defendants could still have been incarcerated for previous crimes under mandatory minimum sentencing, and thirty of the killings took place while the suspects were on probation,

WHEREAS, the Post investigation showed that despite the name, there is little to no existing “rehabilitation” process in place for those who receive reduced sentences or probation under the Youth Rehabilitation Act,

WHEREAS, Mayor Muriel Bowser has called for reforms and study of the Youth Act as a result of the Washington Post investigation, and

WHEREAS, the Youth Act uses the following definition to describe violent crime:

§ 23–1331. Definitions.

(4) The term “crime of violence” means aggravated assault; act of terrorism; arson; assault on a police officer (felony); assault with a dangerous weapon; assault with intent to kill, commit first degree sexual abuse, commit second degree sexual abuse, or commit child sexual abuse; assault with significant bodily injury; assault with intent to commit any other offense; burglary; carjacking; armed carjacking; child sexual abuse; cruelty to children in the first degree; extortion or blackmail accompanied by threats of violence; gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation; kidnapping; malicious disfigurement; manslaughter; manufacture or possession of a weapon of mass destruction; mayhem; murder; robbery; sexual abuse in the first, second, or third degrees; use, dissemination, or detonation of a weapon of mass destruction; or an attempt, solicitation, or conspiracy to commit any of the foregoing offenses.

THEREFORE, BE IT RESOLVED that ANC 2B supports reforming the Youth Rehabilitation Act of 1985 to amend the act to apply only to those convicted of nonviolent crimes, per the definition of violent crimes as described above, and supports reforming the Act to outline a program for rehabilitation.

Consideration of a Resolution Regarding the Principles Behind the “Extreme Weather Protection for Animals Act of 2017”

Commissioner Davies moved to adopt a proposed resolution regarding the matter. Commissioner Downs seconded the motion, which was voted on and passed (VOTES: 8-0-0). The resolution reads as follows:

WHEREAS, in January 2017, many ANC 2B residents, as well as residents throughout Washington, DC, were made aware of the inadequate protections afforded to pets in the District of Columbia through the plight of "Momma", a dog that had continually been left outside during extreme cold weather,

WHEREAS, “Momma”, a dog located in the District, was confined to a small pen with a wooden box and straw as her only protection against freezing temperatures for four days,

WHEREAS, “Momma”, a dog located in the District, was allowed by its owner to become emaciated with protruding joints and clearly visible ribs,

WHEREAS, DC Code Sec. 22-1001(a)(1) states that, “Whoever knowingly...or unnecessarily fails to provide...proper food, drink, air, light, space, veterinary care, shelter, or protection from the weather, shall for every such offense be punished by imprisonment in jail not exceeding 180 days, or by fine not exceeding \$250, or by both,”

WHEREAS, animal welfare authorities struggled to help “Momma” because this mere wooden box is currently considered adequate “shelter” under District law, and WHEREAS, ANC 2B enthusiastically supports legislative action to address the regulatory gaps that allowed for Momma’s sad story to occur and prevent future abuse of any animal in the District of Columbia.

THEREFORE, BE IT RESOLVED that ANC 2B advises the DC Council to define emaciated animals without proof of veterinary care as a criteria for Cruelty to Animals under DC Code § 22-1001–1015.

BE IT FURTHER RESOLVED that ANC 2B advises the DC Council to pass appropriate legislation to ensure that owners of animals in the district are required to provide adequate shelter that protects the animals from both extreme cold and extreme heat, including in vehicles.

Adjournment

Chair Mann adjourned the meeting at 10:00 pm.