

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION**  
**REGULAR MEETING MINUTES**

**Wednesday, July 9, 2014, Brookings Institute**

Call to Order & Introduction of Commissioners & Staff (7:03pm)

The July Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chairman Stephens at 7:03 pm.

The Commissioners identified their Single Member Districts (SMDs). Present were: Mike Feldstein (2B01), Stephanie Maltz (2B03), Kishan Putta (2B04), Abigail Nichols (2B05), Mike Silverstein (2B06), Leo Dwyer (2B07), Will Stephens (2B08), and Noah Smith (2B09)

The Commission staff introduced themselves: James Conway (Executive Director), and Nicole Baillis (Desi Deschaine Community Involvement Fellow), Daniel Warwick (Jeff Coudriet Public Policy Fellow) and Fiona Clem (Web/IT consultant).

Meeting Minutes & Work Calendar  
Circulation of ANC Monthly Work Calendar

Approval of Minutes – May 2014 public meetings (regular and special), June regular meeting

May Regular Meeting Minutes – Commission Stephens moved to approve, Commissioner Smith seconded. Passed 8-0.

May Special Meeting Minutes – Commission Stephens moved to approve, Commissioner Smith seconded. Passed 8-0.

June regular Meeting Minutes – Tabled to next month

Distribution of Monthly Work Calendar for ANC 2B  
Chairperson Stephens noted to make sure to have August agenda items submitted by July 31st and to have any additional letter language turned by the Friday or Saturday after the meeting.

Public Announcements

Commissioner announcements

1. Commissioner Maltz announced Ross Elementary School is undergoing renovations.

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2. Commissioner Nichols announced demolition next Sunday/Monday at 16th Street residence.
3. Commissioner Stephens announced petitions are open to run for ANC Commissioner and he announced for everyone to use #anc2b.
4. Commissioner Putta announced Repeal of Prostitution free zones was made today by the council.
5. Commissioner Putta announced that a column in the Washington post was anti-biker, and tomorrow there will be a respectful bike ride from Dupont Circle to the Washington Post in protest.

#### Other Public announcements

1. Tom Lipinsky from Council Member Evans office introduced himself and encouraged residents to bring any issues to him.
2. Bill McCleod, E.D. of Historic Dupont Circle Main Streets, announced working on permit for 17th Street Festival and other activities.
3. Tati Pastukhova introduced herself and announced that she and partner Sandro from "Art Soiree" are moving into permanent gallery space at 1832 14th St later this year. They will return to the ANC in September for a CX alcohol license for evening events.

#### General Items

Presentation on rat abatement by Mr. Curtis from DC Department of Health

Mr. Curtis announced that the Department has been active and right now is the peak season for reproduction of rats. 1 female reproduces 6 to 12 offspring. Maximum amount of reproduction this time of year. New litter are not allowed to stay at home, so they spread out.

To prevent this, close holes in alleys. Cats are not helping much because people are leaving food for the cats and the cats don't challenge full grown rats. Lastly, Mr. Curtis said to take a minute to clean up your neighborhood, for example trash and dog feces.

Resolution honoring Dupont Festival, Aaron DeNu, and our friends and neighbors from the German Embassy for their efforts and generosity in holding a successful viewing party in Dupont Circle for the US-Germany World Cup match.

Commission Silverstein moved the below resolution, seconded by Commissioner Feldstein. Passed 8-0. The resolution reads as follows:

WHEREAS, thousands of spirited and well-mannered soccer fans gathered together in Dupont Circle to watch the USA and Germany compete in the World Cup and

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WHEREAS, those fans respected the beauty of the Circle, and there was absolutely no damage reported and no rowdy behavior or arrests, and

WHEREAS, this celebration of soccer cost DC taxpayers not a single cent, and

WHEREAS, this event was broadcast live on CNN and ESPN as part of their World Cup coverage, showcasing our neighborhood to the entire world, and

WHEREAS, the German Embassy paid the cost of equipment rentals, including the two large video screens, and paid for security and clean-up, and transported busloads of German fans from the Embassy, the German Military Attache, and the Deutsche School, supplied Germany caps and German flags, and even purchased and handed out hundreds of American flags to the supporters of Team USA, and

WHEREAS, Dupont Festival spend many weeks working to secure the broadcast rights for the game from ESPN and FIFA, and to gain the necessary permits from the National Park Service, and worked to establish the partnership with the German Embassy, and Dupont Festival volunteers even placed plastic netting around the trees and flower beds in Dupont Circle to ensure they were protected from the huge crowds, and

WHEREAS, this highly successful event could not have taken place without the selfless efforts and cooperation of all these parties, therefore

BE IT RESOLVED that Dupont Circle ANC 2B offers its sincere thanks and congratulations to Dupont Festival and its volunteers, headed by Aaron DeNu, to the Embassy of Germany and their Ambassador, his excellency Peter Wittig, the National Park Service, DC DOT, and all those who helped make this event a great success, a joy, and a credit to our neighborhood.

BE IT FURTHER RESOLVED that Dupont Circle ANC 2B wishes the German team good luck in the World Cup championship match.

#### Regulatory Items

#### Department of Health Applications

Application by Eric C. Marshall, P.C. for Certificate of Need (No. 14-2-8) for MinuteClinic at CVS Pharmacy, 6-7 Dupont Circle NW (2B02)

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Commission Stephens moved to support the certificate of need, Commissioner Silverstein seconded. Passed 8-0.

Application by MedStar Health for Certificate of Need (No. 13-2-10) for primary care practice at 2141 K Street NW (2B06) – Commissioner Silverstein announced that this matter had been withdrawn.

Public Space Use & Related Applications (20 mins subtotal)

Request to allow Sunday hours and early staging for sidewalk and public space renovation at 1220 19th Street (building that includes I Ricci and formerly held The Melting Pot). Washington Real Estate Investment Trust seeks waiver to work 10am to 6pm on Sundays, and to stage equipment and do what they call “quiet work” from 5am-7am seven days a week on this 4-month project. Bill Cate of WRIT will present. (2B06) – Commission Silverstein moved the below resolution, seconded by Commissioner Stephens. Passed 6-0. The resolution reads as follows:

Whereas, We are aware that the District’s noise ordinance allows heavy work, including jackhammering, six days a week, beginning at 7am. This would pose a hardship on those who live in Jefferson Row.

Whereas, We are also aware that businesses and workers in the properties along 19th Street seek some modicum of quiet during working hours.

Whereas, we understand that most of the offices and businesses along 19th Street will be closed, and vehicle traffic along 19th Street is light on weekends, so it is understood that demolition and jackhammering may be scheduled for weekends – as well as weekdays.

Therefore, we have agreed to support a work plan wherein the applicant agrees that there will be NO jackhammering prior to 7:30am on weekdays, 9am on Saturdays, and 11am on Sundays.

Be it further resolved that we support a 5am-7am quiet work period, during which staging and setting of materials and other such quiet work will be permitted on weekdays, and full weekday hours of 7am thru 7pm, with no jackhammering before 7:30am.

Be it further resolved that we support a 9am-5pm Saturday work period, with all work permitted, and an 11am-7pm Sunday work period, again, with all work permitted.

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Be it further resolved that the ANC thanks the applicant for reaching agreement with us on these matters.

Request for DDOT Public Space Permit for 1908 14th St NW – Taylor Gourmet – for 10 outdoor seats. Tracking Number 97417. (2B09) – Commission Smith made the below motion, Commissioner Stephens seconded. Passed 7-0. The resolution reads as follows:

ANC 2B supports this application in part and opposes this application in part.

ANC 2B supports the use of public space for a single table and two (2) chairs at the western side of the public space, against the wall of the restaurant. ANC 2B opposes permitting any tables or chairs at the east side of the space, nearest to the curb of 14th Street. ANC 2B is very concerned with the safety of patrons sitting so close to a curb, particularly with how busy 14th St is. ANC 2B also is concerned about blocking the sight lines of vehicles exiting the adjacent parking garage and maintaining a clear 10 foot clearance for pedestrian traffic on the sidewalk.

ANC 2B opposes establishments “surrounding” a pedestrian pathway with tables and chairs for their patrons, as the primary purpose of sidewalks should be for pedestrian movement.

ANC 2B’s limited support of this application is contingent on public space hours that end at 11pm on weeknights and midnight on Friday and Saturday nights. The applicant has agreed to these hours.

#### Alcohol Applications

Request for Class “C” Restaurant liquor license for Custom Fuel Pizza and Salads (#95570) located at 1635 Connecticut Ave NW. Restaurant featuring rapidly prepared pizzas, fresh salads and snacks. No live entertainment with 96 seats. Hours of operation: Sunday through Saturday 11am-3am. Hours of alcoholic beverage sales, service and consumption: Sunday through Thursdays 11am-2am, Friday and Saturday 11am-3am. Petition: August 11, 2014. Roll Call Hearing: August 25, 2015. Protest Hearing: October 15, 2014. (2B03)

Commission Maltz moved to support the application based on late food service, no outdoor space, and no entertainment endorsement. Commissioner Feldstein seconded. Passed 6-0.

Request for substantial change to hours of operation for the Bottom Line (#000755) located at 1716 I Street NW. Approved hours of operation: Sunday through Wednesday 11am-2am, Thursday 11am-2:30am, Friday 11am-3:30am and Saturday 11:30am-3:30 am. Approved hours of alcohol sales and

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consumption: Sunday through Thursday 11:30am-1:30am and Friday through Saturday 11:30am-2:30am. Proposed hours of operation: Sunday through Thursday 8am-2am and Friday through Sunday 8am-3am. Proposed hours of alcohol sales, consumption and summer garden: Sunday through Thursday 8am-2am and Friday through Saturday 8am-3am. Approved hours of operation, sales, consumption and sidewalk cafe: Sunday through Thursday 11:30am-1:30am and Friday through Saturday 11:30am-2am. Proposed hours of sidewalk cafe: Sunday through Thursday 9am-2am and Friday through Saturday 9am-3am. Proposed alcohol sale, consumption and sidewalk care: Sunday through Thursday 9am-1:30am and Friday through Saturday 9am-2:30am. Petition: July 7, 2014. Hearing: July 21, 2014. (2B06)  
Commission Maltz moved that ANC 2B has no objection to this application, because of the lack of proximity to residents, provided that the application is corrected to reflect that there is no summer garden. Commissioner Nichols seconded. Passed 6-0.

Request for substantial change to license hours for Nooshi (#024470) located at 1120 19th Street NW. Current hours of operation and alcohol sale and consumption for the inside premises and sidewalk cafe: Sunday through Saturday 11:30am-11pm. Requested hours of operation and alcohol sale and consumption for the inside premises and sidewalk cafe: Sunday through Saturday 11:30am-2am. Petition: August 11, 2014. Hearing: August 25, 2014. (2B06) – The Commission considered this item and took no action.

Request for substantial change to license for Cities (086319) located at 919 19th Street NW entertainment endorsement of the sidewalk cafe. Entertainment will include jazz bands, steel drums and a DJ. Sidewalk cafe capacity is 64. Current hours of operation, sales, service, consumption: Sunday through Thursday 8am-2am and Friday and Saturday 8am-3am. Current hours of operation, sales, service and consumption for sidewalk cafe: Sunday 12p-2am, Monday through Thursday 11:30am-2am, Friday through Saturday 11:30am-2am and Friday through Saturday 11:30am-3am. Proposed hours of Entertainment for sidewalk cafe: Sunday through Thursday 6pm-2am and Friday and Saturday 6pm-3am. Petition: August 4, 2014. Hearing: August 18, 2014. (2B06)  
Commission Maltz moved to protest on the basis of peace, order, and quiet, because the applicant did not present at the ANC meeting and the Commission needs more information. Commissioner Stephens seconded. Passed 7-0. Commissioner Maltz noted that the Commission will attempt to have Cities representatives join the August 2014 public meeting to present and clarify.

Historic Preservation & Zoning Applications

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BZA Application BZA #18-802 for construction at 1727 Mass. Ave

Commission Dwyer moved to request a delay to allow for time to review of additional information, Commissioner Stephens seconded. Passed 8-0. The resolution reads as follows:

Whereas, the applicant for 1727 Massachusetts Ave NW seeking a special exception BZA #18802 to convert 800sf of residential space in the Winthrop condominium into commercial office space;

Whereas, the applicant seeking the special exception did not reach out to ANC 2B in a timely manner;

Whereas, ANC 2B requested project drawings and a copy of the BZA application #18802, whereas, ANC 2B did not receive these items from the applicant prior to the subcommittee meeting dedicated to reviewing matters dealing with zoning, preservation and development;

Whereas, ANC 2B did not receive the requested drawings before the official ANC 2B meeting on July 9, 2014;

Whereas, ANC 2B asked if the applicant had reached out to the neighbors and to the condominium board, whereas the applicant had not communicated this zoning special exception request to that of the neighbors in the building, and to the condominium board;

Whereas, the applicant had not reviewed the condominium bylaws to see if this would be a permitted use of space by the condominium bylaws;

Whereas, the applicant having purchased this property within the last few years, and that the applicant seeking the special exception purchased said property as a residential unit, whereas, this applicant is actively involved in real estate and development and has the experience and knowledge of the real estate market, should therefore be regarded as a competent buyer, and would therefore know the difference between a legal dwelling unit and one that would not be deemed a legal dwelling unit;

Whereas, the applicant now claims that the property in mention for which they are seeking a special exception is not suitable for residential usage, whereas, ANC 2B finds this to not be a suitable request;

Whereas, ANC 2B is concerned about this request because the building does not have the necessary security measures in place to maintain a mixed use facility; and

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Whereas, ANC 2B is concerned with the impact of transferring residential space into commercial office space.

Therefore, be it resolved that ANC 2B opposes this project on the basis that the applicant did not provide the necessary documents to the ANC for review, that ANC 2B is concerned with the impact that this special exception would have upon the building residents, and to Dupont Circle overall. ANC 2B furthers its' opposition because the applicant did not communicate this request with that of the neighbors impacted by this request, had not reviewed the bylaws of the condominium, and had not communicated this request to the condominium board.

HPRB Application HPA #14-530 for construction at 1772 Church St (St Thomas Church) (2B07)  
Commissioner Dwyer made a motion, seconded by Commissioner Maltz.

The original motion by Commissioner Dwyer reads as follows:

Whereas, ANC 2B acknowledges the applicants' engagement of the community the last six months prior to their submission to Historic Preservation Review Board, and that they have engaged the community in four full community town-hall style meetings and 31 individual and small group meetings;

Whereas, ANC 2B acknowledges that St. Thomas Parish has been a member of the Dupont Circle community since 1894, and the Parish has been a critical ally and supporter of the gay, lesbian, transgender and bisexual community, and whereas, the Parish provides space for other community groups as well as serving as a polling location at election time, and that this development will further strengthen the ability to support the St Thomas Parish and our community;

Whereas, ANC 2B acknowledges that since 1970, when the Gothic revival church was burned to the ground by an arsonist, the congregation has made the best out of an horrific situation, moved into the Parish Hall which was never meant to be a house of worship, and is not an ADA-accessible structure and therefore hinders the ability of the Church to serve the community;

Whereas, ANC 2B acknowledges that the intent of the Church is to rebuild a proper sanctuary on the grounds of their former sanctuary, which will build upon and strengthen their religious community as well as their commitment to providing services to the Dupont Circle community;

Whereas, ANC 2B has been involved in the dialogue within the community over the last six months;

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Whereas, ANC 2B acknowledges that the applicant has worked hard to address the concerns of the residents with several design changes, and with decreasing the residential component by 6,000 square feet;

Whereas, ANC 2B recommends support of the design concept;

Whereas, ANC 2B has concerns regarding the organization to how the massing of the two components, being that of the Church and of the residential component should have a strong and cohesive massing;

Whereas, ANC 2B has concerns regarding to the various façade materials represented for the Church St. façade, for the residential component;

Whereas, ANC 2B seeks guidance from the Historic Preservation Review Board regarding the matter of an appropriate loading dock area along the alley, while not a common article for the Board to review, ANC 2B would appreciate design guidance on this matter; and

Whereas, ANC 2B looks to the Historic Preservation Review Board for guidance regarding the appropriateness of the massing and façade, so that this project can be an appropriate and suitable addition to the Dupont Circle community.

Therefore, be it resolved that ANC 2B recommends support of this project with the Historic Preservation Review Board addressing the foregoing matters of massing and building materials for the Church St. façade of the residential building.

Commissioner Smith made a motion to amend, seconded by Commissioner Stephens. Commissioner Stephens and Commissioner Maltz offered friendly amendments to Commissioner Smith's amendment, which are incorporated into the amended motion text set forth below. The amendment, including the additional friendly amendments, carried 4-3-1. The amended motion reads as follows:

Whereas, ANC 2B acknowledges the applicants' engagement of the community the last six months prior to their submission to Historic Preservation Review Board, and that they have engaged the community in four full community town-hall style meetings and 31 individual and small-group meetings;

Whereas, ANC 2B acknowledges that St. Thomas Parish has been a member of the Dupont Circle community since 1894, and the Parish has been a critical ally and supporter of the gay, lesbian, transgender and bisexual community, and that the Parish provides space for other community groups as

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well as serving as a polling location at election time, and that the proposed development will further strengthen the ability to support the St Thomas Parish and our community;

Whereas, ANC 2B acknowledges that since 1970, when the Gothic revival church was burned to the ground by an arsonist, the congregation has made the best out of an horrific situation, moving into the Parish Hall, which was never meant to be a house of worship and is not an ADA-accessible structure and therefore hinders the ability of the Church to serve the community;

Whereas, ANC 2B acknowledges that the intent of the Church is to rebuild a proper sanctuary on the grounds of their former sanctuary, which will build upon and strengthen their religious community as well as their commitment to providing services to the Dupont Circle community;

Whereas, consistent with prior resolutions on development of church-related properties, as well as applicable constitutional and federal law, ANC 2B respects the Church's right to use its land for religious purposes without undue burden;

Whereas, ANC 2B has been involved in the dialogue within the community over the last six months;

Whereas, ANC 2B acknowledges that the applicant has worked hard to address the concerns of the residents with several design changes, and with decreasing the residential component by 6,000 square feet;

Be it resolved that ANC 2B recommends support of the design concept;

Be it further resolved that ANC 2B supports the Church's concept to place the church component on the 18th Street side;

Be it further resolved that ANC 2B has concerns regarding the various façade materials represented for the Church St. facade of the residential component;

Be it further resolved that ANC 2B seeks guidance from the Historic Preservation Review Board regarding the matter of an appropriate loading dock area along the alley, noting that while this is not a common article for the Board to review, ANC 2B would appreciate design guidance on this matter; and

Be it further resolved that ANC 2B has no objection to the church portion of the project and urges the HPRB to respect the Church's right to use its property for religious purposes without undue burden;

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Be it further resolved that ANC 2B does not support the massing of the residential component of the project, as it is too large, visible from the street, and is incompatible with the historic character of the Dupont Circle neighborhood, particularly the 1700 block of Church Street NW, which has maintained modest height and massing throughout its history, resulting in a quiet, charming, and beautiful street;

Be it further resolved that ANC 2B concurs with the Dupont Circle Conservancy that the designers should revisit the massing of the residential component with the intent of reducing the bulk adjacent to the townhouses on Church Street with a more gradual increase in height from the east to west.

Be it further resolved that ANC 2B is concerned that, in considering alternative massing, the massing not be pushed entirely back to the alley side of the building;

The amended motion failed 3-5.

Commissioner Silverstein made a new motion to support the existing Dupont Circle Conservancy resolution – Seconded by Commissioner Feldstein and passed 6-2 without amendment. The resolution as passed reads as follows:

ANC 2B supports the concept of the church portion of the project, however, we would like to see a further refined design and more refined material palate, as well as a better understanding of how the structure will exist in context with the adjacent building fabric on 18th Street.

ANC 2B supports the residential concept but is concerned that the massing presents an incongruous transition on Church Street with the rest of the block. We suggest that the designers revisit the massing with the intent of reducing bulk adjacent to the townhouses on Church Street with a more gradual increase in height from the east to west.

Given the importance of the large mature street trees along Church St, ANC 2B requests that the developer hire a professional arborist to recommend measures to protect the adjacent trees during the construction process.

**Administrative and Other Matters**

The Commission approved by acclamation a pro rata amount for Daniel Warwick's final fellowship stipend, based on his resignation date.

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Commissioner Maltz requested a letter of support for Garrison school market, approved by acclimation.

Vote to approve new members of the Transportation and Public Infrastructure Committee, Mr. Michael Upright and Mr. Brian Knudson. Moved by Commissioner Smith, Seconded by Commissioner Stephens. Passed 8-0.

Vote to approve sending a letter to DDOT reaffirming the ANC's 2012 requests for improvements to bicycle and pedestrian safety infrastructure. Adopted by acclimation.

The Commission adjourned by acclimation at 10:04pm.

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