



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Dupont Circle Advisory Neighborhood Commission 2B

Regular Meeting Minutes

Wednesday, December 9th, 2015; 7:00 p.m.

Brookings Institution, 1775 Massachusetts Avenue NW

Call to Order

The December 2015 Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Noah Smith at 7:02 pm.

The Commissioners identified their Single Member Districts (SMDs). Present were: Daniel Warwick (2B02), Stephanie Maltz (2B03), Michael Upright (2B04), Abigail Nichols (2B05), Mike Silverstein (2B06), John Kupcinski (2B07), Nicole Mann (2B08), and Noah Smith (2B09).

Announcements and Public Comments

Commissioner Announcements

Commissioner Maltz provided an update on the upcoming tree sale to benefit the Home and School Association at the School Without Walls at Francis-Stevens.

Commissioner Nichols gave an overview of an Alcoholic Beverage Regulation Administration (ABRA) briefing she recently attended regarding Halloween pub crawls.

Other Public Announcements and General Comments or Future Agenda Items

The President of the Dupont Circle Citizens Association said that the MLK Library was looking for ideas to memorialize Martin Luther King, Jr. in the upcoming redesign for the library.

Update from DC Health Link

Kishan Putta, an Outreach Consultant for DC Health Link, gave an overview of DC Health Link's open enrollment season. He encouraged attendees to reach out to people they know who do not have health insurance to encourage them to sign up. He also provided some updates regarding the District Department of Transportation's (DDOT) ongoing 16th Street Bus Corridor study.

Alcoholic Beverage Control Agenda

The Carlyle Hotel – Application for a Substantial Change to its License at 1731 New Hampshire Avenue NW (ABRA-090805) (2B03)

Commissioner Maltz moved to protest. The motion was seconded by Commissioner Upright. Passed 7-0-0. The resolution reads as follows:

Whereas, on October 29, 2015, the Carlyle Hotel located at 1731 New Hampshire Avenue, NW, submitted a change of hours in service and entertainment endorsement application to the Alcohol Beverage Regulation Administration (ABRA);

Whereas, in a request submitted to ABRA on April 13, 2015, (CR. License Application No. #090805) the Carlyle Hotel requested increased indoor seating at the restaurant and bar;

Whereas, in the April 2015 request, the Carlyle Hotel stated that “no ‘passive recreation area’ on the roof has been undertaken; we have not requested approval of a roof-top summer garden endorsement; and, no expansion in hours of service is being sought;”

Whereas, the ABC Board determined that the Carlyle Hotel’s request for increased indoor seating was not a substantial change;

Whereas, due to the expanded indoor restaurant seating and expanded hotel room capacity, the neighborhood has experienced an increase in trash, noise, truck deliveries, double-parking, inefficient valet parking services, and a decrease in parking spots available to residents;

Whereas, extended indoor hours will exacerbate existing trash and noise issues and there is a legitimate neighborhood role in adjudicating this application;

Therefore, ANC2B protests the application for a substantial change in service hours and entertainment endorsement on the basis of peace, order, and quiet, subject to the successful negotiation of a settlement agreement that alleviates the concerns of neighbors.

El Tamarindo – 1785 Florida Avenue NW (ABRA-071179)

Commissioner Mann moved to permanently support El Tamarindo’s extended New Year’s Eve hours. The motion was seconded by Commissioner Smith. Passed 7-0-0. The resolution reads as follows:

ANC 2B supports permanently extending late night hours on New Year’s Eve only for El Tamarindo at 1785 Florida Ave NW.

District Department of Transportation Agenda

Request to Install New Capital Bikeshare Stations at the Intersection of 22nd and P Streets NW and the Intersection of 21st and R Streets NW (2B02)

Commissioner Warwick moved to suggest three specific locations for a Capital Bikeshare station proposed by the District Department of Transportation for the intersection of 22nd Street and P Street. The motion was seconded by Commissioner Upright. Passed 8-0-0. The letter reads as follows:

ANC 2B suggests one location for a proposed Capital Bikeshare station be located near the intersection of 22nd Street NW and P Street NW. The one location is:

- The east side of 22nd Street NW from Soho Tea and Coffee (2150 P St NW) to Books for America (1417 22nd St NW)

ANC 2B also suggests two alternative locations for the previously stated location. The two alternative locations are:

- The south side of P Street NW between the entrance to the Westpark Apartments (2130 P St NW) and the Twining Court street sign (intersection of Twining Court NW and P Street NW)
- The south side of P Street NW along the frontage of Crios (2120 P St NW)

Community Forum

Presentation and Discussion with Mayor Muriel Bowser

Mayor Muriel Bowser gave an update on her first eleven months in office. She said that she is focusing on an agenda for all eight wards, which includes continuing the progress DC has experienced over the last decade and addressing income equality.

Mayor Bowser said that she hears from a lot of DC residents about the need for more affordable housing in the city. She said that she is committed to investing \$100 million in the Housing Production Trust Fund and to looking at ways to leverage DC's investments in affordable housing with private investments. She added that her administration is also working to end homelessness in DC, a large and longstanding, but still solvable, issue. She said that her team is also working on addressing the city's homeless encampments and making sure that homeless residents have access to adequate shelter.

Mayor Bowser said that she is also focused on addressing spikes in crime, which she said are also occurring in other urban areas across the nation. She gave an overview of her "Safer, Stronger" legislative package.

Commissioner Silverstein talked about a recent stabbing that involved a homeless person in Dupont Circle a month ago, as well as the recent encampment sweeps that the DC government has been carrying out in order to place homeless residents into housing. He thanked the Mayor for her work on the issue.

Commissioner Smith said that the Dupont Circle neighborhood needs a central vision for the future, which could cut down the amount of regulatory matters that the ANC has to hear during each meeting. He asked for the Mayor's support for the creation of a small area plan for the Dupont Circle neighborhood. Mayor Bowser said that, as the Ward 4 Councilmember, she worked on four small area plans, and that it would be good for the neighborhood to have a discussion about a common neighborhood vision. She said that a small area plan process could take up to 18 months to go through, and that there are also other tools that the ANC could use for neighborhood vision planning.

Commissioner Nichols said that her neighbors are concerned about the noise created by roof decks in the neighborhood. She asked the Mayor to push the DC Council to pass the recent ABRA enforcement bill that was introduced into the Council.

Commissioner Silverstein talked about the recent enrollment and test score successes at the School Without Walls at Francis-Stevens. He also talked about the problems that the school experienced while installing a new kitchen and a demonstration kitchen. He wondered when the two kitchens would be open, as well as when the city was going to reform the procurement process to allow school construction projects carried out over the summer to begin on the first day of summer. Mayor Bowser introduced Christopher Weaver, the new director of the DC Department of General Services. She said that Mr. Weaver is particularly focused on the procurement process. She added that Mr. Weaver would follow up with Commissioner Silverstein regarding the status of the school projects.

Historic Preservation & Zoning Agenda

Discussion Regarding the St. Thomas Church BZA Variance and a Proposed Memorandum of Understanding (MOU) at 1772 Church Street NW (BZA #19133) (2B07)

Commissioner Warwick moved to support a letter to the Board of Zoning Adjustment (BZA) asking that the BZA allow the ANC to submit its resolution on the variance two days after the ANC's filing deadline. The motion was seconded by Commissioner Nichols. Passed 8-0-0. The letter reads as follows:

Dear Chairperson Heath:

The Dupont Circle Advisory Neighborhood Commission ("ANC 2B" or "Commission") wishes to explain, for the record, why the ANC report on BZA # 19133 was received after the December 8th deadline. The ANC 2B monthly meeting is held the second Wednesday of the month, this month being December 9th. ANC 2B did not realize the ANC report deadline was one week prior to the meeting and asks the board to consider its recommendation with great weight even though it was submitted tardy.

Commissioners John Kupcinski (anc2b07@gmail.com), Daniel Warwick (daniel.warwick@dupontcircleanc.net), and Noah Smith (noah.smith@dupontcircleanc.net) are the Commission's representatives in this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,

Noah Smith
Chairman

Commissioner Warwick moved to support the variance. The motion was seconded by Commissioner Upright. Failed 2-6-0. The resolution reads as follows:

Whereas, the Board of Zoning Adjustment application 19133 proposes a 6.7% lot occupancy variance for the church and residential development located at 1772 Church Street NW; and

Whereas, the development located at 1772 Church Street NW is located within Advisory Neighborhood Commission (ANC) 2B; and

Whereas, ANC 2B has considered the project multiple times during historic preservation review; and

Whereas, the March 13, 2015 resolution sent by ANC 2B to the Historic Preservation Review Board during a review of the development includes, under the “Further Collaboration” section, “a committee led by ANC 2B...continues to engage in proactively addressing zoning and quality of life related matters prior to a zoning hearing”; and

Whereas, since the variance application was submitted, the ANC has convened a committee consisting of six neighbors, one ANC Commissioner, the church, and the developer in biweekly meetings negotiating in good faith; and

Whereas, this committee produced a Memorandum of Understanding which addresses concerns raised across the duration of ANC review of the development; and

Whereas, the committee process included a public input session in October and a public comment meeting in December, and the committee requested feedback on drafts of the Memorandum of Understanding contract over email from the broader community multiple times; and

Whereas, the Memorandum of Understanding includes, among other provisions, the following items which protect neighbors above and beyond District laws:

- Consult with neighborhood organizations on retention of trees
- Conduct an existing conditions study for all neighboring properties and provide these reports to the owners
- Indemnify properties to \$3M each and persons to \$1M each within 200 feet.
- Agreement that the church and residences will be built concurrently
- Creation of a Construction Liaison Committee (CLC) which has the authority to effect change on the construction and initial operations of the building
- Requirement of a rat management plan which will be submitted for approval to the CLC
- Hiring of a construction consultant who has authority to monitor the construction of the project
- 20 business day notice to the community as to when the construction will be the loudest
- Limitation on the level of light emitted from the construction site and discussions regarding porta-potties and generator locations
- Use of the Cooper Code as it relates to truck traffic

- Limitation on weekend hours of construction
- Discouraging parking in the neighborhood during construction
- 24x7x365 contact for all construction related issues
- No unannounced obstructions of the alley-way
- Re-location for cars if alley-way is blocked at developer costs
- Limitation on hours of church roof deck rental hours and residential roof deck access hours
- Ensuring any potential club room is not attached to the residential roof deck, limiting the potential for noise
- Restrictions on residential building rear door and alley use
- A provision to maximize vegetation and green space on the 18th street frontage of the building

Therefore, be it RESOLVED that ANC 2B supports the project as presented based on the above whereas clauses and the inclusion of the attached Memorandum of Understanding as an exhibit of the order granting the approval of the lot occupancy variance, which is signed by all parties before the Board of Zoning Adjustment hearing on December 15th.

Be it further RESOLVED that a representative of ANC 2B is authorized to sign the Memorandum of Understanding contract.

Commissioner Kupcinski moved to oppose the variance. The motion was seconded by Commissioner Nichols. Passed 6-2-0. The resolution reads as follows:

Whereas, at 1772 Church Street, NW, St. Thomas' Parish Episcopal Church proposes to build a church and developer CAS Riegler proposes to build a residential building as additions to the protected ruins of St. Thomas';

Whereas, ANC 2B respects St. Thomas' right to use the land at 1772 Church Street, NW for religious purposes without undue economic burden;

Whereas, ANC 2B values the contributions St. Thomas' Parish has made to the community;

Whereas, 1772 Church Street, NW is located in the Dupont Circle Historic District, and as such has protections to assure that alterations of existing structures are compatible with the character of the historic district, and to assure that new construction and subdivision of lots in an historic district are compatible with the character of the historic district;

Whereas, the lot at 1772 Church Street, NW is included in the Dupont Circle Overlay District, which recognizes that "[t]he Dupont Circle area is a unique resource to the District of Columbia that must be preserved and enhanced" and that "[s]trong protections are needed to retain", among other things, its low scale, predominately residential human scale streetscapes, and historic character given the high-density development pressures caused by its proximity to the Central Employment Area and the Dupont Circle Metrorail Station (section 1501.1);

Whereas, the purpose of the Dupont Circle Overlay District includes, among other things, “requir[ing] a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk; and...ensur[ing] a general compatibility in the scale of new buildings with older, low scale buildings by restricting the maximum permitted height and floor area ratio of new buildings to that of the underlying zone; [p]rotect[ing] the integrity of ‘contributing buildings’ ...; [and e]nhanc[ing] the residential character of the area by...controlling the scale, location, and density of commercial and residential development” (section 1501.4);

Whereas, the historic district and historic overlay designation supersede the underlying zoning and may result in a development being unable to maximize the height and density otherwise allowed by the underlying zoning regulations;

Whereas, the submission to the Board of Zoning Adjustment from J. River 1772 Church Street, LLC and St. Thomas’ Parish Episcopal Church requests a variance to increase lot occupancy to 86.7%, an increase of 6.7% above the maximum 80%;

Whereas, the review conducted by the Historic Preservation Review Board (HPRB) did not consider zoning restrictions and, hence, its concept approval is not relevant to the issue of increased lot occupancy;

Whereas, in its December 1st letter to the Chairperson and BZA Board, the applicant stated “Theoretically, the only location to remove building footprint is at the rear (south)...”, however, there are other options for the potential setback;

Whereas, ANC 2B respectfully disagrees with the applicant that “the only location to remove building footprint is at the rear (south) along the alley because the other facades must remain for design or historic preservation purposes”;

Whereas, the developer has failed to address why additional setbacks from 18th St. are not possible;

Whereas, the variance application rests on a practicality argument that is not convincing. The ANC does not believe that maintaining historic conditions in an historic district is a practical difficulty that would necessitate a lot occupancy variance and the applicant understood the underlying historic district and zoning overlays before designing the project;

Whereas, historic requirements may be commonly used as evidence of a practical difficulty, from a neighborhood perspective the ANC does not believe that the decisions of the Historic Preservation Review Board necessitate a zoning variance;

Whereas, the July 23rd HPRB resolution encourages “the applicant [to] work with staff to develop a landscape design along 18th Street to maximum the extent of vegetation.” And the addition of an additional +1000 sq. ft. on 18th St. would serve the public good;

Whereas, the ANC has worked with community, developers, and the Church to develop a Memorandum of Understanding (MOU) which would address quality of life issues; however was unable to reach consensus and finalize a document;

Whereas, nothing in the application for a zoning variance has persuaded ANC2B to change its prior position that both the residential and church structures in the project should comply with the requirements of DC law and policy and with the letter and the spirit of historic preservation, zoning, and zoning overlay provisions; and

Whereas, the majority of residents who have contacted ANC2B about the project have expressed opposition to the requested variance for an increased lot occupancy, expressing concerns, among other things, about the increased traffic and adverse effects on parking, airflow, and light in the neighborhood that would result.

Therefore, be it RESOLVED that ANC2B opposes the application for zoning relief and urges the Board of Zoning Adjustment not to approve a variance from Section 532.1 for residential lot occupancy of 86.7%.

Be it further resolved that ANC2B requests the applicant work with HPO staff to set the building back 6.7% from 18th St. and to “develop a landscape design along 18th Street to maximum the extent of vegetation” and green space as per the July 23rd HPRB actions.

Administrative Matters

Election of an ANC 2B Election Chairperson

Commissioner Smith moved to elect Commissioner Mann as the ANC’s Election Chairperson. The motion was seconded by Commissioner Upright. Elected by acclamation.

Approval of October 2015 and November 2015 Regular Meeting Minutes

Commissioner Mann moved to adopt the October 2015 minutes. The motion was seconded by Commissioner Silverstein. Adopted by acclamation.

Commissioner Silverstein moved to adopt the November 2015 minutes. The motion was seconded by Commissioner Upright. Adopted by acclamation.

Proposal to Sign Up for Electronic Notifications with the Office of Zoning

Commissioner Smith moved to receive electronic email notifications from the Office of Zoning. The motion was seconded by Commissioner Upright. Passed 8-0-0.

Adjournment

Commissioner Smith moved to adjourn the meeting at 10:07 pm. The motion was seconded by Commissioner Kupcinski. Passed 8-0-0.