



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Dupont Circle Advisory Neighborhood Commission 2B

Regular Meeting Minutes

Wednesday, February 10th, 2016; 7:00 p.m.
Brookings Institution, 1775 Massachusetts Avenue NW

Call to Order

The February 2016 Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Nicole Mann at 7:02 pm.

The Commissioners identified their Single Member Districts (SMDs). Present were: Mike Feldstein (2B01), Daniel Warwick (2B02), Michael Upright (2B04), Abigail Nichols (2B05), Mike Silverstein (2B06), John Kupcinski (2B07), Nicole Mann (2B08), and Noah Smith (2B09). Commissioner Stephanie Maltz (2B03) arrived at 7:36 pm.

Announcements and Public Comments

Commissioner Announcements

Commissioner Nichols said that there was a recent death inside of Barcode on January 31st. She gave an overview of the police response, which included shutting down the business for 96 hours. She said that the Alcoholic Beverage Control (ABC) Board would be holding a hearing on the matter tomorrow.

Commissioner Nichols also said that she recently testified regarding the ANC's resolution on the 24/7 demolition permit at 1100 15th Street NW. She added that she continues to be involved with the 1514 Q Street NW matter.

Chair Mann thanked Dupont Festival for the fun Groundhog Day event that they recently put on.

Commissioner Feldstein said that Dupont Festival will be passing out roses in Dupont Circle for Valentine's Day.

Commissioner Smith gave an update on the ANC's efforts to create a neighborhood plan for the Dupont Circle neighborhood. He said that he has rescheduled his meeting with the Director of the Office of Planning regarding what the neighborhood's options are for moving forward with the plan.

Commissioner Warwick said that the Dupont Underground will be holding an event for the "re-ball exhibit". He gave an overview of the plan for the exhibit and encouraged meeting attendees to submit architectural designs for the exhibit through the Dupont Underground's website.

Other Public Announcements and General Comments or Future Agenda Items

Bill McLeod, the Executive Director of Historic Dupont Circle Main Streets, talked about the organization's upcoming Spring Fling event at the Washington Hilton. He asked attendees to donate auction items for the event.

Consent Items for Adoption

Resolution in Support of Capital Pride's Use of Stead Park for Two Movie Nights in 2016

This matter was tabled until the March meeting.

Resolution in Support of the Washington Jewish Music Festival Use of Stead Park

Commissioner Nichols moved to support. The motion was seconded by Commissioner Silverstein. Passed 6-0-2. The resolution reads as follows:

Whereas, the Washington DC Jewish Community Center and the DC Department of Parks and Recreation (DPR) have requested the support of Advisory Neighborhood Commission 2B for a DPR permit to hold a program of the Washington Jewish Music Festival in Stead Park on Sunday June 5, 2016, with access from 7 a.m. to 5 p.m. (permit request number 28161),

Whereas, the Washington Jewish Music Festival and the DC Jewish Community Center are continuing users of Stead Park that provide important and popular cultural additions to our community, and

Whereas, the sponsors are experienced in managing this event and have presented plans that assure control of potential problems of concern to the neighboring community, for example noise levels.

Therefore, be it resolved that ANC 2B supports the permitting of Stead Park to the Washington Jewish Music Festival.

Alcoholic Beverage Control Board Agenda

Policy Restaurant – Application for a Substantial Change to its Retailer's Class "C" Restaurant License at 1904 14th Street NW

Commissioner Smith moved to protest. The motion was seconded by Commissioner Warwick. Passed 8-0-0. The resolution reads as follows:

ANC 2B protests ABRA application 076804 (Application for a substantial change to Policy Restaurant's retailer's class "C" restaurant license) on the basis of peace, order, and quiet, subject to the successful negotiation of a settlement agreement.

Motion to Submit Comments to ABC Board on Rule Making Regarding the Issuance of Licenses for Pub Crawls

Commissioner Smith moved to adopt the proposed resolution. The motion was seconded by Commissioner Warwick. Passed 7-0-1. The resolution reads as follows:

The Dupont Circle Advisory Neighborhood Commission (ANC 2B) commends the Alcoholic Beverage Control (ABC) Board for adopting emergency rules and proposing permanent rulemaking on pub crawls in response to general and specific complaints from ANCs, residents, Business Improvement Districts and the police department.

241 (or 16%) of the 1500 alcohol licenses up for renewal in 2016 are within the boundaries of ANC 2B and the neighborhood is frequently affected by pub crawls. In the last year our neighborhood has experienced the negative impacts of thousands of people moving from establishment to establishment without any party responsible for public safety or clean-up.

ANC 2B generally supports the proposed rulemaking under Chapter 7 of Title 23 DCMR and offers the following comments and additions:

- 712.5: Add “the affected Advisory Neighborhood Commission(s)” to organizations that a Pub Crawl Event Form must be provided to.
- 712.5(f): Clarify that “litter” refers to litter on public and private spaces.
- 712.7: This section requires some clarification to explicitly require litter removal and cleaning in the affected geographic area. This could be achieved by referencing 712.5(b) or requiring cleanup within a certain distance of each participating establishment or by another means. We also recommend a requirement that public space is cleaned within a certain time of the end of the event, perhaps two hours. This should be consistent with event permits offered by the Mayor’s Special Event Task Force.
- 712.22: Violation of this provision should be a tier 1 offence against the license of the establishment.
- 712.26: This is a difficult to enforce provision that may contradict the intention of the rulemaking. While we are sympathetic to the bureaucratic requirements for both the applicant and the ABC Board, this provision should be replaced to clarify intent. One option is that pub crawls that are publicly advertised, include more than two establishments, and include ticket sales must have an approved license.
- Concurrent Pub Crawls: ANC 2B recommends a new section that assures more than one pub crawl is not licensed at the same time in the same area. Language may include “The Board shall not approve more than one pub crawl application in the same or overlapping geographic area at the same or overlapping time on the same day. The Board will process pub crawl applications in the order in which they were submitted, but not more than 120 days before a proposed event. The Board shall have

discretion to deny a pub crawl application if it determines that the event is too close in geographic proximity or time to another licensed event such that it would contribute to the detriment of peace, order, quiet or public safety.”

Historic Preservation & Zoning Agenda

1719 T Street NW – Request for Variances from FAR, Lot Occupancy, and Closed Court Requirements, and a Special Exception from Green Area Ratio Requirements, to Construct a Three-Story, Four-Unit Apartment House

Chair Mann moved to support. The motion was seconded by Commissioner Warwick. Passed 9-0-0. The resolution reads as follows:

Whereas, the project at 1719 T Street NW is a development of an empty lot on an otherwise row house and small apartment building developed T Street,

Whereas, the requested variance for lot occupancy is lower than the lot occupancy of adjacent buildings,

Whereas, the requested variance for a closed court smaller than is allowable by zoning regulations is due to allowing the adjacent neighbor to retain light and air quality in their existing closed court, and

Whereas, ANC 2B applauds the applicant’s Green Area Ratio which is 51 feet larger than required under zoning.

Therefore, be it resolved that ANC 2B supports the project as proposed.

1513 Church Street NW – Request for Special Exceptions from Lot Coverage and Open Court Width Requirements Because this a Non-Conforming Structure

Commissioner Warwick moved to support. The motion was seconded by Commissioner Nichols. Passed 9-0-0. The resolution reads as follows:

Whereas, the project at 1513 Church Street NW is a special exception for an addition to the second story of the non-conforming building, and

Whereas, the project has received letters of support from adjacent neighbors and is within the context of the neighborhood.

Therefore, be it resolved that ANC 2B supports the project as proposed.

1503-1503 Pennsylvania Avenue NW – Request for Special Exceptions from Penthouse Setback and Minimum Rear Yard Requirements

Commissioner Warwick moved to support. The motion was seconded by Commissioner Nichols. Passed 9-0-0. The resolution reads as follows:

Whereas, the project at 1503-1505 Pennsylvania Avenue NW requests a special exception from penthouse setback requirements and minimum rear yard requirements,

Whereas, the zoning requests are based on feedback from the Historic Preservation Review Board and the Commission of Fine Arts, and

Whereas, ANC 2B believes the project will beautify the penthouse, and supports the enclosure of mechanicals on the current structure.

Therefore, be it resolved that ANC 2B supports the project as proposed.

1101-1111 16th Street NW – Concept/Façade Alterations to Non-Contributing Buildings as Two Buildings are Combined

Commissioner Warwick moved to support. The motion was seconded by Commissioner Nichols. Passed 9-0-0. The resolution reads as follows:

Whereas, the project at 1101-1111 16th Street NW is the reskinning of two brutalist buildings into a single office building,

Whereas, the project will bring an enhanced street landscape which will improve the pedestrian experience, and

Whereas, ANC 2B would be encouraged by more refinement of the rows between windows.

Therefore, be it resolved that ANC 2B supports the project as proposed.

1500 K Street NW – HPRB Historic Landmark Application for the Southern Railway Building

This matter was removed from the meeting agenda.

1514 Swann Street NW – ANC Re-Hearing Regarding a Rear Addition and Third Floor Rear Pop-Up

Commissioner Warwick moved to support. The motion was seconded by Commissioner Smith. Passed 7-0-0. The resolution reads as follows:

Whereas, at the regular January 2016 meeting of ANC 2B, ANC 2B requested a one month delay of the 1514 Swann Street NW project to resolve neighborhood concerns, and

Whereas, subsequent to the regular January 2016 meeting of ANC 2B, the adjacent neighbors, the applicant, and ANC 2B reached an agreement to support the project.

Therefore, be it resolved that ANC 2B supports the project as proposed.

1508-1512 21st Street NW – Residential Renovation and Rear Addition to Three Existing Multifamily Rowhouses, Including Restoration of the Historic Façades on 21st Street

Commissioner Warwick moved to conditionally support. The motion was seconded by Chair Mann. Passed 7-1-0. The resolution reads as follows:

Whereas, the project at 1508-1512 21st Street NW involves an addition to and combination of three townhouses within the confines of ANC 2B,

Whereas, there is significant concern from neighbors that the fifth story addition to 1512 21st Street NW will be visible from the corner of Massachusetts Avenue and 21st Street,

Whereas, ANC 2B is opposed to the visibility of any fifth floor on this project from any view on Massachusetts Avenue,

Whereas, the visibility of the project will be examined on a flag test by Historic Preservation Office staff, and

Whereas, ANC 2B is concerned with the scale of a five story townhouse which presents itself as a four story townhouse within the Dupont Circle Historic Overlay.

Therefore, be it resolved that ANC 2B supports the project if and only if the fifth story of the addition is removed.

Consideration of a Resolution Asking DC to Decrease the Area Median Income (AMI) for Inclusionary Zoning (IZ) from 80% to 60%

Commissioner Warwick moved to adopt the proposed resolution. The motion was seconded by Chair Mann. Passed 3-2-3. The resolution reads as follows:

Whereas, ANC 2B recognizes Dupont Circle as an attractive, but expensive, neighborhood in the District of Columbia,

Whereas, the cost of housing in Dupont Circle exceeds the cost of housing in other neighborhoods of the District, reducing the economic diversity of our neighborhood,

Whereas, ANC 2B believes economic diversity and affordable housing is a social good which should be encouraged by the Zoning Commission and the government of the District of Columbia,

Whereas, ANC 2B recognizes that when 1,000 people are moving to the District of Columbia every month, the need to create enough housing for everyone who wishes to live in our city is an immense challenge and a goal for our city to strive for,

Whereas, ANC 2B recognizes 741 units of affordable housing has been created in the District of Columbia due to the implementation of inclusionary zoning and urges the Zoning Commission to strengthen inclusionary zoning so that more affordable housing is built in DC,

Whereas, the vast majority of inclusionary zoning units in the District of Columbia are rental units at 80% Area Median Income (AMI, or \$68,800 for a household of two) of whom many could afford market rate 1-Bedroom rentals (up to \$1,892 monthly rent) in some Dupont Circle rental communities,

Whereas, our neighborhood does not fully benefit from inclusionary zoning when many rentals are at 80% AMI and would benefit more from the rule change which creates new units at 60% AMI rather than 80% AMI, and

Whereas, ANC 2B's Zoning Preservation and Development Committee discussed a hesitancy in supporting the rule changes in that they may not go far enough in solving the affordable housing crisis in our city. Options for further strengthening inclusionary zoning discussed by the committee include incorporating higher mandates such as Montgomery County, MD MPDU program which requires a 12.5% affordable housing unit set aside, or through further lowering AMI restrictions to better serve lower income residents and families who would not be able to afford any market rate units in Dupont Circle.

Therefore, be it resolved that ANC 2B supports inclusionary zoning as a tool for affordable housing and is encouraged by the common sense rule changes proposed in Case No. 04-33G.

District Department of Transportation Agenda

Transportation and Public Infrastructure Committee Resolution in Support of DDOT's 16th Street Transit Corridor Plans

Commissioner Smith moved to adopt the proposed resolution. The motion was seconded by Commissioner Warwick. Passed 7-0-1. The resolution reads as follows:

Whereas, community members across the city and in Dupont have for years reported service and reliability problems with buses along the 16th Street corridor,

Whereas, ANC 2B passed a resolution in February, 2014 recommending the expedition of necessary studies and implementation of the outstanding recommendations in the 2009 Metrobus 16th Street NW Safety & Mobility report to improve mobility, safety, and

transit service for 16th Street NW, and meet the growing demand for travel in the corridor,

Whereas, two representatives of ANC 2B are active members of DDOT's Citizens Advisory Group and have been involved in the process of the 2015 study with the goal of providing recommendations for specific bus improvements,

Whereas, the recommended alternative proposed by DDOT includes a fifth, reversible bus lane in the Dupont area yet also preserves parking during off-peak hours,

Whereas, the recommended alternative will result in increases in level of service and reliability and reduction in travel time, and the alternative provides an opportunity to introduce new innovations to this corridor including transit signal priority, headway based services, off-board fare payment, and all-door boarding, and

Whereas, DDOT has responded to concerns regarding the truncation of the route at Franklin Square by eliminating this truncation of service from the recommended alternative based on community feedback.

Therefore, be it resolved that ANC 2B recommends that DDOT continue to design the "recommended alternative", and

Be it further resolved that DDOT and WMATA must weigh the risks to pedestrians crossing five lanes of traffic with the benefits of a dedicated bus lane specific to the area from U Street to the Scott Circle tunnel. Should DDOT and WMATA not be able to design a suitably safe plan for pedestrians, alternatives to a fifth lane south of U Street should be presented to the community.

Administrative Matters

Approval of FY 2016 Q1 Financial Report

The FY 2016 Q1 financial report was approved, with the allowance for minor technical edits, by acclamation.

Approval of January 2016 Regular Meeting Minutes

The January 2016 regular meeting minutes were approved by acclamation.

Motion to End Relationship with Paychex

Commissioner Smith moved to end the ANC's relationship with Paychex. The motion was seconded by Commissioner Warwick. Passed 8-0-0.

Adjournment

Chair Mann adjourned the meeting at 10:17 pm.