



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Dupont Circle Advisory Neighborhood Commission 2B

Regular Meeting Minutes

Wednesday, July 13th, 2016; 7:00 p.m.

Brookings Institution, 1775 Massachusetts Avenue NW

Call to Order

The July 2016 Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Nicole Mann at 7:01 pm.

The Commissioners identified their Single Member Districts (SMDs). Present were: Amy Johnson (2B01), 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 announced that Eva Lewis, the Liaison for the Mayor's Office to ANC 2B, would be starring in an upcoming improv show with Washington Improv Theater.

Other Public Announcements and General Comments or Future Agenda Items

Eva Lewis, a Ward 2 liaison for the Mayor's Office of Community Relations and Services (MOCRS), gave an overview of the Mayor's security camera rebate program. She talked about the recent announcement that Kaya Henderson, Chancellor of the DC Public Schools (DCPS), would be stepping down. She also gave an overview of the DC Department of Health's upcoming Zika virus outreach event.

Tom Lipinsky, a representative for Councilmember Jack Evans' Office, said that the DC Council is about to begin its summer recess. He also said that Ward 2 Day at the National Building Museum would be on August 9th from 9:00 am to 11:00 am.

Susan Volman, a representative for the Dupont Circle Citizens Association (DCCA), gave an overview of DCCA's upcoming ice cream social.

Rachel Dubin, an ANC 2A resident, encouraged ANC 2B to take up a resolution regarding the DC Council's proposed legislation on paid leave family.

Consent Agenda

Consideration of a Resolution Regarding the Certificate of Need (CON) Application by VNA of Maryland to Operate in DC from an Office at 1050 17th Street NW

Commissioner Nichols moved to adopt a proposed resolution regarding the matter. Commissioner Upright seconded the motion, which was voted on and passed (VOTES: 5-0-1). The resolution reads as follows:

WHEREAS, VNA of Maryland is applying to provide health services in the District of Columbia with its DC office to be located at Farragut Square in ANC Single Member District 2B05,

WHEREAS, the State Health Planning and Development Agency of the DC Department of Health has asked that VNA of Maryland provide a letter of support from Advisory Neighborhood Commission 2B,

WHEREAS, VNA of Maryland has briefed the Commissioner of the Single Member District where VNA of Maryland would locate its offices and has come before the ANC to describe the proposed services,

WHEREAS, outreach to the area's aging-in-place organization has indicated no objection to this application, and

WHEREAS, VNA of Maryland originated in the well-respected tradition of visiting nurses associations.

THEREFORE, BE IT RESOLVED that ANC 2B has no objections to VNA of Maryland's Certificate of Need application.

Alcoholic Beverage Control Board Agenda

Doubletree Washington DC – Application for Renewal of its Class “C” Hotel License at 1515 Rhode Island Avenue NW

Commissioner Nichols moved to reaffirm the ANC's protest of Doubletree Washington DC's license renewal application based on adverse impact on the peace, order, and quiet of the neighborhood. Commissioner Johnson seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

ANC 2B protests the application for the DoubleTree Washington DC at 1515 Rhode Island Avenue NW (ABRA-102437) to renew the establishment's Retailer's Class “C” Hotel license based on adverse impact on the peace, order, and quiet of the neighborhood, subject to a renegotiation of the establishment's settlement agreement that allows for the peaceful cohabitation with current neighbors.

Dupont Italian Kitchen – Application for a Substantial Change to its Retailer's Class “C” Restaurant License at 1637 17th Street NW

Commissioner Upright moved to approve a stipulated license for Dupont Italian Kitchen's application for a substantial change to its license. Commissioner Maltz seconded the motion, which was voted on and passed (VOTES: 7-0-0). The resolution reads as follows:

ANC 2B supports the issuing of a stipulated license for Dupont Italian Kitchen's application for a substantial change to the establishment's Retailer's Class "C" Restaurant license at 1637 17th Street NW.

Pansaari – Application for a New Retailer's Class "C" Restaurant License at 1603 17th Street NW

Commissioner Upright moved to approve a stipulated license for Pansaari'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 Pansaari's application for a new Retailer's Class "C" Restaurant license at 1603 17th Street NW.

Nazca Restaurant / Mochica Restaurant – Application for a Substantial Change to its Retailer's Class "C" Restaurant License at 1633 P Street NW

Commissioner Nichols moved to protest Nazca Restaurant / Mochica Restaurant's application for a substantial change to its license bases on adverse impact on the peace, order, and quiet of the neighborhood. Chair Mann seconded the motion, which was voted on and passed (VOTES: 7-0-0). The resolution reads as follows:

ANC 2B protests Nazca Restaurant / Mochica Restaurant's application for a substantial change to the establishment's Retailer's Class "C" Restaurant license at 1633 P Street NW based on adverse impact on the peace, order, and quiet of the neighborhood, subject to the negotiation of a settlement agreement that allows for the peaceful cohabitation with current neighbors.

Update from the Management of Barcode

Antonis Karagounis, the owner of Barcode, gave a brief presentation regarding multiple alcoholic beverage license applications that his company will be submitting to the Alcoholic Beverage Regulation Administration (ABRA) in the coming months.

Historic Preservation and Zoning Agenda

2000 Florida Avenue NW – Application for a Zoning Variance Regarding Penthouse Setback Due to the Construction of a Solar Array

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

WHEREAS, the applicant at 2000 Florida Avenue NW proposes to undergo the first net-zero renovation of an existing office building within the District of Columbia,

WHEREAS, the applicant requests two variances and special exceptions regarding penthouse setback and parking minimum,

WHEREAS, ANC 2B has worked with the applicant and neighbors since February 2016 in pursuit of historic preservation approval,

WHEREAS, throughout ANC 2B's community outreach, there has been incredible support for the project and its innovative concept among neighbors,

WHEREAS, to reach net-zero, the applicant requires the placement of ancillary items, including a cistern for grey-water reuse and sewer heat exchange, in the parking garage, which reduces the number of parking spaces,

WHEREAS, the project adds a bike room which will encourage a growing bike / walk / transit mode-split among employees and reduce the need for parking spaces as typically required by the zoning code,

WHEREAS, the penthouse setback variance is for the addition of solar panels, which are technically considered a "penthouse" but do not cause mechanical noise or other impacts to the neighborhood, and

WHEREAS, the applicant conducted a shadow study which showed that neighborhood light would increase by this project by reducing the height of the penthouse.

THEREFORE, BE IT RESOLVED that ANC 2B supports the project as proposed and the two variance and special exception requests.

Consideration of a Resolution Regarding the Application for an Amendment / Expansion to the Fifteenth Street Financial Historic District

Commissioner Nichols moved to adopt a proposed resolution regarding the matter. Commissioner Upright seconded the motion, which was voted on and passed (VOTES: 8-1-0). The resolution reads as follows:

WHEREAS, the DC Office of Planning has asked for the advice of ANC 2B concerning an application before the Historic Preservation Review Board from the DC Preservation League to amend the Fifteenth Street Financial Historic District by extending the boundaries and adding additional buildings,

WHEREAS, the proposed action will change the name of the historic district and more clearly describe its significance, and

WHEREAS, ANC 2B received no information from the applicant regarding the application, including whether the owners of the included buildings have been notified and what their opinions are.

THEREFORE, BE IT RESOLVED that ANC 2B cannot currently support this application.

2147-2149 P Street NW – Proposed Pop-Back and Fourth / Fifth Story Additions to an Existing Structure

Commissioner Warwick moved to adopt a proposed resolution regarding the matter. Chair Mann seconded the motion, which was voted on and passed (VOTES: 9-0-0). The resolution reads as follows:

WHEREAS, the project at 2147-2149 P Street NW is within Square 67, the Dupont Circle Historic District, and ANC 2B,

WHEREAS, the project proposes the conversion of the existing Marrakesh tavern to mixed-use residential and commercial,

WHEREAS, ANC 2B appreciates and supports updates to the altered facade to re-create historic detailing,

WHEREAS, while ANC 2B believes an addition may be compatible, we further believe a visible two-story addition (total of 60 feet plus mechanical equipment) is not compatible at this site within the historic district,

WHEREAS, ANC 2B believes a fifth-story addition is not compatible for the following reasons:

- During the February 2016 meeting of the Historic Preservation Review Board, a project at 1508-1512 21st Street NW, which shares Square 67 with the current applicant and is proximate to the 10-story Fairfax hotel, proposed a fifth-story addition to three existing four-story townhouses — earlier this year the HPRB refused to support a fifth story addition even though the fifth story would not be visible from the street,
- The historic buildings surrounding 2147-2149 P Street NW are one- to three-story townhouses on P Street NW and 22nd Street NW, a four-story Georgetown Gate, and the two-story historic landmark Walsh Stables — excluding the non-historic high-rise buildings on the block, townhouses and townhouse conversions in West Dupont do not exceed four stories,
- A fifth-story addition, especially at 100% lot occupancy as proposed to the Board of Zoning Adjustment, would significantly crowd the view of and from the

historic landmark Walsh Stables, which is the best preserved and most ornate historic carriage house within the District of Columbia,

WHEREAS, ANC 2B is concerned if the 27-foot setback is enough to reduce the impact of the modern addition on the restored historic facade, and

WHEREAS, ANC 2B is additionally concerned with the addition's impact to the viewshed from Georgetown and Rock Creek Park as the entrance to Dupont Circle on P Street NW.

THEREFORE, BE IT RESOLVED that ANC 2B urges the Historic Preservation Review Board to consider the fifth-story addition not compatible.

BE IT FURTHER RESOLVED that ANC 2B has additional concerns regarding the predominant presence of at-risk windows, lot occupancy as proposed, lack of rear yard setback, noise and odor impacts from rooftop mechanical equipment, and programming of the retail component of the project, but looks forward to working with the applicant through the Board of Zoning Adjustment process.

BE IT FURTHER RESOLVED that ANC 2B requests that HPRB determine if this project may impact the viewshed of Rock Creek Park and require review from the National Capital Planning Commission.

Commissioner Smith moved to send a resolution to the Historic Preservation Review Board asking the board to withhold taking action regarding the matter and to instead offer guidance to the ANC regarding the historic aspects of the matter. Commissioner Upright seconded the motion, which was voted on and passed (VOTES: 8-0-1). The resolution reads as follows:

ANC 2B seeks guidance from the Historic Preservation Review Board regarding the impact of the proposal on the Dupont Circle Historic District as part of a concept review. The Commission notes that the majority of the concerns from the proposal's neighbors are regarding the massing of the project. The Commission is currently seeking a more holistic compromise in conjunction with the applicant's Board of Zoning Adjustment application, but before the Commission is comfortable with moving forward on the Board of Zoning Adjustment application, the Commission is hoping to receive guidance from the Historic Preservation Review Board regarding the proposal.

Additionally, ANC 2B requests that the Historic Preservation Review Board does not take any action regarding the proposal at this point beyond providing comment.

ANC 2B also submits the attached resolution regarding the proposal, which shall represent the views of the Commission if the Historic Preservation Review Board decides to take immediate action on the proposal.

Commissioner Warwick moved to adopt a proposed resolution regarding the matter. Commissioner Maltz seconded the motion, which was voted on and passed (VOTES: 9-0-0). The resolution reads as follows:

WHEREAS, the project at 2122 O Street NW is within the boundaries of ANC 2B,

WHEREAS, ANC 2B appreciates that the applicant delayed their HPRB hearing one month in order to meet with the Zoning Administrator at the ANC's request,

WHEREAS, while ANC 2B recognizes considerable concern and opposition from neighbors along O Street NW to the conversion of a single-family dwelling to a multi-unit dwelling, the commission notes that these items are not reviewed by the Historic Preservation Review Board for historic compatibility and that the addition of units conversion is by-right within the R-5B zone,

WHEREAS, ANC 2B appreciates the applicant revising plans from four units to three units,

WHEREAS, ANC 2B is concerned with the view-shed from Twining Court and encourages a flag test to include views from that perspective, and

WHEREAS, ANC 2B is additionally concerned with the minimal size of the trellis and the health of a tree in the alley.

THEREFORE, BE IT RESOLVED that ANC 2B supports the project with the following alterations:

- The dogleg (or light well) is made symmetrical or with more land area than the dogleg at 2124 O Street NW
- The applicant retains an arborist to protect the neighbor's rear tree which has roots which intersect the 2120 O Street NW property boundary during construction or provide a replacement tree to the neighbor's agreement
- The applicant resolves concerns regarding construction impacts to a neighbor's wall which is adjacent to the property line and holds up their deck
- The addition is not visible from the street and Twining Court, to be verified with a flag test

Commissioner Smith moved to submit a resolution to the Office of the Zoning Administrator asking that a representative from the office visit the property to conduct in-person measurements in order to verify the applicant's plans. Commissioner Johnson seconded the motion, which was voted on and passed (VOTES: 9-0-0). The resolution reads as follows:

WHEREAS, the applicant at 2122 O Street NW has received a Zoning Administrator's opinion that the height between the at-grade soil level and ceiling of the bottom of three units in a proposed condominium conversion is under four feet,

WHEREAS, under these calculations the bottom unit is, by code, referred to as a cellar rather than a basement, which renders the floor area of this unit to not count against floor area ratio for the project,

WHEREAS, there are ANC and neighbor concerns that the calculation of ground level as approved by the Zoning Administrator does not reflect the property at 2122 O Street NW,

WHEREAS, if the height between at-grade soil and ceiling is greater than four feet, rendering the “cellar” floor area as not exempt from the floor area ratio calculation, this change would trigger a substantial change to the project’s design or applicant request for zoning variance, and

WHEREAS, the decision on this property has implications for several other properties within the Dupont Circle neighborhood.

THEREFORE, BE IT RESOLVED that, for the reasons stated above, ANC 2B requests that a representative from the Office of the Zoning Administrator visit the property of 2122 O Street NW to conduct in-person measurements to verify the applicant’s plans.

BE IT FURTHER RESOLVED that ANC 2B requests that ANC 2B commissioners and members of the public be invited to attend the representative’s in-person measurement.

2012 P Street NW – Proposed Third Story Addition to an Existing Structure

Commissioner Warwick moved to adopt a proposed resolution regarding the matter. Commissioner Upright seconded the motion, which was voted on and passed (VOTES: 8-0-1). The resolution reads as follows:

WHEREAS, the applicant at 2012 P Street NW requests a third story addition to an existing building, and

WHEREAS, the third story as proposed is not visible from the street (to be verified by a flag test), nor is it visible from nearby residential neighbors.

THEREFORE, BE IT RESOLVED that ANC 2B supports the project as proposed and urges the applicant to work with the Historic Preservation Office on detailing and materials.

DDOT and Public Space Committee Agenda

Consideration of a Resolution Regarding the Removal of a Protected Bicycle Lane on L Street NW Between 15th Street and 16th Street

Commissioner Kupcinski moved to adopt a proposed resolution regarding the matter. Commissioner Smith seconded the motion, which was voted on and passed (VOTES: 9-0-0). The resolution reads as follows:

WHEREAS, Carr Properties and Clark Construction are developing 1100 & 1150 15th Street NW into a mixed use residential and commercial building,

WHEREAS, the construction will take approximately 24 months to complete and during the majority of this time the area will experience lane closures to enable staging for construction equipment and supplies,

WHEREAS, DDOT approved a traffic management plan for the 1500 block of L Street NW that allowed the closure of 2 of 4 lanes of traffic and the removal of the adjacent sidewalk and protected bike lane,

WHEREAS, ANC 2B supports DDOT, Carr Properties and Clark Construction's efforts to complete construction as quickly as possible,

WHEREAS, ANC 2B and residents of ANC 2B are concerned about the removal of the protected bike lane and the safety of bicyclists and accommodation for pedestrians with major road closures due to long-term construction. In particular, we are concerned about the safety of cyclists merging from a protected bike lane into a shared lane with vehicular traffic at 16th Street NW,

WHEREAS, ANC 2B was a proponent for and helped craft language for the Bicycle Safety Amendments Act of 2013 and contributed to the formulation of regulations to implement that act,

WHEREAS, DCMR Section 3315 provides for safe accommodation for pedestrians and bicyclists when construction closes sidewalks and bike lanes and anticipated this exact situation,

WHEREAS, regulations require that when construction closes a bike lane or sidewalk, an alternative route is provided to those road users, which "ensures an accommodation through or around a work zone that is equal to the accommodation that was provided...before the blockage." (DCMR Section 3315.3),

WHEREAS, the purpose of that definition is to ensure that a cyclist protected by a separated bike lane prior to construction closures has access to an equally safe route during and after those closures,

WHEREAS, DDOT approved plans in the spring of 2016 to adequately accommodate 15th Street NW pedestrians and cyclists impacted by this project, but not L Street NW users. Construction staging on the 1500 block of L Street NW occupies half of the lanes of traffic and is scheduled to last another two years, and

WHEREAS, DDOT's own regulations note that there are three options to prioritize before a shared vehicle / bike lane is implemented, including what has been successfully implemented on 15th Street NW.

THEREFORE, BE IT RESOLVED that ANC 2B recommends that DDOT exercise authority under DCMR Section 3315.8(c) to revoke and amend the public right-of-way occupancy permit in order to protect the public safety and welfare so that these unsafe conditions do not result in harm or the loss of life.

BE IT FURTHER RESOLVED that ANC 2B recommends that only one lane of the 1500 block of L Street NW be used for construction staging and that lane number two be changed to a protected sidewalk and bike lane for the duration of construction, as has been done on 15th Street NW.

1627 K Street NW – Application by Eatsa for a New, Un-Enclosed Sidewalk Café with 5 Tables, 18 Seats, and 2 Umbrellas

This matter was tabled until the Commission’s regular August meeting.

2001 Massachusetts Avenue NW – Application by the Kossuth Foundation to Install a Statue to Commemorate the 60th Anniversary of the Hungarian Revolution

Commissioner Warwick moved to adopt a proposed resolution regarding the matter. Chair Mann seconded the motion, which was voted on and passed (VOTES: 9-0-0). The resolution reads as follows:

WHEREAS, the Kossuth Foundation at 2001 Massachusetts Avenue NW proposes to install a temporary statue to commemorate the 60th anniversary of the Hungarian Revolution on its public parking, and

WHEREAS, the proposed statute is ephemeral for the month of October and is located on a grass area that is typically not publicly accessible.

THEREFORE, BE IT RESOLVED that ANC 2B supports the public space application and urges the Public Space Committee to schedule a hearing in order to allow for sufficient time for the applicant to install the statue in October.

Consideration of a Resolution Regarding a Request to Close the Sidewalk in Front of 1745 N Street NW During Construction

Chair Mann moved to oppose the proposed closing of the sidewalk in front of 1745 N Street NW and to instead urge the Public Space Committee to require the developer to erect a covered, protected walkway at the site. Commissioner Smith seconded the motion, which was voted on and passed (VOTES: 8-1-0). The resolution reads as follows:

ANC 2B opposes Madison Homes’ public space request to close the sidewalk at 1745 N Street NW in order to stage construction. The Commission urges the Public Space Committee to require that Madison Homes, instead, erects a covered, protected walkway on the sidewalk in order to protect pedestrians from nearby construction activities.

General Agenda

Consideration of a Resolution Regarding DC Council Bill B21-0509 – the “Citizens Fair Election Program Amendment Act of 2015”

This matter was tabled until the Commission’s regular August meeting.

Adjournment

Chair Mann adjourned the meeting at 10:10 pm.