

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION
REGULAR MEETING MINUTES
Wednesday, October 8, 2014, Brookings Institute**

Call to Order & Introduction of Commissioners & Staff

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

The Commissioners identified their Single Member Districts (SMDs). Present were: Stephanie Maltz (2B03), Abigail Nichols (2B05), Mike Silverstein (2B06), Will Stephens (2B08), and Noah Smith (2B09). Commissioner Leo Dwyer was not able to attend. As noted below, Kishan Putta (2B01) and Mike Silverstein (2B04) arrived after the meeting started.

The Commission staff introduced themselves: James Conway (Executive Director), and Patrick Kain (2B06 Liquor Liason).

Election to fill the vacancy in position of Vice-Chair

Commissioner Smith moved to nominate Commissioner Stephens as Vice-Chair, seconded by Commissioner Nichols. Approved by acclimation.

Meeting Minutes & Work Calendar

Approval of Minutes (September & September Special Meeting 2014)

September Regular Meeting minutes subject to technical changes – Commissioner Stephens moved to approve, seconded by Commissioner Maltz. Passed 5-0.

September Special Meeting minutes subject to technical changes – Commissioner Stephens moved to approve, seconded by Commissioner Maltz. Passed 5-0.

Distribution of Monthly Work Calendar for ANC 2B

Announcements

Commissioner Announcements

1. ANC2B Candidate Forum on Tuesday, October 14, 7pm at the Chastleton Ballroom (1701 16th St NW)

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2. SWWFS Auction Saturday, October 18 from 5 PM to 8 PM at 805 21st Street NW
Logan

3. Dupont Little Goblins Parade on Saturday, October 25

4. Commissioner Feldstein called on the community for ideas for the Dupont Festival organize. On Friday there will be a light show starting around 8:30/9 pm

5. Commissioner Nichols complements Chairman Smith on his testimony before HPRB regarding St. Thomas Church.

6. Commissioner Stephens announced the Swann Street Halloween Party on Oct. 31.

7. Attorney General Candidate Forum Oct. 18 @ the Women's National Democratic Club

*Commissioner Putta arrived at 7:18pm.

8. Commissioner Putta announced stead park project is moving along and should be finished in November.

Other public announcements

1. Tom Lipinsky from Jack Evans' Office announced a flyer outside for people to pick up and also wanted to thank the neighbors for helping clean up the neighborhood.

2. DCCA announced 47th Annual house tour.

3. Robert White introduced himself for the At-Large seat on DC Council.

4. Shaw Dupont Citizen Alliance announced another candidates forum in conjunction with Meridian Hill Shergod Marshall center.

*Commissioner Silverstein arrived at 7:23pm.

General

Presentation of ANC 2B Candidates on the November Ballot (15 mins)

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*Each candidate in a contested race was provided two minutes to introduce themselves:

Jonathan Padget (2B02)
Daniel Warwick (2B02)
Jonathan Jagoda (2B05)
Abigail Nichols (2B05)
Nicole Mann (2B08)
Robert Sinners (2B08)
Noah Smith (2B09)

Alcohol Applications

*Note: Commissioner Silverstein chooses to recuse himself from ABRA related matters because he sits on the city ABC board.

Renewals

Class B Retail-Grocery license for Dupont Market at 1807 18th St NW (ABRA-021578) (2B01) – No Action

Class B Retail-Grocery license for Oasis, Inc 2024 P St NW hours of alcohol sale/service Sunday-Saturday 9am-12am (ABRA-014153) (2B02) – No Action

Class B Retail-Grocery license for Metro Supermarket 2130 P St NW hours of alcohol sale/service Monday-Saturday 9am-9pm Sunday 9am-8pm (ABRA-074057)- No Action

Class B Retail-Grocery license for 1500 Market at 1500 Massachusetts Ave NW (ABRA-060717) – No Action

Class B Retail-Grocery license for Marbi's Newsstand at 1730 Rhode Island Ave NW (ABRA-092424) – No Action

Historic Preservation & Zoning Applications

HPRB Application by 1617 Riggs Place, NW (2B04) – Commissioner Feldstein moved for a one month delay to look at the matter more in depth and to get the Dupont Conservancy position. Seconded by Commissioner Stephens. Passed 7-0.

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HPRB and BZA (BZA #18844) Applications by 2131 N Street NW for two-story rear addition of approximately ten feet. Kim Kemper to present. Hearing: 9/23/2014 (2B06) – Commissioner Silverstein moved the following resolution, seconded by Commissioner Feldstein. Passed 7-0. The resolution reads as follows:

Whereas the applicant is seeking to a two story addition to the rear of the property;

Whereas the applicant is seeking a lot coverage variance based on a historic alley setback below current zoning minimums;

Whereas the applicant has presented letters of support from neighbors;

Whereas the proposed addition is in alignment with neighbors and is not precedent setting;

Therefore be it resolved that ANC2B supports this project as presented.

*Commissioner Putta left at 8:05pm.

HPRB (#14-638) 1108 16th St NW (16th Street Historic District). Owner Red Multi Family: Attorney Anne H. Adams, Esq., Goulston and Storrs; Architect Jane Nelson, Nelson Architects. Project adds stories to the former Planned Parenthood Building to create a mixed use building of offices and residences. (2B05) – Commissioner Feldstein moved the following resolution, seconded by Commissioner Silverstein. Passed 6-0. The resolution reads as follows:

Whereas the proposed project adding residential is in a historic district and subject to HPRB review;

Whereas the applicant proposes to retain the first and second floor facades and proposes to use building materials consistent with the historic nature of the neighborhood.

Whereas consultation with residential neighbors finds not objection.

Therefore ANC 2B has no objection the project as proposed.

BZA (#18866) 1108 16th St NW (16th Street Historic District) – Commissioner Feldstein moved the following resolution, seconded by Commissioner Maltz. Passed 6-0. The resolution reads as follows:

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Whereas the applicant proposes several zoning variances including a “quantity of parking variance”, adding office space and residential units in a SP zone, and not meeting the minimum courtyard width for a residential building; and

Whereas if residents and office tenants desire reserved parking spaces there are multiple parking garages in the vicinity of 1108 16th St NW which offer reserved parking; and

Whereas the minimum courtyard width variance is only required due to the developer’s choice to provide a courtyard for more open space, light, and air for residents, office tenants, and neighbors, and the ANC believes the voluntary development of a courtyard below minimum width is better than having no courtyard.

Therefore ANC 2B has no objection to the project as proposed.

HPRB (#14-517) 1506 Q Street, NW (Dupont Circle Historic District). Owner Sean Neilan; Architect KC Price. Conversion with rear addition. (2B05) – Commissioner Nichols moved the following resolution, seconded by Commissioner Smith. Passed 6-0. The resolution reads as follows:

WHEREAS, ANC does not support this project until we are able to review through our ZPD committee to allow the community and stakeholders to be involved.

WHEREAS, the developer did not attend the ZPD meeting and thus it is not ANC 2B’s fault that they did not get through the normal process.

HPRB Application by 1841 15th Street NW for two story addition (2B09) – Commissioner Smith moved the following resolution, seconded by Commissioner Silverstein. Passed 4-0-2. Commissioner Maltz and Nichols abstain. The resolution reads as follows:

ANC2B does not object to the project as presented, however we encourage HPRB and HPO staff to consider whether a rear addition of 15.5 feet is appropriate for the street and compatible with the neighborhood.

ANC2B supports the use of materials, landscaping, and lighting that are as appropriate, beautiful, and enhancing as possible—particularly for the eastward facing wall that neighbors will see.

Finally, ANC2B will continue to support a dialogue between neighbors in an effort to find ways to minimize impacts of the proposed construction on quality of life, safety, and beauty.

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*Commissioner Feldstein left at 8:05pm.

Consideration of resolution to submit to Board of Zoning Adjustment on appeal (#18851) for the issuance of a building permit for a rear deck at 1536 T Street NW. Note that the ANC will address only its own procedural history and not the plans or provisions for the construction, which was supported by the ANC earlier this year. (2B09) – Commissioner Smith moved the following resolution, seconded by Commissioner Stephens. Passed 5-0. The resolution reads as follows:

Whereas an appeal (#18851) has been filed with the Board of Zoning Adjustment for the issuance of a building permit for a rear deck at 1536 T Street NW (permit #B1409246);

Whereas the appellant’s statement indicates that their basis for appeal includes all the grounds for opposing the granting of zoning relief at the same location (#18725);

Whereas ANC2B adopted a resolution in support of the zoning relief for this address on February 17, 2014;

Whereas the appellant’s statement lists one basis of their appeal to be “The Advisory Neighborhood Commission report supporting the proposed variances was a legal nullity because improperly noticed. Its recommendation was, therefore, a nullity.”;

Whereas ANC2B responded to several Freedom of Information Act requests in February and March of 2014 regarding the notice provided for ANC meetings in February;

Whereas ANC2B testified before the Board of Zoning Adjustment in March 2014 providing both support for the zoning relief and defending the proper notice of the February 17, 2014 meeting; and

Whereas the Board of Zoning Adjustment unanimously approved the zoning relief for this address and noted in their decision the following:

“The Party in Opposition argued that ANC 2B had not provided proper legal notice for its February 17, 2014 meeting at which the Applicant presented its request and the ANC voted to recommend approval. Whether that is correct depends upon an interpretation of the ANC statute and the bylaws of ANC 2B. Both the Chairman and the Vice-Chairman (also the SMD in this case) attended the BZA hearing and provided testimony that offered a reasonable interpretation that the ANC’s recommendation in this case was duly and validly issued. This Board is only charged with interpreting the Zoning Regulations and will defer to the ANC with respect to the laws and bylaws that govern its procedures.

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“However, the Board also concludes that even if it had found the ANC’s recommendation to not be valid, the Board would still approve this Application. The Board found that the Applicant met the burden of proof for being granted the variances independent of anything stated by the ANC, and therefore even if the ANC letter had never been received, the result would have been the same.”

Therefore, be it RESOLVED that ANC2B maintains that it’s meeting on February 17, 2014 was properly noticed and that the Board of Zoning Adjustment should continue to give great weight to it’s resolution regarding this case.

Attached to this resolution shall be ANC2B’s resolution from February 17, 2014 and the written testimony of Commissioners Noah Smith and Will Stephens to the Board of Zoning Adjustment on March 11, 2014.

Annual Review of Zoning Variance (special exception) for Universalist National Memorial Church at 1810 16th St NW to allow a theater in the basement. (2B09) – Commissioner Smith moved the following resolution, seconded by Commissioner Stephens. Passed 5-0. The resolution reads as follows:

Whereas in 2012, the Universalist National Memorial Church applied for a variance from the use provisions for theater performances on the basement level in the DC/R-5-B District at premises 1810 16th Street, N.W. (#18471);

Whereas in November 2012, ANC2B adopted a resolution supporting the variance with the following conditions:

- 1) Restrict to the front entrance of the Church all audience and staff coming to all public events held in the auditorium, whether sponsored by Spooky Action Theater or sponsored by the UNMC;
- 2) Restrict to the front entrance staff and performers coming to the Church for rehearsals or auditions;
- 3) Restrict to the front entrance audience, staff and performers who leave the building for smoking breaks or intermissions;
- 4) Exceptions to these restrictions are ADA access, which is best accomplished through the alley entrance, deliveries of materials and equipment, and emergency exit ;
- 5) Limit attendance to productions by the theater renting space in the UNMC auditorium to 75, though other non-performance events sponsored by the theater or any event sponsored by the UNMC itself may use the full 225 person capacity of the auditorium; and
- 6) Remove the restriction on the number of performances that may be held during a one-year period.

Whereas the variance was granted with the ANC’s conditions in place;

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Whereas one additional condition of the special exception is that “The Church shall meet with the ANC annually to discuss any concerns and the need to implement any new mitigation measures.”

Whereas the Spooky Action Theater, which operates in the basement of the Church, has approached the ANC to discuss its annual obligation for meeting and discussion of concerns and whereas Commissioner Smith has spoken with several neighbors who do not have additional concerns about current operations, and who indicated that the above referenced conditions are being met.

Therefore be it RESOLVED that the Church has met its annual obligation to meet with the ANC and that ANC2B continues to appreciate the Church’s and Theater’s willingness to meet with and address concerns from neighbors.

Public Space Use & Related Applications (8:50pm) (20 mins total)

Rehearing: Application for valet staging zone for Chi Cha Lounge, 1624 U St NW – Commission takes no action because applicant was not present.

Application for new driveway at 1711 Massachusetts Ave. (#98466) (2B07) – Commissioner Smith moved to support the application, seconded by Commissioner Stephens. Passed 5-0.

Report of Transportation & Public Infrastructure Committee

Updates on Parking and Pedestrian Safety Initiatives

Reports on old business (if any): Circulator routes, pedestrian safety initiatives, 15th St Cycle Track signage and comprehensive parking policies

Nomination of David Alpert to serve on the TPI Committee. Vote to approve new members of the Transportation and Public Infrastructure Committee, David Alpert. Moved by Commissioner Smith, Seconded by Commissioner Stephens. Passed 5-0.

Other items

Next Meeting: 10/22/14 7pm @ Resource Center (Fourth Wednesdays)

Report of Zoning, Preservation & Development Committee (9:15pm) (5 mins)

Reports on old business (if any)

Other items: Patrick Smith announced presentation about Dupont Underground and urges the public to attend.

Next Meeting: 11/5/14 7pm @ Resource Center (First Wednesdays)

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Report of ABRA Policy Committee (9:20pm) (5 mins)

Next meeting: October 15, 2014, at 7:00 p.m. at the Resource Center (Third Wednesdays)

Report of Public Safety Committee (9:25pm) (5 mins)

Reports on old business (if any): Committee Membership, Regular Meeting time, Club Central public safety meeting follow-up

Nomination of New Members

Next Meeting: End of month TBA

Report of Ward 2 Education Coalition (9:30pm) (5 mins)

Reports on old business (if any): Garrison School, Meetings with Chancellor Kaya Henderson, DME student assignment / boundary committee recommendations, resolution on quality schools

Other items: Kaya Henderson had her state of the union schools address last week.

Commissioner and Staff Reports (9:35pm) (10 mins total)

Staff Reports

Coudriet Fellow (vacant)

Deschaine Fellow (vacant)

Executive Director – None

Web/IT Consultant- Fiona has been working on a redesign on our website.

Neighboring Jurisdiction Reports (if any): West End/Foggy Bottom (2B06), Adams Morgan (2B01, 2B08), Kalorama (2B01, 2B02), Logan Circle (2B04, 2B05, 2B09), Georgetown (2B06), U Street, Columbia Heights/Shaw (2B09)

Short Reports on Old Business (if any)

P = the matter is still pending

NU = no update

A = approved

1711 S Street NW: HPRB (2B01)

Al Tiramisu: Valet staging (2B02)

2123 Twining Court: BZA (2B02)

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CVS: Certificate of Need (2B02)
2028 Hiller: rear deck (2B02)
Floriana: new sidewalk cafe hours (2B03)
Rosebar: ABRA license renewal (2B05)
Noodles & Co: sidewalk cafe (2B05)
BLT Steak: valet parking (2B05)
Dirty Martini: ABRA license renewal (2B05)
Dirty Martini: valet staging (2B05)
BarCode: ABRA license renewal (2B05)
BarCode: valet parking (2B05)
Midtown: ABRA license renewal (2B05)
Georgia Brown's: valet parking (2B05)
1528 Church St NW: HPRB (2B05)
1620 Q St NW: HRPB approval (2B05)
1815 Riggs Pl NW: BZA (2B01)
1528 Church St NW: BZA (2B05)
1512 P St NW: BZA (2B05)
Metropolitan Club: valet parking (2B06)
18th Street Lounge: liquor renewal (2B06)
1145 19th St NW: sidewalk cafe (2B06)
1819 Club: ABRA renewal (2B06)
Native Foods: sidewalk cafe (2B06)
1337 21st St NW: HPRB approval (2B06)
Kellari: valet staging (2B06)
Hampton Inn: singles sales (2B06)
1728 P St: HPRB approval (2B07)
Keegan Theatre: BZA use change (2B07)
Patterson Mansion: BZA approval (2B07)
Kabin Group: valet parking (2B07)
1727 Mass Ave: zoning request (2B07)
Local 16: VA/SA amendment (2B08)
Saloon45: new CT license (2B08) – A
Penthouse Pool: substantial change (2B08)
1459 S Street NW: HPRB (2B09)
Medicinal Marijuana dispensary (2B01/2B05)
Precinct Boundaries Plan (Silverstein)
Publisher Box Regulations (Stephens)
Commemorating Annie Kaylor (Silverstein)

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Administrative Matters (9:45pm) (15 mins)

Finance/Treasurer Items

Old administrative business: By-laws, Policies & Procedures Manual, Annual Report, Resource Center Renovation Update

Other Admin items: FY14 Q4 \$77,680.02. Motion on quarterly report. Motion by Commissioner Maltz, seconded by Commissioner Smith. Passed 5-0.

Budget Updates: Motion to adopt new budget which has 23 items and not 24, subject to finding a place to add workers compensation. Motion by Commissioner Maltz, seconded by Commissioner Stephens. Passed 5-0.

Reimbursement of Pride Parade candy expenses for up to \$20 – Commissioner Stephens moved to approve the reimbursement of Pride Parade candy expenses for up to \$20, seconded by Commissioner Nichols. Passed 5-0.

ANC 2B received full allotment in August and September for \$5,099.99.

Adjournment (10:00pm)

Moved by Commissioner Stephens.

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