



# GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Dupont Circle Advisory Neighborhood Commission 2B

### Regular Meeting Minutes

Wednesday, September 11th, 2019; 7:00 p.m.  
Johns Hopkins School of Advanced International Studies  
1717 Massachusetts Avenue NW, Room 500

### Call to Order

The regular September 2019 meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Daniel Warwick at 7:04 pm.

### Introduction of Commissioners

The Commissioners identified their single member districts (SMDs). Present were: Matthew Sampson (2B01), Daniel Warwick (2B02), Lucky Barbieri (2B03), Aaron Landry (2B04), Randy Downs (2B05), Mike Silverstein (2B06), Kari Cunningham (2B07), Beverly Schwartz (2B08), and Ed Hanlon (2B09).

### Announcements and Public Comments

#### Commissioner Announcements

Commissioner Hanlon said that Lupo Verde has agreed to drop its application to terminate the establishment's settlement agreement. He said that he anticipates that the ANC's protest of Lupo Verde's application will be resolved soon. He also said that Licht Cafe has agreed to withdraw its application for an entertainment endorsement and a summer garden. He said that he anticipates that the ANC's protest of Licht Cafe's application will be resolved soon.

Commissioner Silverstein gave an overview of the five individuals who were killed in traffic accidents in proximity to his district in recent months. He says that Friday, September 20th marks the first anniversary of the death of Carlos Sanchez-Martin, who was killed while on a scooter on Dupont Circle NW.

#### Other Public Announcements and General Comments or Future Agenda Items

Commander Duncan Bedlion, the Commander for the Metropolitan Police Department's (MPD) Second District, said that MPD will be holding a traffic enforcement event on Friday, September 20th on Dupont Circle NW to promote safe streets. He also gave an overview of the recent crime statistics for the neighborhood. He said that the neighborhood has been seeing reductions in violent crime, however the neighborhood continues to struggle with property crimes, including thefts from autos. He also gave an overview of the recent police stop data report that MPD

released. He said that local residents who have concerns regarding actions taken by police officers can report their concerns to the Office of Police Complaints.

Nicole Goines, a Ward 2 representative for the Mayor's Office of Community Relations and Services (MOCRS), said that the Department of Housing and Community Development will be holding a Homeowners' Carnival on Saturday, September 14th from 12:00 to 3:00 pm at the Festival Center, 1640 Columbia Road NW. She encouraged local residents to attend the event. She also said that copies of Mayor Bowser's 54 Month Progress Report are available on the table in the back of the meeting room. She added that she is working to address concerns regarding sidewalk conditions on P Street between 20th Street and 22nd Street NW and regarding homeless encampments on 17th Street NW.

Joe Florio, a representative for Councilmember Jack Evans' Office, said that Councilmember Evans had a great time at this year's 17th Street Festival. He also said that this year's Art All Night event will take place on Saturday, September 14th from 7:00 pm to 12:00 am across the District, including in Dupont Circle. He added that the DC Council returns from its summer recess on Monday, September 16th and the first legislative session of the DC Council's Committee of the Whole will take place on Tuesday, September 17th.

Nick DelleDonne, the President of the Dupont East Civic Action Association (DECAA), said that the organization is taking part in the protest of Licht Cafe's license application. He also said that the organization's campaign to fight the Scottish Rite Temple development project at 1733 16th Street NW continues. He encouraged local residents to sign the organization's online petition regarding the development project and to make a donation to help cover legal expenses. He added that the organization has also established a Transportation Safety Committee and has started collecting a variety of transportation safety proposals

Susan Volman, a representative for the Dupont Circle Citizens Association (DCCA), said that the organization's annual house tour will not be taking place this year. She said that the review process for the organization's grant to address homeless and affordable housing in Dupont Circle continues. She said that the organization is waiting for St. Thomas' Parish to approve DCCA's grant recommendations.

### **Alcoholic Beverage Control Board Agenda**

Swingers – Application for a New Retailer's Class "C" Restaurant License at 1330 19th Street NW

*The Commission delayed consideration of this matter until the ANC's regular October 2019 meeting.*

Raku-Ya – Application for a Substantial Change to the Establishment's Retailer's Class "C" Restaurant License at 1900 Q Street NW

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

ANC 2B protests Raku-Ya's application for a substantial change to the establishment's Retailer's Class "C" Restaurant license at 1900 Q Street NW based on the adverse impact on the peace, order, and quiet of the neighborhood, pending the negotiation of a settlement agreement between the applicant and the ANC.

Consideration of a Resolution Regarding Sorellina's Request for a Modification to the Establishment's Settlement Agreement at 2029 P Street NW

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

ANC 2B approves a change to the settlement agreement with Sorellina to allow for an increase of occupancy to allow for the establishment's expansion to 2029 P Street NW. ANC 2B anticipates this will allow for 48 seats and an addition of 8 seats on the public space at 2029 P Street NW.

**Zoning, Preservation, and Development Agenda**

1333 New Hampshire Avenue NW – Application for a PUD Modification of Consequence

Commissioner Silverstein moved to adopt a proposed resolution regarding the matter. Commissioner Barbieri seconded the motion. Chair Warwick moved to adopt a proposed amendment to the resolution to edit the language regarding the ANC's recommended processing of the zoning application. Commissioner Silverstein seconded the motion for the amendment, which was voted on and passed (VOTES: 9-0-0). The final motion was voted on and passed (VOTES: 9-0-0). The resolution reads as follows:

WHEREAS, the project is located at 1333 New Hampshire Avenue NW (Square 115, Lot 85), within Advisory Neighborhood Commission 2B,

WHEREAS, the existing building on the property was constructed as part of a planned unit development ("PUD") pursuant to Z.C. Order No. 101 (Z.C. Case No. 74-10/71-30F) ("PUD Order") and further processed pursuant to BZA Order Nos. 11875 and 11901, which allowed the building to be constructed with additional density that it would not have otherwise been allowed,

WHEREAS, the application now seeks to add additional penthouse habitable space, which the Zoning Commission has determined requires a contribution to the Housing Production Trust Fund,

WHEREAS, pursuant to Condition 3 of the PUD Order, the neighboring existing Heurich Mansion, Carriage House, and garden shall be preserved,

WHEREAS, pursuant to Condition 13 of the PUD Order, additional preservation conditions related to the preservation of the Heurich Mansion, Carriage House, and grounds proposed by the National Capital Planning Commission were incorporated as conditions to the PUD,

WHEREAS, a Modification of Consequence to a PUD must be consistent with the Zoning Commission's previous approval,

WHEREAS, the PUD Order was among the earliest examples in District history which involved transferring development rights in order to protect an historic property,

WHEREAS, the Heurich House was constructed circa 1892 and is a historic landmark registered on the National Register of Historic Places and the DC Inventory of Historic Sites, and is a contributing resource to the Dupont Circle Historic District,

WHEREAS, ANC 2B recognizes the importance of the Heurich House, Carriage House, and gardens as the Brewmaster's Castle in Dupont Circle, and further emphasizes the need to continue to protect this important historic resource,

WHEREAS, the Heurich House has faced a constant struggle since at least the time of adoption of the PUD Order to provide a financially stable model to maintain the property until the current Heurich House Foundation model, which has brought stability through earned revenue activities such as weddings, public events, tours, and leasing for artists and creative types to have offices,

WHEREAS, the Heurich House Foundation previously had issues with the same roller equipment and jack hammering equipment proposed to be used by the applicant that created vibrations that have compromised the integrity of the historic concrete construction of the circa 1892 building, as well as historic light fixtures, stained glass windows, and other irreplaceable historic elements,

WHEREAS, the proposal may cause physical damage to the Heurich House,

WHEREAS, the proposal may cause significant loss of business revenue to a fragile financial model for the Heurich House, and

WHEREAS, ANC 2B recognizes that the application may only be consistent with the Commission's previous approval so long as the Heurich House is preserved according to the conditions of the PUD Order.

THEREFORE, BE IT RESOLVED:

As a party to the Zoning Commission proceedings, the ANC 2B requests that the application be processed as a Modification of Consequence given the applicant has met both of the following conditions:

- The applicant has executed a construction management agreement (“CMA”) to the satisfaction of the Heurich House Foundation.
- The applicant has committed to a \$50,000 contribution to the Heurich House Foundation to assist with efforts to preserve the Museum in recognition of the additional habitable space in the penthouse, consistent with the 1974 PUD Order obligations to protect and preserve the Heurich House Museum, the Carriage House, and gardens, as specified in PUD Conditions 3 and 13 in Z.C. Order 101.

1461 S Street NW – Application by Zeta Phi Beta Sorority, Inc. for a Special Exception Under the Use Provisions for an Area Variance from the Residential Use Requirements to Permit a Non-Profit Use in an Existing, Semi-Detached Principal Dwelling Unit

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

Zeta Phi Beta, a nearly 100 year old historically African American sorority founded at Howard University in 1920, is headquartered on New Hampshire Avenue NW in Dupont Circle. The sorority is an organization with deep roots in our community. The property is on the African American Heritage Trail and was home to African American poet and playwright Georgia Douglas Johnson.

ANC 2B understands that the existing national headquarters for the sorority occupies more than 12,000 square feet of contiguous space and that Zeta Phi Beta purchased the building at 1461 S Street NW to add several employees to the sorority’s headquarters in Dupont Circle.

Because 1461 S Street NW is in close proximity to the existing national headquarters, ANC 2B supports the argument that proposed nonprofit office use should be considered as an expansion of the existing space rather than as a new use.

While ANC 2B is strongly in opposition to converting housing into office space, the proposal by Zeta Phi Beta proposes to maintain two units of housing on the property and allows for the expansion of the sorority’s headquarters within Dupont Circle. In this extremely rare and unique circumstance which is not applicable to for profit businesses or to most nonprofits without existing offices in townhomes within Dupont Circle, ANC 2B understands the impetus for the request.

THEREFORE, BE IT RESOLVED that, due to the unique circumstances, ANC 2B supports the project as proposed, including the special exceptions and variance.

1810 16th Street NW – Application by the Universalist National Memorial Church for a Modification of Consequence to Conditions No. 1 and No. 2 in BZA Order No. 18471A in Order to Permit an Increase in the Total Number of Performances Allowed Per Year and to Modify the Time Limit of the Order from 6 Years to Ten Years in an Existing Building

Commissioner Landry moved to adopt a proposed resolution regarding the matter. Commissioner Downs seconded the motion. Commissioner Landry moved to adopt a proposed amendment to the resolution to edit the language regarding the increase in the number of performances per year. Commissioner Downs seconded the motion for the amendment, which was voted on and passed (VOTES: 9-0-0). Commissioner Hanlon moved to adopt a proposed amendment to the resolution to edit the language regarding the name of the applicant and the extension of the length of the zoning order. The motion for the amendment was not voted on due to the lack of a second. Chair Warwick moved to adopt a proposed amendment to the resolution to edit the language regarding the name of the applicant and the extension of the length of the zoning order. Commissioner Landry seconded the motion for the amendment, which was voted on and passed (VOTES: 9-0-0). The final motion was voted on and passed (VOTES: 9-0-0). The resolution reads as follows:

The Universalist National Memorial Church at 1810 16th Street NW is proposing to amend the existing zoning variance to increase the number of Spooky Action Theater performances allowed per year in order to make improvements to the space, including accessibility improvements, as well as to increase the approval period from six years to ten years.

During the community review process, Advisory Neighborhood Commission 2B received several notes of positive testimony from neighbors in support of expanded activity at the theater.

Based on the neighborhood's limited amount of parking, ANC 2B requests that advertisements for events at this property promote transit, walking, and biking, and when parking is required by attendees, to direct people to park in their designated lot instead of on-street parking.

THEREFORE, BE IT RESOLVED that ANC 2B supports the variance request.

**Break**

The Commission took a break at 8:42 pm and reconvened at 9:02 pm.

**Zoning, Preservation, and Development Agenda (Continued)**

1727 S Street NW – Concept / Rear Addition

Commissioner Landry moved to adopt a proposed resolution regarding the matter. Commissioner Sampson seconded the motion. Chair Warwick moved to adopt a proposed amendment to the resolution to edit the language regarding the shielding of mechanical equipment. Commissioner

Silverstein seconded the motion for the amendment, which was voted on passed (VOTES: 8-1-0). The final motion was voted on and passed (VOTES: 7-1-1). The resolution reads as follows:

The applicant at 1727 S Street NW proposes a rear addition to an existing building in order to accommodate an eight unit development. Advisory Neighborhood Commission 2B understands that the entirety of the proposed changes are in the rear of the building and that the project will not touch the front façade, will not be visible from the street, and will not require zoning relief.

Through the community review process, a variety of neighbors expressed concerns with the proposed number of units in the project as well as follow-on impacts associated with the increase in number of units on the site including trash handling, parking, and the difference in turnover between the proposed larger number of small units compared to a smaller number of larger units.

In addition to ANC 2B's normal process, the owner of the property, with the architect and builder, met with approximately ten neighbors in an informal meeting at the property and received direct requests and feedback regarding the addition and modification.

ANC 2B urges the applicant to consider better shielding of mechanical equipment on the roof in order to reduce noise.

The applicant has agreed to use material along the rear party wall as deemed appropriate by the Historic Preservation Office and to maintain a cooperative dialog with the abutting neighbor about choices that would impede upon the consistency of the party wall.

Based on neighbor feedback, the applicant has agreed to modify their plans to include the following:

- Provide sufficient permanent enclosures for trash bins within the property line,
- On-property bicycle parking in addition to two motor vehicle parking spaces,
- Sound protection on new walls and party walls with the abutting property,
- Rental lease agreements for the eight units individually to be a minimum of one year each for every new tenant,
- Actively incentivize alternative transportation modes to tenants including bikeshare and transit,
- Preservation of the neighboring trees where roots extend into the property, and
- Minimize the blocking of the alley by vehicles during the construction process.

ANC 2B understands that several of the applicant's concessions will be a benefit to the neighborhood and are not strictly under the review of the Historic Preservation Review Board (HPRB). ANC 2B also recognizes the significant neighbor opposition to the project's proposed number of units, but notes that number of units and interior use is not a review standard for HPRB on this matter.

THEREFORE, BE IT RESOLVED the ANC 2B supports the application as proposed with the applicant's several concessions.

1630 Riggs Place NW – Concept / Rear Canopy Addition Over Existing Balcony

Commissioner Landry moved to adopt a proposed resolution regarding the matter. Commissioner Silverstein seconded the motion. Commissioner Landry moved to adopt a proposed amendment to the resolution to edit the language regarding the ANC's support of the project. Commissioner Silverstein seconded the motion for the amendment. A roll call vote was requested. The motion for the amendment was voted on and did not pass (VOTES: 3-6-0). The roll call vote was as follows:

Commissioner Schwartz: Nay  
Commissioner Downs: Yay  
Commissioner Sampson: Yay  
Commissioner Landry: Yay  
Commissioner Cunningham: Nay  
Commissioner Silverstein: Nay  
Commissioner Barbieri: Nay  
Commissioner Hanlon: Nay  
Chair Warwick: Nay

Commissioner Hanlon moved to adopt a proposed amendment to the resolution to edit the language regarding the ANC's views on the project design. Commissioner Schwartz seconded the motion for the amendment. A roll call vote was requested. The motion for the amendment was voted on and did not pass (VOTES: 3-6-0). The roll call vote was as follows:

Commissioner Schwartz: Yay  
Commissioner Downs: Nay  
Commissioner Sampson: Nay  
Commissioner Landry: Nay  
Chair Warwick: Nay  
Commissioner Cunningham: Yay  
Commissioner Silverstein: Nay  
Commissioner Barbieri: Nay  
Commissioner Hanlon: Yay

The final motion was voted on and passed (VOTES: 7-1-1). The resolution reads as follows:

The applicant at 1630 Riggs Place NW proposes a non-habitable rear addition to an approved habitable rear addition.

Advisory Neighborhood Commission 2B acknowledges a 2016 decision by the Historic Preservation Review Board (HPRB) which approved a one-story addition rather than a two-story addition at the site in an effort to preserve the consistency of the second floor and above rear elevations along the five homes in this alley.



Throughout the review process, ANC 2B received a mix of positive and negative opinions from neighbors and the ANC does not generally find fault with the design.

THEREFORE, BE IT RESOLVED, based on the HPRB's specific ruling on the rear addition proposed at the site in 2016 and the mix of community feedback, ANC 2B urges the HPRB to make a determination based on the unique application and precedent of HPRB action at the site.

### 1733 16th Street NW – Lot Subdivision

Commissioner Landry moved to adopt a proposed resolution regarding the matter. Commissioner Silverstein seconded the motion, which was voted on and passed (VOTES: 5-4-0). The resolution reads as follows:

The applicant at 1733 16th Street NW proposes to subdivide the existing Record Lot 108 on Square 192 into two lots in order to allow for the development of a residential building which Advisory Neighborhood Commission 2B reviewed in advance of the Historic Preservation Review Board (HPRB) concept review in November 2018 and May 2019.

In May 2019, HPRB approved a concept plan for the site including a proposed residential building. ANC 2B understands that the lot subdivision is requested by the applicant to enable the development of the approved concept plan.

The proposed lot division line is along the line of the historic division between Lot 800 and Lot 40 from before Lot 40 was consolidated into Lot 108, as well as being coterminous with the zoning dividing line between RA-9 and RA-8. ANC 2B believes that this makes it a reasonable location for a new lot division line to be located.

THEREFORE, BE IT RESOLVED that ANC 2B supports the subdivision as presented.

### **Administrative Matters**

#### Approval of the ANC's FY 2020 Budget

*The Commission delayed consideration of this matter until the ANC's regular October 2019 meeting.*

#### Approval of the regular August 2019 Meeting Minutes

Commissioner Landry moved to approve the ANC's regular August 2019 meeting minutes. Commissioner Hanlon seconded the motion, which was voted on and passed (VOTES: 9-0-0).

### **General Agenda**

Consideration of a Resolution Regarding the U.S. Attorney’s Office’s Outreach on DC Council Bill B23-0127 – the “Second Look Amendment Act of 2019” and the Lack of Hate Crimes Prosecution

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

WHEREAS, Councilmember Charles Allen recently introduced legislation which would allow for the parole board to consider early release for prisoners who have been in prison for at least fifteen years and committed crimes between the ages of 15 and 24,

WHEREAS, the United States Attorney’s Office for the District of Columbia is opposed to the legislation and recently held a meeting for Advisory Neighborhood Commissioners to lobby against the proposed bill,

WHEREAS, the Washington Post recently reported that the number of hate crimes prosecuted by the United States Attorney’s Office, which prosecutes most crime in the District of Columbia, decreased while the number of arrests for hate crimes has significantly risen since 2015,

WHEREAS, ANC 2B is proud to represent Dupont Circle, the historic epicenter of DC’s LGBTQ community,

WHEREAS, LGBTQ people are one of the most impacted populations by hate crimes within the District of Columbia, and

WHEREAS, ANC 2B believes that the United States Attorney’s Office should focus its energy on prosecuting hate crimes rather than meddling in local affairs such as the Second Look Act.

THEREFORE, BE IT RESOLVED that ANC 2B opposes the United States Attorney’s Office’s efforts to interfere with local sentencing decisions and urges the office to spend its time prosecuting hate crimes.

**Adjournment**

Chair Warwick adjourned the meeting at 10:29 pm.