



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Dupont Circle Advisory Neighborhood Commission 2B

Regular Meeting Minutes

Wednesday, August 14th, 2019; 7:00 p.m.
Johns Hopkins School of Advanced International Studies
1717 Massachusetts Avenue NW, Room 500

Call to Order

The regular August 2019 meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Daniel Warwick at 7:00 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).

Continuation of ANC 2B's Special July 2019 Meeting

Public Space Application by Astoria DC for a New, Enclosed Sidewalk Café with 6 Tables and 8 Seats at 1521 17th Street NW

Commissioner Downs moved to adopt a proposed resolution regarding the matter. Commissioner Landry seconded the motion. Chair Warwick moved to adopt a proposed amendment to the resolution to add language regarding the precedent of the awning. Commissioner Downs 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:

ANC 2B supports Astoria DC's public space application for a new, enclosed sidewalk café at 1521 17th Street NW.

ANC 2B understands that the proposed sidewalk cafe is considered to be enclosed due to the addition of an awning. The ANC also understands that while the addition of awnings are typically not supported in historic districts, the fact that both neighboring properties have awnings means that this awning will fit within this specific context and thus the awning will not be precedent-setting for other parts of the neighborhood that do not already have preexisting awnings of the same scale.

Consideration of a Resolution Regarding a Traffic Safety Assessment for Dupont Circle

Commissioner Downs moved to adopt a proposed resolution regarding the matter. Commissioner Silverstein seconded the motion. Commissioner Silverstein moved to call the question. Chair Warwick seconded the motion to call the question, which was voted on and passed (VOTES: 6-2-1). The final motion was voted on and passed (VOTES: 8-1-0). The resolution reads as follows:

WHEREAS, Dupont Circle Park is the central gathering place and focal point of the namesake neighborhood,

WHEREAS, Dupont Circle Park sees substantial daily access by pedestrians – residents, workers, and tourists alike – as a destination or as part of their travels about town,

WHEREAS, the use cases and requirements for the roads blending with the Dupont traffic circle have changed substantially since the existing configuration was established in the 1940s, making the traffic circle’s design obsolete and a life-threatening hazard to all who use it,

WHEREAS, pedestrian and cyclist access to Dupont Circle Park is hindered and rendered unsafe due to the narrow median separating the inner Massachusetts Avenue NW lanes from the commingled outer lanes of the Dupont traffic circle,

WHEREAS, the triangular pedestrian islands in the intersections of New Hampshire Avenue NW (north and south), 19th Street NW (north and south), and Massachusetts Avenue NW (east) are too small to safely accommodate pedestrians and persons in wheelchairs, and have unsynchronized signals,

WHEREAS, vehicular and pedestrian control signage and signals are inconsistent and confusing,

WHEREAS, motorists routinely disregard lane markings and signals and make other unsafe maneuvers, causing frequent situations that could result in collision, injury, or death,

WHEREAS, the crossover movements required by the Massachusetts Avenue NW express roadway consume additional signal time, cause frequent congestion, pose further safety hazards, and restrict crossing times for pedestrians, cyclists, and personal mobility users,

WHEREAS, the District Department of Transportation (DDOT), the Metropolitan Police Department (MPD), and U.S. Park Police have declined to implement photo-enforcement of intersections that the community has identified as dangerous,

WHEREAS, MPD does not have the resources or desire to enforce traffic regulations outside of the scope of camera enforcement,

WHEREAS, a scooter user was killed by a motor vehicle in September of 2018 at the western exit of Massachusetts Avenue NW and P Street NW, the very intersection that the community has most frequently raised concerns about,

WHEREAS, the police report for the incident cited the aforementioned negative safety conditions as contributing factors, and

WHEREAS, the current configuration of the Dupont traffic circle plainly contradicts and violates the principles of the District's adopted Vision Zero effort.

THEREFORE, BE IT RESOLVED that ANC 2B formally and urgently requests that DDOT conducts a comprehensive traffic safety assessment of the Dupont traffic circle and associated intersections as soon as can be scheduled and within the 120-day review period.

BE IT FURTHER RESOLVED that ANC 2B requests that DDOT conducts the assessment in "real world" conditions outside of holiday periods to ensure that sufficient data is collected, recognizing the higher priority of pedestrian, cyclist, and personal mobility device users over vehicle throughput in the assessment.

BE IT FURTHER RESOLVED that ANC 2B requests that DDOT explores and presents scenarios that eliminate the Massachusetts Avenue NW express lanes inner roadway as a solution to the bottlenecks, signal timing, driver confusion, and safety hazards of the existing conditions.

BE IT FURTHER RESOLVED that ANC 2B requests that the Chair of the ANC's Transportation and Public Infrastructure (TPI) Committee fills out DDOT's traffic safety assessment questionnaire for this request in consultation with the single member district commissioners.

Consideration of a Resolution Regarding a Funding Request for LGBTQ Grant Programs

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, fifteen LGBTQ organizations, ranging from SMYAL (Sexual Minority Youth Assistance League) to Mary's House for Older Adults, jointly petitioned the DC Council to increase funding in the FY 2020 budget by \$3 million for the Mayor's Office of LGBTQ Affairs,

WHEREAS, the request was for the creation of a competitive grant program focusing on health equity to support LGBTQ organizations. The programs were to focus on the most vulnerable and at-risk: youth (especially homeless youth), trans people, and senior citizens,

WHEREAS, the DC Council declined to fund this request,

WHEREAS, Zoe Spears, a 23-year-old trans woman of color, was murdered on June 13, 2019 along Eastern Avenue – less than three months following the murder of another trans woman of color, Ashanti Carmon, at nearly the same location,

WHEREAS, there has been a reported uptick in hate crimes directed at members of the LGBTQ community in recent weeks, including several incidents within close proximity to ANC 2B, and

WHEREAS, the frequency of these incidents and the coincidence of many of them with Pride Month brought renewed attention to the disturbing realities that still confront vulnerable members of the LGBTQ community and create a sense of urgency regarding the need for additional, targeted resources to serve that population.

THEREFORE, BE IT RESOLVED that ANC 2B strongly urges the DC Council and the Mayor to re-consider their determination regarding this funding request and use either a supplemental appropriation or reprogramming authority to target resources toward the \$3 million grant program sought, thereby supporting community-driven efforts to improve the health, safety, and well-being of DC residents.

Consideration of a Resolution Regarding DC Council Bill B23-0037 – the “Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2019”

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

WHEREAS, thirty years ago the idea that someone with HIV would live decades was unimaginable, but scientific advances have brought forward new medications,

WHEREAS, today people with HIV are living well into their golden years,

WHEREAS, HIV disproportionately impacts the LGBTQ community and especially communities of color, and the number of LGBTQ older adults in the District of Columbia is increasing,

WHEREAS, many local LGBTQ seniors and seniors with HIV report having experienced discrimination and social stigmatization throughout their lives, including problems when attempting to access healthcare and social services, and

WHEREAS, the Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2019 includes LGBTQ seniors and seniors with HIV in the definition of groups of greatest social need for the purpose of allocating funds, and also establishes an LGBTQ HIV long-term care bill of rights, all of which help address the aforementioned problems.

THEREFORE, BE IT RESOLVED that ANC 2B expresses support for DC Council Bill B23-0037 – the “Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2019” and urges the DC Council to act quickly to pass this legislation and send it to the Mayor for her signature.

Consideration of a Resolution Regarding the Reintroduction of DC Council Bill B22-0102 – the “Secure A Fair and Equitable Trial Act of 2017”

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

WHEREAS, the gay and trans “panic” defense is a legal strategy which asks a jury to find that a victim’s sexual orientation or gender identity is to blame for the defendant’s violent reaction, including murder,

WHEREAS, when the defense is employed, the perpetrator claims that their victim’s sexual orientation or gender identity not only explains – but excuses – their loss of self-control and subsequent assault,

WHEREAS, by arguing to fully or partially acquit the perpetrators of crimes against LGBTQ victims because of sexual orientation or gender identity, these defenses imply that LGBTQ lives are worth less than others,

WHEREAS, the legislation being supported here would require that upon the request of either the prosecutor or the defendant, the court would instruct the jury against letting bias, sympathy, prejudice, or public opinion influence its decision. It also would establish limits on defenses that seek to excuse violence on the basis of a victim’s identity,

WHEREAS, in June of 2019 New York became the sixth state to ban the gay and trans “panic” defense, as millions of revelers celebrated WorldPride in Manhattan – joining California, Illinois, Rhode Island, Nevada, and Connecticut as states that currently have this law, and

WHEREAS, the murders of Ashanti Carmon and Zoe Spears, two DC transgender women of color, within weeks of one another and other recent acts of violence against members of the LGBTQ community clearly underscore the need for this type of legislation.

THEREFORE, BE IT RESOLVED that ANC 2B urges the DC Council to reintroduce and support the “Secure A Fair and Equitable Trial Act of 2017” to ban the use of the “gay panic” or “trans panic” defense in DC Courts.

Announcements and Public Comments

Commissioner Announcements

Commissioner Silverstein announced that his term on the Alcoholic Beverage Control (ABC) Board has now ended. Chair Warwick thanked Commissioner Silverstein for his service to the board.

Commissioner Hanlon said that he believes that the ANC will be able to reach a settlement agreement with Licht Cafe as part of the establishment's alcoholic beverage license application. He said that the applicant has agreed to withdraw the entertainment endorsement and summer garden endorsement that were part of the application, as well as to not build the outdoor deck.

Other Public Announcements and General Comments or Future Agenda Items

Joe Florio, a representative for Councilmember Jack Evans' Office, said that the DC Council is currently in the middle of its summer recess. He said that Councilmember Evans' Office is still open to help with constituent services matters. He added that the DC Council will be back in session on September 15th.

Bill McLeod, the Executive Director of Historic Dupont Circle Main Streets, said that the 17th Street Festival is coming up on Saturday, August 24th from 12:00 to 6:00 pm. He said that 2019 will mark the 10th anniversary of the festival and that festival organizers will be honoring Lee Granados, one of the founders of the festival.

Commissioner Downs moved to approve expenditures up \$750 to pay for portable toilets for the 17th Street Festival. Commissioner Cunningham seconded the motion, which was voted on and passed (VOTES: 9-0-0).

Nick DelleDonne, the President of the Dupont East Civic Action Association (DECAA), said that the organization recently participated in the roll call hearing for Licht Cafe's alcoholic beverage license application. He also gave an overview of the organization's DC Superior Court lawsuit that was filed against the District regarding the Scottish Rite Temple development project at 1733 16th Street NW.

General Agenda

Consideration of a Resolution Regarding a Traffic Safety Assessment for the Intersection of 23rd Street and O Street NW

Commissioner Silverstein moved to adopt a proposed resolution regarding the matter. Chair Warwick seconded the motion. Chair Warwick moved to adopt a proposed amendment to the resolution to include language regarding the safety concerns at the intersection of 22nd Street and O Street NW. 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 intersection of 22nd Street and O Street NW and the intersection of 23rd Street and O Street NW are vital connections from Dupont Circle to Rock Creek Park,

WHEREAS, there are concerns about the problematic vehicular sight lines and vehicular safety at the intersection of 23rd Street and O Street NW.

WHEREAS, the crosswalk at 23rd Street and O Street NW serves residents walking to the School Without Walls at Francis-Stevens, the neighborhood dog park, and P Street Beach,

WHEREAS, the east side of 23rd Street between N Street and O Street NW does not have a sidewalk, encouraging more utilization of the crosswalk at O Street NW,

WHEREAS, without a light or stop sign and a building at the northeast corner of 23rd Street and O Street NW which extends nearly to the lot line, the un-signalized crosswalk is dangerous for pedestrians, particularly when drivers speed between the signals at P Street and N Street, and

WHEREAS, there are also concerns about the problematic vehicular sight lines and vehicular safety at the intersection of 22nd Street and O Street NW.

THEREFORE, BE IT RESOLVED that ANC 2B formally and urgently requests that the District Department of Transportation (DDOT) conducts a comprehensive traffic safety assessment of the intersection of 22nd Street and O Street NW and the intersection of 23rd Street and O Street NW and associated intersections as soon as can be scheduled and within the 120 day review period.

BE IT FURTHER RESOLVED that ANC 2B requests that the Chair of the ANC's Transportation and Public Infrastructure (TPI) Committee fills out DDOT's Traffic Safety Assessment questionnaire for this request in consultation with the single member district commissioners.

Administrative Matters

Approval of the Regular July 2019 Meeting Minutes

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

Approval of the Special July 2019 Meeting Minutes

Commissioner Landry moved to approve the ANC's special July 2019 meeting minutes. Commissioner Sampson seconded the motion. Commissioner Landry moved to adopt a proposed amendment to the minutes to add language regarding the reasoning for not considering some of the items that were on the ANC's special July 2019 meeting agenda. Commissioner Cunningham seconded the motion for the amendment, which was voted on and passed (VOTES: 8-0-1). The final motion was voted on and passed (VOTES: 9-0-0).

Approval of the ANC's FY 2019 Quarter 3 Financial Report

Commissioner Landry moved to approve the ANC's FY 2019 Quarter 3 financial report. Commissioner Cunningham seconded the motion, which was voted on and passed (VOTES: 9-0-0).

Appointment of the Chair of the ANC's Zoning, Preservation, and Development (ZPD) Committee

Commissioner Schwartz moved to appoint Commissioner Landry as the Chair of the ANC's Zoning, Preservation, and Development (ZPD) Committee. Commissioner Sampson seconded the motion, which was voted on and passed (VOTES: 8-1-0).

Zoning, Preservation, and Development Agenda

2124 O Street NW – Application for a Variance from the Floor Area Ratio Requirements to Construct a Third-Story Addition to an Existing, Attached Principal Dwelling Unit

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

WHEREAS, the proposed project is within Advisory Neighborhood Commission (ANC) 2B,

WHEREAS, the project is proposing a rear extension to the third floor which will add an additional 580 square feet to the home, causing the structure to increase in size to 8% over floor area ratio (FAR),

WHEREAS, in support of the variance request, the applicant noted that they had the smallest lot on the street and that the first partially below grade level of their home is a basement which counts for FAR while some neighboring partially below grade levels are cellars which do not count for FAR,

WHEREAS, the addition is not visible from the street,

WHEREAS, a reduction of 237 square feet would remove the need for a variance,

WHEREAS, ANC 2B appreciates that a light and shadow study was conducted based on the ANC's request at the ANC's July Zoning, Preservation, and Development (ZPD) Committee meeting,

WHEREAS, while ANC 2B appreciates the need for family housing in Dupont Circle, the ANC is not convinced that the project meets the three part test for a variance, and

WHEREAS, the adjacent owner to the east of the site is opposed to the proposed Variance.

THEREFORE, BE IT RESOLVED that ANC 2B does not support the variance request.

Public Space Committee Agenda

Public Space Application by Sushi Taro for Streetscape Work, Including the Replacement of Tile on the Existing Leadwalk and the Addition of a Decorative Wall Panel, at 1503 17th Street NW

Commissioner Downs 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 supports Sushi Taro’s public space application for streetscape work, including the replacement of tile on the existing leadwalk and the addition of a decorative wall panel, at 1503 17th Street NW, as the proposed plans conform with the ANC’s Public Space Guidelines.

Alcoholic Beverage Control Board Agenda

Streets Market – Application for a New Retailer’s Class “B” Full-Service Grocery Store License at 1255 22nd Street NW

The Commission did not take any action regarding this matter.

General Agenda (Continued)

Consideration of a Resolution Regarding the Honorary Renaming of the 1700 Block of S Street NW to Kappa Alpha Psi Way

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:

WHEREAS, the Washington, DC Alumni Chapter of Kappa Alpha Psi Fraternity, Inc. was chartered on October 15th, 1924,

WHEREAS, the Kappa Alpha Psi Fraternity Alumni Chapter is located at 1708 S Street NW within Advisory Neighborhood Commission (ANC) 2B and the Dupont Circle Historic District,

WHEREAS, the Historic Kappa House received the designation of a National Historic Landmark in 1985 by the U.S. Department of Interior, is a visiting station along the neighborhood tourism trail, and has been memorialized as the hub for the gathering of black social life during segregation,

WHEREAS, ANC 2B is proud to be the home of several historically African American fraternities and sororities,

WHEREAS, the Washington, DC Alumni Chapter of Kappa Alpha Psi, Fraternity Inc. is celebrating its 95th anniversary as an organization,

WHEREAS, the Washington, DC Alumni Chapter, through its Kappa Scholarship Endowment Fund, awarded approximately \$3 million in college scholarships to seven hundred graduating high school seniors since 1984, enabling these students to pursue their dreams of higher education, and

WHEREAS, the Washington, DC Alumni Chapter has always been intimately involved in the improvement of its community and the residents therein with its myriad of community service programs and activities, support of the DC Voter Participation Drive, annual school supplies drives, and annual community holiday drives.

THEREFORE, BE IT RESOLVED that ANC 2B supports the renaming of S Street from New Hampshire Avenue to 17th Street NW to “Kappa Alpha Psi Way NW.”

Adjournment

Chair Warwick adjourned the meeting at 9:28 pm.