



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Dupont Circle Advisory Neighborhood Commission 2B

Regular Meeting Minutes

Wednesday, September 9th, 2020; 7:00 p.m.
Online via Zoom

Call to Order

The regular September 2020 meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Daniel Warwick at 7:06 pm.

Introduction of Commissioners

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

Announcements and Public Comments

Presentation by the District Department of Transportation Regarding the Pennsylvania Avenue NW Streetscape Project

Karyn Le Blanc, a representative for the District Department of Transportation (DDOT); Doug Davies, a representative for DDOT; Wayne Wilson, a DDOT Project Manager; and Huntae Kim, a DDOT Program Manager, gave a presentation regarding the Pennsylvania Avenue NW Streetscape Project.

Commissioner Announcements

Commissioners Downs, Schwartz, and Silverstein gave commissioner announcements.

Other Public Announcements and General Comments or Future Agenda Items

Sherri Kimbel, the Director of Constituent Services for Councilmember Brooke Pinto's Office; Brian Romanowski, the Constituent Services Coordinator for Councilmember Brooke Pinto's Office; Nick DelleDonne, the President of the Dupont East Civic Action Association (DECAA); Linda Greenan, the External Affairs Manager for DC for Pepco; Susan Volman, the Treasurer of the Dupont Circle Citizens Association (DCCA); and two local residents gave other public announcements and general comments or future agenda items.

Alcoholic Beverage Control Board Agenda

Abunai Poke Restaurant – Application for a Substantial Change to the Establishment’s Retailer’s Class “D” Restaurant License at 1920 L Street NW

The Commission did not take any action regarding this matter.

Board Room – Application for a Substantial Change to the Establishment’s Retailer’s Class “C” Tavern License at 1737 Connecticut Avenue NW

The Commission did not take any action regarding this matter.

Zoning, Preservation, and Development Agenda

1730 R Street NW – Application by the District Department of General Services for a Special Exception from the Rear Yard Requirements to Construct an ADA-Accessible Elevator at the Back of the Ross Elementary School Building

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

WHEREAS, the DC Department of General Services (DGS) is seeking a special exception from the rear yard requirements to construct an ADA-accessible elevator at the back of the Ross Elementary School building in the RA-8 Zone at 1730 R Street NW,

WHEREAS, Advisory Neighborhood Commission (ANC) 2B, in September of 2020, reviewed the architectural plans, elevations, and color photographs, and received a presentation on the project using the materials submitted to the Board of Zoning Adjustment (BZA) in June of 2020, and

WHEREAS, ANC 2B believes that the relief sought is in harmony with the general purpose and intent of the zoning regulations and zoning maps and will not tend to adversely affect the use of neighboring properties.

THEREFORE, BE IT RESOLVED that ANC 2B supports BZA application #20312 by the DC Department of General Services and supports Ross Elementary School in constructing an ADA-accessible elevator at the back of their building.

2152 Florida Avenue NW – Application by Florida 21 LLC for a Special Exception from the Court Requirements to Construct a Partial Fourth-Story Addition to an Existing Attached Principal Dwelling Unit and Convert it into a 4-Unit Apartment House

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

WHEREAS, Florida 21 LLC is seeking a special exception from the court requirements to construct a partial fourth-story addition to an existing attached principal dwelling unit and convert it into a 4-unit apartment house in the RA-8 Zone at 2152 Florida Avenue NW,

WHEREAS, Advisory Neighborhood Commission (ANC) 2B, in September of 2020, reviewed the architectural plans, elevations, and color photographs, and received a presentation on the project using the materials submitted to the Board of Zoning Adjustment (BZA) in May of 2020,

WHEREAS, ANC 2B reviewed plans for 2152 Florida Avenue NW in May of 2020 in the context of Historic Preservation Review Board (HPRB) case #20-317 and formally supported the project, and

WHEREAS, ANC 2B believes that the relief sought is in harmony with the general purpose and intent of the zoning regulations and zoning maps and will not tend to adversely affect the use of neighboring properties.

THEREFORE, BE IT RESOLVED that ANC 2B supports BZA application #20305 by Florida 21 LLC as presented in September of 2020.

Break

The Commission took a break at 8:51 pm and reconvened at 9:06 pm.

Zoning, Preservation, and Development Agenda (Continued)

1808 S Street NW – Permit / Add Penthouse to 3-Story Dwelling

Chair Landy 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 add the following language to the resolution:

WHEREAS, ANC 2B requests that the applicant and HPRB respond to the concerns of the Dupont Circle Conservancy.

Commissioner Silverstein seconded the motion for the amendment, which was voted on and passed (VOTES: 6-2-0). The final motion was voted on and passed (VOTES: 7-1-0). The resolution reads as follows:

WHEREAS, the applicant for HPRB #20-463 proposes to convert an existing rowhouse into a four unit building including a penthouse,

WHEREAS, the applicant has worked with the Historic Preservation Office (HPO) and it was identified that the penthouse may be visible from a certain portion of 18th Street NW at a distance from the property, though not visible from across S Street NW from the site,

WHEREAS, Advisory Neighborhood Commission (ANC) 2B reviewed the August 2020 plans as submitted to the Office of Planning (OP) and received a presentation of the project in September of 2020,

WHEREAS, ANC 2B reviewed photographs of a flag test conducted to estimate visibility of the penthouse as provided by the applicant,

WHEREAS, ANC 2B, after reviewing the plans submitted by the applicant to OP, is unaware of other factors outside of the penthouse that may impact this case before the Historic Preservation Review Board (HPRB),

WHEREAS, ANC 2B understands that the proposed penthouse will have no visibility from directly across the street and very minimal visibility from other areas caused by the sight lines created by the Shell station at 18th Street and Street NW,

WHEREAS, ANC 2B believes that the addition, which is barely visible from a distance on 18th Street NW, is de minimus and keeping with the character of the neighborhood, and

WHEREAS, ANC 2B requests that the applicant and HPRB respond to the concerns of the Dupont Circle Conservancy.

THEREFORE, BE IT RESOLVED that ANC 2B supports the project as proposed in the applicant's August 2020 submission.

1625 P Street NW – Concept / Renovate Carriage House; Addition to Carriage House; Alterations to South End of Park

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

WHEREAS, the DC Department of General Services (DGS) proposes to renovate an existing carriage house as part of the full renovation of the south end of Stead Park and the Stead Park Recreation Center at 1625 P Street NW,

WHEREAS, DGS has provided multiple presentations to the public about this project and its iterations dating back to at least 2017, including the most recent plans on June 18, 2020,

WHEREAS, Advisory Neighborhood Commission (ANC) 2B reviewed DGS's August 2020 submission to the Historic Preservation Office (HPO) and received a presentation centered on the historic preservation aspects of this project in September of 2020,

WHEREAS, ANC 2B supports the proposed work to restore the exterior of the carriage house while creating a modern facility, and

WHEREAS, ANC 2B supports maximizing the amount of community space available upon the project's completion.

THEREFORE, BE IT RESOLVED that ANC 2B supports the concept for the Historic Preservation Review Board (HPRB) application as submitted.

BE IT FURTHER RESOLVED that ANC 2B encourages HPRB to provide DGS and its partners significant flexibility to maximize the amount of usable community space at Stead Park as it relates to the carriage house.

BE IT FURTHER RESOLVED that ANC 2B encourages DGS to continue to engage the public with continued meetings on the progress of the Stead Park Recreation Center.

Public Space Committee Agenda

Public Space Application by Joe's Seafood, Prime Steak & Stone Crab for a Valet Staging Zone with 3 Non-Meter Parking Spaces at 750 15th Street NW

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

WHEREAS, the proposed valet staging is along 15th Street NW within Advisory Neighborhood Commission (ANC) 2B,

WHEREAS, there are long-term plans to extend the 15th Street NW bike lane to the 700 block of 15th Street NW, however these plans are not yet construction ready, and

WHEREAS, ANC 2B believes that a potential future protected bike lane should take precedence over valet staging on this block, however valet staging is an acceptable use of curbside space before the bike lane is ready for construction.

THEREFORE, BE IT RESOLVED that ANC 2B supports the application as proposed provided that it does not interfere with future plans for a protected bike lane on the segment.

Public Space Application by Tatte Bakery and Café for a New, Un-Enclosed Sidewalk Café with 7 Tables, 28 Seats, and 3 Umbrellas at 1301 Connecticut Avenue NW

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

WHEREAS, Tatte Bakery and Cafe is applying for a public space permit at 1301 Connecticut Avenue NW in ANC 2B,

WHEREAS, Tatte Bakery and Cafe proposes to use public space for a sidewalk cafe with 7 tables, 28 seats, and 3 umbrellas,

WHEREAS, the configuration of the proposed sidewalk cafe adheres to ANC 2B's Public Space Guidelines, with the caveat of areas where tree boxes or bicycle racks exist, consistent with neighboring businesses in this mixed-use corridor, and

WHEREAS, the proposed configuration would still allow for safe pedestrian passage and create additional food and beverage options for nearby residents and others.

THEREFORE, BE IT RESOLVED that ANC 2B supports the public space application for Tatte Bakery and Cafe.

Public Space Application by The RMR Group for Streetscape Improvements, Including the Demolition of an Existing Raised Planter, Installation of a New At-Grade Planter, Sidewalk Repairs, and the Installation of New Benches and Plantings, at 11 Dupont Circle NW

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

WHEREAS, the RMR Group LLC is applying for a public space permit at 11 Dupont Circle NW in ANC 2B to conduct streetscape improvements,

WHEREAS, the improvements shall include the demolition of an existing raised planter, installation of a new at-grade planter, sidewalk repairs, bike racks, and new benches and plantings, and

WHEREAS, ANC 2B welcomes enhancements to commercial corridors that help facilitate safe pedestrian passage, provide opportunities for bike storage, and improve the overall aesthetics of our commercial corridors.

THEREFORE, BE IT RESOLVED that ANC 2B supports the public space application for 11 Dupont Circle NW.

General Agenda

Consideration of a Resolution Regarding an Extension of the Time Period for Streateries

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

In the midst of the COVID-19 pandemic, Advisory Neighborhood Commission (ANC) 2B is proud to host some of the city's pop-up pandemic infrastructure including sidewalk extensions, slow streets on 19th Street NW and S Street NW, and streateries, including full street closures to cars on the 1500 block of 19th Street NW and the 1600 block of 20th Street NW. ANC 2B appreciates the efforts of our government partners including the Mayor's Office, the District Department of Transportation (DDOT), and the Alcoholic Beverage Regulation Administration (ABRA), our neighborhood partners including the Dupont Circle Business Improvement District (BID) and Historic Dupont Circle Main Streets, and our many local businesses in ensuring optimization of public space in support of our community through these unprecedented times. As we live physically separated, the ability to get around the neighborhood and support local businesses outside is critical to our short- and long-term success as a neighborhood.

ANC 2B understands that this temporary pandemic infrastructure is currently anticipated to end in October of 2020. However, it appears that the COVID-19 virus will continue to restrict physically proximate and indoor gathering beyond next month. As we transition into this "new normal" time period, ANC 2B believes that the continuation and additional structure for the temporary pandemic infrastructure is needed. As a mixed-use neighborhood with vibrant main street corridors, we are committed to ensuring the success of the infrastructure.

Therefore, ANC 2B requests the following to ensure medium-term success of temporary pandemic infrastructure:

- Guarantee continuation of existing pandemic infrastructure until 100% indoor occupancy is allowed by District guidelines to encourage establishments to invest in the temporary infrastructure.
- Expand temporary pandemic infrastructure including slow streets, sidewalk extensions, and streateries where feasible.
- Continue to enforce physical distancing, face-covering, and sanitizing requirements in pandemic infrastructure.
- Continue to require employers to provide masks to employees and ensure employees receive adequate training about safety and sanitizing protocols.
- Continue to waive fees and onerous insurance requirements for streateries.
- Set streateries up for success in the winter months by allowing larger tents and heaters with waived fees. The presence of heaters should be allowed provided all four sides of any tent structure are open to the air and are not enclosed, as this would defeat the temporary pandemic purpose of the streateries.
- Develop a rapid process or enforcement mechanism to resolve situations where new pandemic infrastructure causes a significant impact on peace, order, and quiet.
- As permits for streateries are extended through 100% indoor occupancy, DDOT and ABRA should be sensitive to the surrounding land use context and existing settlement agreements (if any) to define operational parameters of individual streateries.

Consideration of a Resolution Urging the DC Council to Pass Legislation to Ban the Use of So-Called Gay Panic and Trans Panic Defense in Court Cases

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

At our regularly scheduled meeting on August 14, 2019, ANC 2B unanimously passed the following resolution, and forwarded it to the Chair of the DC Council's Committee on the Judiciary and Public Safety, Charles Allen, and to members of the DC Council:

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 victims' 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 D.C. 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 D.C. 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 D.C. Courts."

That was more than a year ago.

In October of 2019, the Committee on the Judiciary and Public Safety held a public hearing on hate crimes, with representatives of the ANC Rainbow Caucus,

representatives of LGBTQ+ organizations, and members of the general public – including victims of hate crimes – testifying about the need for this legislation.

Since then, there has been no action.

Since 2019, New Jersey, Washington, Maine, and Colorado have banned the gay panic defense. Yet, DC has the largest LGBTQ population per capita and is falling woefully behind other jurisdictions in protecting this population.

In recent months, the U.S. Attorney’s Office reported an uptick in hate crimes, and the past month has seen hate crimes reported against members of the LGBTQ+ community, ranging from death threats to physical assault.

It must be pointed out that the most recent victims of locally-reported hate crimes against the LGBTQ+ community are persons of color, that the overwhelming majority of those killed nationwide are trans women of color, and that their lives matter.

ANC 2B once again calls on the DC Council to move with urgency to pass the Tony Hunter and Bella Evangelista Panic Defense Prohibition Act of 2019 or other comparable pending legislation banning the use of “gay panic” or “trans panic” defense in DC Courts, and to do so now, rather than wait to do it in response to another attack or another death.

Administrative Matters

Approval of Expenditures for Accessibility Services During the ANC’s Regular September Meeting

Chair Warwick moved to approve expenditures up to \$1,000 for accessibility services during the ANC’s regular September meeting. Commissioner Landry seconded the motion, which was voted on and passed (VOTES: 8-0-0).

Approval of the ANC’s Regular August 2020 Meeting Minutes

Commissioner Landry moved to approve the ANC’s regular August 2020 meeting minutes. Commissioner Silverstein seconded the motion, which was voted on and passed (VOTES: 8-0-0).

Adjournment

Chair Warwick adjourned the meeting at 10:20 pm.