

# **DRAFT – Pending Approval**

## **Regular Meeting Minutes**

Wednesday, May 12th, 2021; 7:00 p.m.

Online via Zoom

### **Call to Order**

The regular May 2021 meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Vice Chair Robin Nunn at 7:03 pm.

### **Introduction of Commissioners**

The Commissioners identified their single member districts (SMDs). Present were: Meg Roggensack (2B01), Daniel Warwick (2B02), Robin Nunn (2B03), Mo Pasternak (2B04), William Herbig (2B05), Mike Silverstein (2B06), Michael Scott McKernan (2B07), Matthew Holden (2B08), and Kyle Mulhall (2B09).

### **Announcements and Public Comments**

#### **Update from the District Department of Transportation regarding the future conditions of Black Lives Matter (BLM) Plaza**

Dawit Mulneh, the Chief Engineer for the District Department of Transportation (DDOT); Richard Kenney, a Deputy Chief Engineer for DDOT; Naomi Klein, a Special Assistant for DDOT; Anna Chamberlin, the Associate Director of DDOT's Planning and Sustainability Division; and Tatiana Torres, the Director of External Affairs for the Office of the Deputy Mayor for Planning and Economic Development (DMPED), gave an update regarding the future conditions of Black Lives Matter (BLM) Plaza.

#### **Commissioner Announcements**

Commissioners Pasternak, Silverstein, and Nunn gave commissioner announcements.

#### **Committee Updates**

Commissioners Roggensack and Silverstein, the Co-Chairs of the ANC's COVID-19 Emergency Response Task Force, and Commissioner Mulhall, a Co-Chair of the ANC's Education and Parks Working Group, gave committee updates.

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

Susan Volman, the President of the Dupont Circle Citizens Association (DCCA); Joe Florio, a Ward 2 representative for the Mayor's Office of Community Relations and Services (MOCRS); Nick DelleDonne, the President of the Dupont East Civic Action Association (DECAA); Brian Romanowski, the Constituent Services Coordinator for Councilmember Brooke Pinto's Office; and a local resident gave other public announcements and general comments or future agenda items.

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

**The Lounge – Application for a Substantial Change to the Establishment's Retailer's Class "C" Nightclub License at 1212 18th Street NW**

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*The Commission did not take any action regarding this matter.*

### **Swahili Village The Consulate – Application for a Substantial Change to the Establishment’s Retailer’s Class “C” Restaurant License at 1900 M Street NW**

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

ANC 2B supports a substantial change application by Swahili Village The Consulate at 1900 M Street NW for a sidewalk cafe with no more than 18 seats. However, if the applicant chooses to seek more than 18 seats, ANC 2B will protest the application based on the adverse impact on the peace, order, and quiet of the neighborhood.

### **Duffy’s Irish Pub – Application for a New Retailer’s Class “C” Tavern License at 2153 P Street NW**

Chair Warwick 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:

ANC 2B supports the request for a stipulated license as part Duffy’s Irish Pub’s application for a new Retailer’s Class “C” Tavern license at 2153 P Street NW.

### **Consideration of Several Alcoholic Beverage License Renewal Applications**

*The Commission did not take any action regarding this matter.*

### **Land Use Agenda**

#### **734 15th Street NW – Concept / Penthouse Addition, Window and Door Replacement**

and

#### **734 15th Street NW – Application for a Special Exception from Penthouse General Regulations and an Area Variance from the Penthouse General Regulations to Construct a Penthouse and Establish a Nightclub and Restaurant Use to Two Existing, 10 and 12 Story Buildings**

*Chair Warwick recused himself from discussing and voting on this matter. The statement he sent to commissioners prior to the meeting stating his recusal is attached to these minutes.*

Commissioner Herbig moved to adopt a proposed resolution regarding the matter. Commissioner Pasternak seconded the motion, which was voted on and passed (VOTES: 7-0-1). The resolution reads as follows:

WHEREAS, the Milken Center for Advancing the American Dream, the applicant for Board of Zoning Adjustment (BZA) application #20501, is seeking support for a special exception from the general penthouse regulations and an area variance from the general penthouse regulations to construct a penthouse addition and to establish a nightclub and restaurant use atop 730 and 734 15th Street NW, two existing 10-story and 12-story buildings located in the D-6 and White House Security Zones,

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WHEREAS, the Milken Center for Advancing the American Dream is seeking support as part of Historic Preservation Review Board (HPRB) concept application #21-083 for a penthouse addition and window and door replacement at the Walker Building at 734 15th Street NW, located in the Financial Historic District,

WHEREAS, ANC 2B, in May of 2021, reviewed in an online Zoom meeting the architectural plans, elevations, and color photographs, and received a presentation on the project using the materials submitted to HPRB for consideration at their meeting scheduled for May 27, 2021 and to the BZA for their public hearing scheduled for September 15, 2021,

WHEREAS, ANC 2B's Land Use Committee (LUC) previously reviewed these plans on May 5, 2021 in an online Zoom meeting and did not find reason to outright oppose the project,

WHEREAS, the applicants presented a thoughtful and well-designed proposed addition to the structure at 734 15th Street that reinforces the building's existing Art Deco-period features and builds on its historic status rather than degrading it,

WHEREAS, the applicants noted that the U.S. Secret Service had approved the provisions for an eating and drinking facility on the penthouse level, as proposed, and

WHEREAS, ANC 2B believes that the concept plans appear to be in harmony with the general purpose and intent of the zoning regulations and zoning maps and will only have a marginal impact on adjacent properties in this context.

THEREFORE, BE IT RESOLVED that ANC 2B supports BZA application #20501 as presented in May of 2021.

BE IT FURTHER RESOLVED that, given the importance of this portion of 15th Street NW for both pedestrians and bicyclists, ANC 2B requests that the construction management team work closely with the District Department of Transportation to ensure safe and adequate facilities for both pedestrians and bicyclists – in both directions of travel – throughout and following the construction period.

BE IT FURTHER RESOLVED that, in order to ensure continuity between the 730 and 734 15th Street NW buildings, ANC 2B requests that the applicant works toward a thoughtful design for the metal grate below the penthouse-level bridge so as not to degrade the roofline of the historic 730 and 734 15th Street NW buildings.

### 1637 17th Street NW – Concept / Enclosed Sidewalk Cafe Addition Fronting R Street NW

Commissioner Herbig moved to adopt a proposed resolution regarding the matter. Commissioner Mulhall seconded the motion, which was voted on and passed (VOTES: 7-2-0). The resolution reads as follows:

WHEREAS, ANC 2B finds that the owner of 1637 17th Street NW, the applicant for Historic Preservation Review Board (HPRB) application #21-318, is seeking support for concept plans to enclose an existing sidewalk café facing R Street NW,

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WHEREAS, ANC 2B, in May of 2021, reviewed in an online Zoom meeting the architectural plans, elevations, and color photographs, and received a presentation on the project using the materials submitted to HPRB for consideration at their meeting scheduled for May 27, 2021,

WHEREAS, ANC 2B's Land Use Committee (LUC) previously reviewed these plans on May 5, 2021 in an online Zoom meeting and did not find reason to outright oppose the project,

WHEREAS, ANC 2B recognizes that the applicants propose to remove windows that were installed more recently than the building as a whole,

WHEREAS, ANC 2B recognizes that the proposed dining enclosure would maintain operable windows with clear vision glass in an effort to maintain the outdoor café character and vibrancy along 17th Street NW,

WHEREAS, ANC 2B appreciates the applicant's lowering of the roof height to reduce the enclosure's footprint and to maintain visibility of the decorative frieze,

WHEREAS, ANC 2B recognizes that further modifications may be necessary to mitigate impacts on viewshed and visibility of surrounding businesses as a result of the enclosure such as increasing the height of the windows and maximizing visibility through transparent and clear vision glass,

WHEREAS, ANC 2B recognizes that further modifications may be necessary to reduce the physical massing and overall presence of the proposed enclosure, including height, depth, and a lighter color palette, and

WHEREAS, ANC 2B believes that the concept plans appear to be in harmony with the general purpose and intent of the zoning regulations and zoning maps and will only have a marginal impact on adjacent properties in this context.

THEREFORE, BE IT RESOLVED that ANC 2B supports the Historic Preservation Review Board application for 1637 17th Street NW with modifications to further advance the goals listed in the previous clauses.

BE IT FURTHER RESOLVED that ANC 2B encourages further cooperation between the applicant and the District Department of Transportation (DDOT) to replace the existing R Street NW bike racks adjacent to the property with a new micro-mobility corral near the intersection of 17th Street NW in order to accommodate a wider pedestrian clear zone fronting the proposed dining enclosure.

### **Public Space Committee Agenda**

#### **Public Space Application by Teasm for a Change of Size of the Seating Area for the Establishment's Un-Enclosed Sidewalk Café to Have 10 Tables, 20 Seats, and 5 Umbrellas at 800 Connecticut Avenue NW**

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

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ANC 2B requests a 30-day delay of the consideration of Teatism’s public space application for 800 Connecticut Avenue NW in order to allow the Commission to further discuss the project plans with the applicant.

### **Public Space Application by Delicious Deli for a New, Un-Enclosed Sidewalk Café with 6 Tables and 12 Seats at 1510 H Street NW**

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

ANC 2B supports Delicious Deli’s public space application for a new, un-enclosed sidewalk café at 1510 H Street NW.

ANC 2B also requests that the District Department of Transportation (DDOT) considers the installation of protected bike lanes in the area near the establishment.

### **General Agenda**

#### **Consideration of a Resolution Regarding the Proposed Use of Federal Funds to Remove All Lead DC Water Service Lines in DC**

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

WHEREAS, the District has a unique opportunity to eliminate the continuing hazard posed by lead service lines in DC Water’s distribution system. The American Rescue Plan Act of 2021 provides \$2.2 billion in federal funding for the District of Columbia. These and other federal funds should be used to finally remove the primary source of lead in our drinking water,

WHEREAS, for decades, DC Water customers have lived with the ever-present threat posed by the continued presence of lead service lines throughout the District. Through misguided actions and heedless inaction, this hazard persists. The science is clear — there is no safe level of lead in drinking water. The presence of lead service lines poses a threat even when periodic sampling does not indicate lead because lead leaching is variable over time. DC Water and the District should no longer defer the only unequivocal solution – using available federal funding, DC Water must develop a plan and make a binding commitment to remove all lead service lines in the water delivery system within a decade,

WHEREAS, in March 2020, DC Water’s CEO and General Manager, David Gadis, stated the authority’s goal “to remove all lead service lines by 2030. This is an ambitious goal, but together we must find alternative capital funding and contracting opportunities, and get the lead out of the water system.” In order to protect the health and safety of all District residents, that goal should be formalized – perhaps in legislation – and accompanied by concrete plans, including directing DC Water to prioritize tapping into already appropriated federal funds and a firm timetable for completion,

WHEREAS, the existing programs have been a welcome start, but they offer only an inadequate, piecemeal approach. DC Water’s current lead service line replacement program, partially funded by the District, leaves many gaps in its coverage. In most cases, customers

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still have to opt into the program and pay all or a substantial part of the costs. This approach will not achieve the goal of removing all lead within any reasonable time,

WHEREAS, DC Water should propose a plan that can be implemented efficiently without relying on voluntary customer contributions. By systematically identifying lead service lines and replacing them fully using specialized crews and contractors, DC Water should be able to reduce the costs per replacement well below those incurred in the current patchwork program. A comprehensive approach will ensure that no one in the District will be left out and everyone will reap the benefits of water service lines that are lead-free,

WHEREAS, DC Water's plan should include a realistic, independently audited estimate of the costs for water service lines that are lead-free, and the District should allocate federal funds to complete this work by 2030. There is plenty of blame to be shared for the history of lead contamination in our drinking water. Now it is time, however, to step up and pay the necessary costs to rectify past mistakes and prevent future harm to members of our community. DC Water has taken on much larger capital projects than this and assuring safe drinking water is part of its core mission. DC Water should provide the Mayor and the DC Council with an independent, verifiable budget for the cost to remove all lead service lines, and the District should work with DC Water to secure the funding,

WHEREAS, lead-free water should be a fundamental right of all District residents and it should be provided without cost. Removing lead from our drinking water is an investment in our future and an imperative to achieve equity. Lead contamination directly contributes to adverse health consequences that, in turn, affect our society and economy. One way to avoid leaving our most vulnerable residents behind is to assure that everyone has lead-free drinking water,

WHEREAS, starting in May of 2020, as part of its Capital Improvement Program, DC Water is currently replacing certain existing 12-inch and smaller cast iron water mains in various locations throughout the city, including in the ANC 2B boundary areas (see map here: <https://www.dwater.com/leadmap>). These efforts will help improve water quality and system reliability, increase water pressure in some areas, and maintain adequate flows throughout the system, and

WHEREAS, on April 1, 2021, Councilmembers Pinto, Cheh, Nadeau, Lewis George, Allen, and Bonds wrote Mayor Bowser indicating that DC Water had requested "that approximately \$350 million of the District's federal relief funds be allocated to support DC Water's lead service line replacement work." The Councilmember characterized these federal funds as "a once-in-a-generation opportunity" and "an investment in the future of our children, helping ensure that thousands of District youth are not put at risk of the negative mental and physical health effects that stem directly from lead exposure." They urged the Mayor "to set aside \$350 million of the federal relief funds received by the District for these important lead service replacement Programs."

THEREFORE, BE IT RESOLVED that ANC 2B advises the Mayor and the DC Council to act now to ensure water service lines are lead-free for every District resident by no later than 2030 and to include substantial funding, as requested by DC Water and six Councilmembers, in the FY 2021 budget to make this commitment an achievable reality.

Consideration of a Resolution Regarding Public Safety

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

WHEREAS, ANC 2B reaffirms that Black Lives Matter, and is committed to doing everything in our power to make them truly matter in our ANC jurisdiction and in our city,

WHEREAS, the Metropolitan Police Department (MPD) has been implicated in the killings of at least 15 people since 2015, including Deon Kay and Karon Hylton in 2020, despite adopting numerous reforms at that time which aimed to reduce police violence,

WHEREAS, the District of Columbia has the highest number of officers per capita among big cities reporting data to the Federal Bureau of Investigation (FBI), with approximately 3,800 police officers (55 per 10,000 residents) – double the national average. Police presence in the District is even higher, though, considering the myriad additional law enforcement agencies operating within the District, including U.S. Park Police, U.S. Capitol Police, Metro Transit Police, DC Housing Authority Police, and many more, including special police officers, security officers, private investigators, and private detectives, and any other entity receiving licensure through the Department of Consumer Regulatory Affairs (DCFA) and the Metropolitan Police Department's Security Officers Management Branch,

WHEREAS, the first anniversary of the kettling of protesters who were demonstrating against police brutality is approaching and this incident occurred within ANC 2B's boundaries,

WHEREAS, this incident and other policing tactics like stop and frisk, jump-outs, harmful surveillance tools and tactics, use of chemical weapons, and intimidation highlight that a police presence does not always directly correspond to increased public safety,

WHEREAS, the DC Police Reform Commission released an April 2021 report outlining its proposals to reimagine policing in the District to enhance public safety and end "harms associated with over-reliance on law enforcement," including an end to qualified immunity in the District and transferring MPD's authority to enforce traffic and vehicle regulations to the District Department of Transportation (DDOT),

WHEREAS, the Defund MPD Coalition formed in June 2020 and is a Black-led multi-racial coalition of people and organizations in DC who share a common vision of a city with real public safety realized beyond prisons and police and many other activists in ANC 2B and beyond are calling for a reevaluation of the relationship between police and public safety,

WHEREAS, the DC Council unanimously voted to approve a budget cutting only \$15 million from the 2021 \$578 million dollar MPD budget in June 2020 and it's time to ask again why we continue to spend millions of taxpayer dollars on police misconduct lawsuits and billions more on policing that yields poor outcomes, and

WHEREAS, serious calls to move significantly away from investment in policing and into strengthening communities of color are long overdue.

THEREFORE, BE IT RESOLVED that ANC 2B supports additional action to address the root causes of police violence against Black communities, and calls for the DC Council to prioritize and invest in the safety and health of all DC communities but especially in Black communities that have historically seen underinvestment.

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BE IT FURTHER RESOLVED that ANC 2B supports the firing of officers who violate civil rights, ending paid leave during disciplinary investigation, and banning MPD purchase of and disposing of currently held military-style, crowd-control, and chemical weapons.

BE IT FURTHER RESOLVED that ANC 2B supports the end of qualified immunity in the District.

BE IT FURTHER RESOLVED that ANC 2B supports drastically and quickly reducing funding for MPD and instead supporting violence interruption services and other alternatives to traditional policing.

BE IT FURTHER RESOLVED that ANC 2B supports reinvesting money from MPD into housing, healthcare infrastructure, childcare, public transit, healthy food, and youth programs as the most effective use of funds previously devoted to MPD as a means of reducing violence and crime in our communities.

BE IT FURTHER RESOLVED that ANC 2B supports moving money from police to fund unarmed non-police teams of first responders, city workers, and social service professionals to assist community members and de-escalate violence when needed. Instead of relying on police, we support the following:

- District Department of Transportation teams alone handling and enforcing traffic and vehicle regulations.
- Urgent response teams that can respond to someone in a mental health crisis and connect them with services.
- Metro service patrol workers who could pull drivers over for things like broken taillights or other potential hazards and help with simple repairs so everyone can get home safely.
- City employees who perform wellness checks on people sleeping in parks, connecting them to services or housing if needed.
- Trauma-informed crisis intervention teams trained to disarm and de-escalate people doing harm and connect them to services.
- Peacekeepers or school climate specialists – trained in culturally responsive de-escalation, working with students with disabilities, restorative justice, and more – who can intervene in physical altercations between students.
- Community organizations that are skilled in de-escalation and peacekeepers who have mechanisms in place to review emergencies, establish protocols, develop and maintain rapid response networks, and provide health care trainings to respond in an emergency without law enforcement.
- Community-based transformative and restorative justice processes that address the root causes of harm and violence.

BE IT FURTHER RESOLVED that ANC 2B advises the DC Council, the Mayor, and executive offices (e.g. Office of the Deputy Mayor for Public Safety and Justice) to reduce and reallocate the MPD's budget drastically and quickly by the following mechanisms:

- Enacting an MPD hiring freeze,
- Creating a hard cap on overtime,
- Voting “no” on any police budget increases.
- Zero police in schools,

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- Firing officers who violate civil rights,
- Ending paid leave during disciplinary investigations,
- Banning MPD's purchase of and disposing of currently held military-style, crowd-control, and chemical weapons, and
- Banning MPD's purchase of and disposing of currently held surveillance equipment.

BE IT FURTHER RESOLVED that ANC 2B advises the DC Council, the Mayor, and executive offices (e.g. Office of the Deputy Mayor for Public Safety and Justice) to pass and/or support legislation to protect the community, and specifically reform policing tactics, including, but not limited to:

- Pass legislation limiting police power and banning harmful and unethical police practices,
- Pass legislation to end stop and frisk and jump outs,
- Pass legislation banning harmful surveillance tools and tactics,
- Pass legislation that reiterates the ban on any and all communication between MPD and U.S. Immigration and Customs Enforcement (ICE) and ensure that officers who fail to respect DC's status as a sanctuary city face disciplinary action,
- Pass legislation banning all use of chemical weapons under any circumstances,
- Pass legislation preventing budget reprogramming for MPD budget overages,
- Pass legislation removing special treatment for officers who engage in misconduct,
- Pass legislation preventing the Fraternal Order of Police from interfering in fair discipline,
- Pass legislation decriminalizing poverty, drug use, homelessness, sex work, and street vending, and
- Pass legislation releasing and protecting incarcerated people with serious medical conditions and addressing risk of COVID-19.

BE IT FURTHER RESOLVED that ANC 2B will continue to work alongside the Defund MPD Coalition and other activists to promote policies that will improve public safety in our capacity as an Advisory Neighborhood Commission.

### **Administrative Matters**

#### **Approval of the ANC's regular April 2021 Meeting Minutes**

*The Commission delayed consideration of this matter until the ANC's regular June 2021 meeting.*

#### **Discussion Regarding Updates to the ANC's Policies and Procedures Manual**

Commissioner Holden moved to strike the section of the ANC's Policies and Procedures Manual that covers the ANC's Backpack internal worksite. Commissioner McKernan seconded the motion, which was voted on and passed (VOTES: 9-0-0).

#### **Approval of the ANC's FY 2021 Quarter 2 Financial Report**

Commissioner Silverstein moved to approve the ANC's FY 2021 Quarter 2 financial report. Commissioner Mulhall seconded the motion, which was voted on and passed (VOTES: 9-0-0).

### **Adjournment**

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Chair Warwick adjourned the meeting at 10:52 pm.