



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Dupont Circle Advisory Neighborhood Commission 2B

Regular Meeting Minutes

Wednesday, February 9th, 2022; 7:00 p.m.
Online via Zoom

Call to Order

The regular February 2022 meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Matthew Holden at 7:02 pm.

Introduction of Commissioners

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

Announcements and Public Comments

Presentation by Congresswoman Eleanor Holmes Norton

Congresswoman Eleanor Holmes Norton gave a presentation regarding her work in the U.S. Congress and answered questions and heard concerns from commissioners and meeting attendees.

Commissioner Announcements

Chair Holden and Commissioner Silverstein gave commissioner announcements.

Committee Updates

Commissioner Pasternak, Chair of the ANC's Mobility Committee (MC), gave committee updates.

Other Public Announcements and General Comments or Future Agenda Items

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

Alcoholic Beverage Control Board Agenda

Amazon Retail, LLC – Application for a New a Retailer’s Class “B” Full-Service Grocery Store License at 1100 15th Street NW

The Commission did not take any action regarding this matter.

Rosemarino D’Italia – Application for a Substantial Change to the Establishment’s Retailer’s Class “C” Tavern License at 1714 Connecticut Avenue NW

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

WHEREAS, Rosemarino D’Italia, located at 1714 Connecticut Avenue NW, has applied for a substantial change to an existing Class “C” Tavern license to allow for live entertainment,

WHEREAS, the proposed change raises questions of peace, order, and quiet because of the adjoining and nearby residences,

WHEREAS, ANC 2B has received information within the past 24 hours that the Metropolitan Police Department (MPD) has been called to respond to neighbor complaints involving Rosemarino D’Italia’s after-hours operations, raising questions about compliance with its current license,

WHEREAS, ANC 2B would like to address these concerns through negotiation of a settlement agreement pursuant to DC Code Section 25-446,

WHEREAS, the settlement agreement envisioned would include provisions relating to hours of live entertainment (aligned with hours of operation and beverage service); noise (to transmit and manage sound within the establishment); permitting the applicant to market or promote events provided that the applicant does not employ outside promoters; requiring the applicant to prepare and submit a security plan to address, among other things, patron entry and service and staff training, in consultation with MPD, including if appropriate the use of reimbursable police details to address risks to neighbors associated with patron departure after closing; and alternate day trash pickup and public space maintenance, and

WHEREAS, Rosemarino D’Italia and the Dupont Circle Citizens Association (DCCA) are finalizing a settlement agreement on these terms and have asked ANC 2B to join the settlement agreement.

THEREFORE, BE IT RESOLVED that ANC 2B protests Rosemarino D’Italia’s substantial change application based on the adverse impact on the peace, order, and quiet

of the neighborhood, pending conclusion of an agreement to the outlined settlement agreement terms, and requests clarification by the Alcoholic Beverage Regulation Administration (ABRA) of Rosemarino D'Italia's compliance with its current license, and any appropriate enforcement action.

BE IT FURTHER RESOLVED that ANC 2B designates Commissioner Meg Roggensack as the ANC's representative to negotiate a settlement agreement.

Land Use Agenda

1322-1326 18th Street NW – Concept / Redevelopment and Addition for 39-Unit Residential Development

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

WHEREAS, PGN Architects, PLLC has submitted Historic Preservation Review Board (HPRB) application #22-144 for redevelopment of the vacant property at 1322-1326 18th Street NW, zoned MU-15 and located within ANC 2B, for the purpose of either residential or lodging accommodation,

WHEREAS, 1322-1326 18th Street NW is a contributing building in the Dupont Circle Historic District,

WHEREAS, ANC 2B's Land Use Committee (LUC) reviewed the submitted concept plans at its duly-noticed monthly meeting via Zoom on February 2, 2022,

WHEREAS, the concept plans include restoration of the historic façade on the three buildings, including restoration of the original window bays (omitted on 1322 18th Street NW in the presentation), dormers, and mansard roof; and replacing a 1980s-era four-story rear addition with a six-story addition, and

WHEREAS, the LUC suggested the following changes:

- Consider materials and color palettes that soften the appearance and massing of the addition in order to afford a more harmonious contrast to the historic structure and avoid an overly "industrial" or discordant appearance, and
- Consider adding an additional floor or floors if residential use is selected.

THEREFORE, BE IT RESOLVED that ANC 2B supports HPRB application #22-144 pursuant to the following:

- Revise the plan drawings to include the restored window bay on 1322 18th Street NW, and
- Revise the materials and color palettes, as mentioned above.

BE IT FURTHER RESOLVED that, although not considerations for HPRB review, ANC 2B requests that the applicant considers the following for subsequent Board of Zoning Adjustment (BZA) and construction phases:

- ANC 2B prefers that the applicant selects the residential use, which would provide greater benefit to the Dupont Circle community with a much needed 36 or more new dwelling units,
- In line with the stated preference for residential use, ANC 2B asks the applicant to present to HPRB an alternative design incorporating one or two more stories for determining compatibility with the historic context,
 - If the larger design is deemed compatible, ANC 2B asks the applicant to consider seeking zoning approval for the greater height beyond the MU-15 allowable 65 feet, and
- ANC 2B requests the applicant coordinates its construction plan and use of public space during construction with the Palladium condominium across the street to minimize disruptions to traffic, disruptions to their garage access, and noise.

1431 Swann Street NW – Modified Permit for Third Floor Owner’s Suite

Commissioner Herbig 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, Trout Design Studio submitted Historic Preservation Review Board (HPRB) application #22-142 for a new third floor and rear addition of a residence at 1431 Swann Street NW, located within ANC 2B,

WHEREAS, 1431 Swann Street NW is a contributing building in the Dupont Circle Historic District,

WHEREAS, ANC 2B’s Land Use Committee (LUC) reviewed the submitted concept plans at its duly noticed monthly meeting via Zoom on February 2, 2022,

WHEREAS, the project is by right, with no zoning relief requested; the roof addition is not visible from the street; and the adjacent neighbors to the west and across the alley have given their support for the project, and

WHEREAS, the LUC felt that the additions maintained the integrity of the street and there were no issues with the historic integrity of the rear bump out.

THEREFORE, BE IT RESOLVED that ANC 2B supports HPRB application #22-142.

Public Space Committee Agenda

Public Space Application by Boqueria for the Conversion of the Establishment's Existing Un-Enclosed Sidewalk Café to an Enclosed Sidewalk Café at 1837 M Street NW

The Commission did not take any action regarding this matter due to the application being withdrawn.

Public Space Application by Boqueria to Add Furniture and/or Equipment to the Establishment's Existing Sidewalk Café at 1837 M Street NW

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

ANC 2B supports Boqueria's public space application to add furniture and/or equipment to the establishment's existing sidewalk café at 1837 M Street NW based on the understanding that there will be no change to the current footprint of the sidewalk café.

General Agenda

Consideration of a Resolution Regarding the Special Event Applications for the 2022 Capital Pride Parade on Saturday, June 11th, 2022 and the 2022 Capital Pride Festival on Sunday, June 12th, 2022

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

WHEREAS, Dupont Circle has hosted the annual Capital Pride Parade since its founding as Gay Pride Day in 1975,

WHEREAS, the Capital Pride Parade and Capital Pride Festival have become two of the nation's largest community events and carry extra significance to the LGBTQI+ community due to their location in the nation's capital,

WHEREAS, there was no parade or festival in 2020 and 2021 due to the COVID-19 pandemic,

WHEREAS, ANC 2B partnered with the Capital Pride Alliance in 2021 to organize a COVID-safe event in recognition of the event's importance to the community, which was attended by Vice President Kamala Harris,

WHEREAS, the Capital Pride Alliance, the sponsor and producer of the annual Capital Pride Parade and Capital Pride Festival, plans a return to normal with this year's 2022 parade and festival, scheduled for June 11, 2022 and June 12, 2022, respectively,

WHEREAS, the 2022 Capital Pride Parade will honor the event's history while looking to its future – a 50th celebration in 2025 – with a modified route beginning in Logan Circle and ending in Dupont Circle and complementary venues,

WHEREAS, these venues will include reviewing stands and designated spectator bleachers along the route and a closure of 17th Street from R Street to P Street NW in order to enable a block party event during the June 11 and June 12 weekend, and

WHEREAS, this event, the 47th and a critical building block toward the 50th celebration, will benefit from strong advanced community and business engagement to ensure awareness, support, and appropriate logistical preparations.

THEREFORE, BE IT RESOLVED that ANC 2B welcomes the return of the annual Capital Pride Parade and Capital Pride Festival.

BE IT FURTHER RESOLVED that ANC 2B requests that the Mayor's Office elevates the profile of the Capital Pride Parade and Capital Pride Festival, facilitating and prioritizing necessary permits, approvals, arrangements, and requisite support from District of Columbia authorities, agencies, and departments.

BE IT FURTHER RESOLVED that ANC 2B pledges to support the Capital Pride Alliance and the LGBTQI+ community in outreach and associated activities in order to contribute to the successful return of this event to our neighborhood.

Consideration of a Resolution Urging Expeditious and Transparent Handling of Hate Crimes and Bias Incidents by All DC Government Agencies

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

On the first day of Black History Month, Howard University (and other HBCUs nationwide) had to be shut down because of a coordinated series of bomb threats.

That same week, the day after International Holocaust Remembrance Day, Union Station here in Washington was defaced by as many as a hundred swastikas.

Earlier that week, in an editorial in the Washington Post, Colbert King had warned that hate crimes are becoming more common here and across our nation.

In his editorial, Mr. King referenced an event that occurred in December at DC's Watkins Elementary School, where third graders were directed to reenact scenes from the Holocaust, including mass shootings. When one student asked why the Holocaust occurred, the librarian reportedly answered, "because the Jews ruined Christmas."

Following parental complaints and national news coverage, the librarian was placed on leave and an investigation was promised. But now it is February, and we are told the investigation is still ongoing and there is nothing to report. Mr. King asked, “where is the outrage?”

We concur.

Colbert King follows that question with what he calls an immutable truth: “Jews alone cannot eliminate antisemitism; Blacks can battle racism like hell, but we can’t overcome it by ourselves; victims of hate crimes can’t defeat their demons without help.” And we add the same holds true for all those who are victims of hate.

Racism, anti-Semitism, Islamophobia, homophobia, transphobia, sexism, xenophobia, and other forms of oppression are all vile and have no place in the District of Columbia or in our nation.

And we shout from the rooftops the title of his editorial: “The targets of hate can’t be left to fight back alone.”

The defacing of a sign at a beloved historically Black church in downtown DC was an attack on all of us.

The attack on an Asian-American family in Cathedral Heights, prefaced by both anti-Asian and anti-gay slurs, was an attack on all of us.

Any attack triggered by hate is an attack on all of us.

Therefore, we respond to our beloved friend and neighbor Colbert King that we share the outrage. We demand that the DC Public Schools and all other DC and federal agencies place high priority on dealing with hate crimes and not slow walk or delay investigations. Justice delayed is justice denied.

We also demand that the victims of hate crimes be kept informed of the status of their cases, and of any change in the status of those charged in the case. This transparency is necessary so that the victim might have a say in plea bargaining and also in changes to any bail or confinement requests, so that the victim of a hate crime might make informed decisions about self-protection.

Hate has no place in the District of Columbia. The targets of hate cannot be left to fight back alone. And our government and judicial system must prioritize dealing with hate crimes and cannot slow-walk their response.

Consideration of a Resolution Requesting DC Council Action Establishing Regulations for “Last-Mile” Warehouse or Distribution Facilities In or Near Residential or Mixed-Use Neighborhoods

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

WHEREAS, last mile delivery services (LMDS), including GoPuff and DoorDash's DashMart, operate warehouse-like "fulfillment centers" to source grocery, household, and sundry items for delivery by drivers to their customers,

WHEREAS, LMDS are increasingly popular and offer a useful service to District residents,

WHEREAS, warehouses and distribution facilities storing the inventory for LMDS have opened in residential or mixed-use neighborhoods of the District of Columbia,

WHEREAS, the District of Columbia currently does not have a business classification, zoning, regulation, or enforcement for LMDS,

WHEREAS, residents of the District of Columbia in residential or mixed-use zones are not consulted in advance regarding the location or operation of an LMDS opening near them,

WHEREAS, delivery drivers queued and awaiting assignment routinely disrupt the peace, order, and quiet of the neighborhood with litter; noise, such as loud conversation or music; obstructing traffic; or stressing parking at all hours of the day and night,

WHEREAS, the operators of the facilities claim no responsibility for disruptions of peace, order, and quiet or conduct by their operation or their drivers, and

WHEREAS, neighborhoods in ANC 2B, ANC 2E (Georgetown) and ANC 6B (Capitol Hill) have been experiencing disruption to peace, order, and quiet from existing LMDS.

THEREFORE, BE IT RESOLVED that ANC 2B requests that Councilmember Pinto work with ANC 2B and the community to develop and introduce legislation to the DC Council that provides meaningful regulation and enforcement for LMDS in residential and mixed-use zones, including:

- Establishing a specific business classification for LMDS,
- Directing the Department of Consumer and Regulatory Affairs (DCRA) to establish an approval process for applicants similar to that of the Alcoholic Beverage Control (ABC) Board that requires public notice to residents and ANCs and entering into settlement agreements addressing neighborhood concerns and governing an operation's responsibilities and conduct,
- Directing DCRA to establish clear and timely enforcement, adjudication, and penalty imposition policies to resolve complaints from neighbors or other DC Government agencies without complicated or time-consuming complaint processes,

- Holding LMDS operators fully responsible and accountable for the conduct of their drivers and suppliers, whether direct employees, temporary workers, or contract workers, including for blocking traffic, parking, driveways, and alleys and for noise and litter,
- Requiring LMDS operators to maintain current records of drivers engaged by them, whether employees or contractors, and readily accessible logs of reported complaints or incidents involving their drivers, including of property damage or untoward conduct,
- Requiring that LMDS facilities:
 - Have adequate private loading and parking for employees and staging for drivers awaiting dispatch per zoning regulations,
 - Apply for and obtain zoning relief for a location if it does not satisfy zoning requirements,
 - Establish a traffic control plan satisfactory to residents, ANCs, and the District Department of Transportation (DDOT) which is incorporated into the settlement agreement,
 - Apply for and obtain permits from DDOT and/or the Public Space Committee to use designated on-street space for commercial pick-up and drop-off and driver queueing, subject to DDOT's regular processes,
 - Prohibit their employees and contractors from parking or standing in travel lanes, alleys, driveways, neighboring building entrances, or parking facilities, with the Department of Public Works (DPW) and the Metropolitan Police Department (MPD) providing increased enforcement without citizen complaint, and
- Specifying that zoning and public space accommodations and settlement agreements made for LMDS automatically expire upon cessation of occupancy by the operator or an immediate successor maintaining the same type and scope of business so that the accommodations and settlement agreements do not automatically convey to a different business category.

Consideration of a Resolution Regarding Pedestrian Safety

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

WHEREAS, 2021 has been DC's deadliest year in the past decade for traffic fatalities,

WHEREAS, half of the forty fatalities have involved pedestrians or bicyclists,

WHEREAS, in addition to these fatalities over 4,000 people have been injured in traffic accidents, including pedestrians and bicyclists,

WHEREAS, one of those injured, four-year-old Nathan Ballard-Means, is a resident of ANC 2B, struck in a crosswalk by a driver failing to observe posted stop signs,

WHEREAS, Washington, DC pledged to end traffic fatalities by 2024 under Vision Zero,

WHEREAS, only one year, 2019, has seen a decrease in fatalities since this initiative was announced,

WHEREAS, a 2020 Safe Routes to School plan for Ross Elementary School found that the adjoining streets are hazardous to pedestrians,

WHEREAS, the recommendations in that plan are now pending before the District Department of Transportation (DDOT) for immediate implementation,

WHEREAS, the DC Council has introduced two bills to address pedestrian safety and to make school zones safer: DC Council Bill B24-0566 – the “Walk Without Worry Amendment Act of 2021” and DC Council Bill B24-0565 – the “Safe Routes to School Expansion Regulation Amendment Act of 2021,”

WHEREAS, it is the intent of these two measures to standardize the installation of raised crosswalks and to expand school zones and safety measures, including enforcement, and

WHEREAS, these bills are one part of a larger effort to ensure improved DDOT planning, design, and implementation of roadway improvements in order to make DC’s streets safer for all road users.

THEREFORE, BE IT RESOLVED that ANC 2B welcomes the March 14, 2022 scheduled hearing on these bills by the DC Council’s Committee on Transportation and the Environment, and urges the DC Council’s careful consideration, including additional modifications in order to strengthen the effectiveness, swift passage, and ongoing oversight of the implementation of these two important and timely pieces of legislation.

BE IT FURTHER RESOLVED that ANC 2B encourages the DC Council to review existing progress on both Safe Routes to School interventions and Vision Zero implementation as part of upcoming agency oversight hearings.

BE IT FURTHER RESOLVED that ANC 2B encourages the DC Council to address persistent concerns about DDOT’s performance, including the DC Auditor’s report on how DDOT gives “great weight” to ANC concerns and input to notices of intent (NOIs).

Administrative Matters

Approval of the ANC’s Regular January 2022 Meeting Minutes

Commissioner Silverstein moved to approve the ANC’s regular January 2022 meeting minutes. Chair Holden seconded the motion, which was voted on and passed (VOTES: 8-0-0).

Appointment of the Members of the ANC’s Land Use Committee (LUC)

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

WHEREAS, ANC 2B established the Land Use Committee to consider and develop recommendations regarding zoning, historic preservation, and physical development matters within the community,

WHEREAS, members of the committee have the responsibility to provide applicants technical assistance regarding process, design, and general feedback on both project and policy proposals affecting the community interest,

WHEREAS, members of the committee play a pivotal role in enhancing education, outreach, and communication between relevant government agencies and community stakeholders regarding land use, physical planning, and urban design, and

WHEREAS, members of the committee are appointed by the ANC to serve for a term of twelve months, commencing on March 1, 2022 through February 28, 2023.

THEREFORE, BE IT RESOLVED that Michael Lee Beidler (2B06), Yonah Freemark (2B08), Jacob Hensley (2B09), Anthony Musa (2B01), Samuel Nelson (2B03), and Beverly Schwartz (2B08) shall be appointed members of the ANC 2B Land Use Committee for a term of twelve months expiring February 28, 2023.

Appointment of the Members of the ANC's Mobility Committee (MC)

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

WHEREAS, ANC 2B established the Mobility Committee to promote a safe and effective transportation system for the residents and visitors of Dupont Circle, and

WHEREAS, members of the committee are appointed by the ANC to add additional neighborhood voices and perspectives and to serve for a term of twelve months, commencing on March 1, 2022 through February 28, 2023.

THEREFORE, BE IT RESOLVED that Zachary Adams (2B08), Howard Bard (2B01), Matthew Blair (2B08), Paul Cadario (2B09), Kira Marchenese (2B04), and Susan Volman (2B04) shall be appointed members of the ANC 2B Mobility Committee for a term of twelve months expiring February 28, 2023.

Adjournment

Chair Holden adjourned the meeting at 10:01 pm.