



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Dupont Circle Advisory Neighborhood Commission 2B

Regular Meeting Minutes

Wednesday, June 8th, 2022; 7:00 p.m.
Online via Zoom

Call to Order

The regular June 2022 meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Matthew Holden at 7:03 pm.

Introduction of Commissioners

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

Adoption of the Agenda

Chair Holden moved to adopt the ANC's meeting agenda. The motion was voted on and passed (VOTES: 6-0-0).

Announcements and Public Comments

Commendation for Thomas Tate, a Crossing Guard at Ross Elementary School

Commissioner Roggensack and several local residents commended Thomas Tate, a crossing guard at Ross Elementary School, for his work on behalf of the community. Mr. Tate thanked the community for its support.

Announcement Regarding the Special Election for Single Member District 2B04

Peter Sacco, the ANC's Executive Director said that the Office of Advisory Neighborhood Commissions (OANC) will hold a special election for the vacancy for single member district (SMD) 2B04 on Friday, June 24th, 2022 from 3:00 pm to 7:00 pm at the Dupont Circle Resource Center at 9 Dupont Circle NW. He said that registered 2B04 voters will be able to vote in-person during the voting hours.

Commissioner Announcements

Commissioner Silverstein gave a commissioner announcement.

Committee Updates

Commissioner Rueckgauer, Chair of the ANC's Mobility Committee (MC), gave a committee update.

Other Public Announcements and General Comments or Future Agenda Items

Susan Volman, the President of the Dupont Circle Citizens Association (DCCA); Nick DelleDonne, the President of the Dupont East Civic Action Association (DECAA); and Brian Romanowski, the Constituent Services Director for Councilmember Brooke Pinto's Office, gave other public announcements and general comments or future agenda items.

Alcoholic Beverage Control Board Agenda

Colada Shop – Application for a New Retailer's Class "C" Restaurant License at 1900 N Street NW

Commissioner Silverstein moved to adopt a proposed resolution regarding the matter. Chair Holden seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

ANC 2B supports Colada Shop's application for a new Retailer's Class "C" Restaurant license at 1900 N Street NW based on the understanding that the applicant has amended their application so that the sidewalk café closes at 11:00 pm on Sunday through Thursday and 12:00 am on Friday through Saturday.

Spirits & Spice – Application for a New Retailer's Class "A" Liquor Store License at 1700 Connecticut Avenue NW

Commissioner Roggensack moved to adopt a proposed resolution regarding the matter. Chair Holden seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

ANC 2B supports Spirits & Spice's application for a new Retailer's Class "A" Liquor Store license at 1700 Connecticut Avenue NW based on the ANC entering into a proposed settlement agreement with the applicant.

Foxtrot – Application for a New Retailer's Class "B" Full-Service Grocery Store License at 888 17th Street NW

and

Foxtrot – Application for a New Retailer's Class "C" Restaurant License at 888 17th Street NW

The Commission did not take any action regarding these matters.

Consideration of Several Alcoholic Beverage License Renewal Applications for Restaurants, Hotels, Multipurpose Facilities, Clubs, Marine Vessels, Arenas, and Caterers

The Commission did not take any action regarding this matter.

Land Use Agenda

1443 S Street NW – Application for a Special Exception from the Lot Occupancy Requirements to Construct a Rear Deck to an Existing, Attached, Three-Story with Cellar, Flat

Commissioner Herbig moved to adopt a proposed resolution regarding the matter. Commissioner Mulhall seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

WHEREAS, Donald S. Pashayan, the applicant for Board of Zoning Adjustment (BZA) application #20753, is seeking a special exception from the lot occupancy requirements to construct a rear deck to an existing, attached, three-story with cellar, flat in the RF-2 zone. The property is located within ANC 2B09,

WHEREAS, ANC 2B's Land Use Committee (LUC) reviewed plans requiring the special exception at its duly-noticed monthly meeting held both in-person and via Zoom on June 1, 2022,

WHEREAS, the LUC reviewed all materials submitted by the applicant, including letters of support from property owners within 200 feet,

WHEREAS, the LUC reviewed the conceptual design for the proposed rear deck and associated vertical circulation,

WHEREAS, the applicant demonstrated no adverse impacts to light, air, and privacy upon adjacent properties,

WHEREAS, the LUC supports the application, and

WHEREAS, the LUC voted in favor of supporting the application before BZA.

THEREFORE, BE IT RESOLVED that ANC 2B supports BZA application #20753 seeking special exception from the lot occupancy requirements at 1443 S Street NW.

BE IT FURTHER RESOLVED that ANC 2B requests that the ANC's Chair, the Land Use Committee's Chair, and the ANC's Executive Director be sent copies of the action as finally approved by BZA and/or relevant agency staff.

1812 19th Street NW – Historic Landmark Application for the Founding Church of Scientology

Commissioner Herbig moved to adopt a proposed resolution regarding the matter. Chair Holden seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

WHEREAS, Heritage Properties International, the applicant for Historic Preservation Review Board (HPRB) application #22-06, is seeking support for a historic landmark application for the Founding Church of Scientology. The property is located within ANC 2B01. The building is owned by the Church of Scientology,

WHEREAS, the applicant is seeking support for the new designation of a historic landmark,

WHEREAS, ANC 2B's Land Use Committee (LUC) reviewed the submitted application at its duly-noticed monthly meeting held both in-person and via Zoom on June 1, 2022,

WHEREAS, the LUC supports the application for historic designation, and

WHEREAS, the LUC voted in favor of supporting the application before HPRB, and

WHEREAS, by law, the HPRB gives "great weight" to recommendations in duly adopted ANC resolutions and carefully considers the views of community organizations and citizens per DC Code 1-309-10 (d)(3)(a).

THEREFORE, BE IT RESOLVED that ANC 2B supports the proposed historic landmark designation as presented to HPRB.

BE IT FURTHER RESOLVED that ANC 2B requests that the ANC's Chair, the Land Use Committee's Chair, and the ANC's Executive Director be sent copies of the action as finally approved by HPRB and/or HPRB staff.

1722 Swann Street NW – Concept / Construction of Three Unit New Residential

Commissioner Herbig moved to adopt a proposed resolution regarding the matter. Commissioner Roggensack seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

WHEREAS, 9 Tree, LLC has submitted Historic Preservation Review Board (HPRB) application #22-276 for the construction of a new, attached, three-dwelling unit building at 1722 Swann Street NW,

WHEREAS, 9 Tree, LCC, the applicant for Board of Zoning Adjustment (BZA) application #20718, is seeking support for special exceptions from the court requirements and lot occupancy requirements to construct a new, three-story, three-unit building with cellar, penthouse, and roof terrace at 1722 Swann Street NW,

WHEREAS, the lot is zoned RA-2 and is located within ANC 2B01,

WHEREAS, ANC 2B's Land Use Committee (LUC) received a presentation on the project, including submitted concept plans, reference images, elevations, and color images, at its duly-noticed monthly meeting held both in-person and via Zoom on June 1, 2022,

WHEREAS, 1722 Swann Street NW is a vacant lot located within the Dupont Circle Historic District,

WHEREAS, the BZA hearing on this project was scheduled for May 25, 2022 and the HPRB hearing is scheduled for June 30, 2022,

WHEREAS, the concept plan reduces the court size in an effort to transition between the different setbacks of adjacent properties; the front of the adjacent property to the east abuts the public sidewalk, while the setback of the adjacent property to the west is much more extensive,

WHEREAS, the LUC believes that relief from both special exceptions is in harmony with the general purpose and intent of the zoning regulations and will not adversely affect the use of neighboring properties,

WHEREAS, the parapet walls have been raised to fully conceal the rooftop terrace railings and the setbacks of the fourth floor of the building (the penthouse) have been adjusted to address concerns expressed by neighbors, particularly with regards to aligning with the south (rear) wall of the house adjacent to the east, while understanding that the penthouse will be minimally visible from the western end of the 1700 block of Swann Street NW at some seasons,

WHEREAS, the applicant has agreed to maximize the "green roof" components of the project, including possibly the roof of the new front bay, which will no longer be accessible as part of the roof deck,

WHEREAS, the applicant confirmed that no mechanical units will be placed in any view plane from Swann Street NW,

WHEREAS, the neighbors expressed concerns over the building's aesthetic and stylistic cohesion with Swann Street NW's ensemble of 19th century and 20th century structures, and these concerns have been best addressed in the applicant's "Option C", although continued work on the fenestration and horizontal "banding" on the elevations requires further refinement and development,

WHEREAS, the adjacent neighbor to the east expressed concerns over impacts to light and air due to the structure's penthouse placement and these concerns have been duly addressed,

WHEREAS, the applicant has confirmed that the trash and recycling will be managed on site in a specified partly enclosed trash shed,

WHEREAS, the project design could benefit from continued community outreach and engagement led by the applicant team, and

WHEREAS, by law, the BZA and HPRB give “great weight” to recommendations in duly adopted ANC resolutions and carefully consider the views of community organizations and citizens per DC Code 1-309-10 (d)(3)(a).

THEREFORE, BE IT RESOLVED that ANC 2B continues to support BZA application #20718, which requests special expectations from the open court and lot occupancy requirements.

BE IT FURTHER RESOLVED that ANC 2B recognizes the applicant’s efforts to work with the community to understand concerns and propose a structure that is of its time, while attempting to honor the street’s historic character relative to massing, height, and setback.

BE IT FURTHER RESOLVED that ANC 2B requests that HPRB keeps the project on the HPRB agenda, does not delegate the project to staff review following a single HPRB hearing, and allows time for the applicant’s continued elevation development with Historic Preservation Office (HPO) staff in order to refine components of the proposed building as identified below.

BE IT FURTHER RESOLVED that ANC 2B would like to have the ability to review and provide final ANC comments as the design is revised and before final HPRB approvals are granted.

BE IT FURTHER RESOLVED that ANC 2B supports the applicant’s continued consultation with the ANC, single member district (SMD) commissioners, and Swann Street NW neighbors, as well as HPRB and HPO staff, in order to refine components of the proposed building, specifically:

- aesthetic and stylistic cohesion with Swann Street NW, including viewshed and streetscape impacts imposed upon the public realm by the penthouse, roof terrace, and elevation detailing,
- proper placement of trash and recycling receptacles that support municipal waste pickup and operations, and
- construction staging and work plans to mitigate traffic and obstructions within the alley.

BE IT FURTHER RESOLVED that ANC 2B requests that the ANC’s Chair, the Land Use Committee’s Chair, and the ANC’s Executive Director be sent copies of the action as finally approved by HPRB and/or HPRB staff.

Public Space Committee Agenda

Public Space Application by the Embassy of Australia for Amendments to the Permitted Streetscape Plan for 1601 Massachusetts Avenue NW

The Commission did not take any action regarding this matter.

Public Space Application by Johnny Rockets for a New, Un-Enclosed Sidewalk Café with 8 Tables, 30 Seats, and 4 Umbrellas at 1501 Rhode Island Avenue NW

Commissioner Herbig moved to adopt a proposed resolution regarding the matter. Chair Holden seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

ANC 2B supports Johnny Rockets' public space application for a new, un-enclosed sidewalk café at 1501 Rhode Island Avenue NW but requests that the applicant removes the planter area located between the brick sidewalk and the proposed new wall if the planter area is proposed to be at grade with the sidewalk.

General Agenda

Consideration of a Resolution Regarding Golden Triangle BID's DC Commission on the Arts and Humanities Grant Application for the Installation of Sculptures at the Intersection of 19th Street and L Street NW

Chair Holden moved to adopt a proposed resolution regarding the matter. Commissioner Rueckgauer seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

ANC 2B supports the Golden Triangle BID's DC Commission on the Arts and Humanities grant application for the installation of sculptures at the intersection of 19th Street and L Street NW.

Presentation by DC Public Restrooms and Consideration of a Resolution Regarding the Proposed Installation of a Public Restroom in Dupont Circle

Commissioner Rueckgauer moved to adopt a proposed resolution regarding the matter. Chair Holden seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

WHEREAS, access to restrooms is a vital necessity for public health and individual dignity and has been deemed a human right by the United Nations,

WHEREAS, many residents and visitors to Dupont Circle and DC have need to use a restroom when not at home or somewhere where one is not readily available,

WHEREAS, in the downtown DC area beyond the National Mall there are only five public restrooms open during the day, four of which have limited hours; there are only two public restrooms in DC open 24 hours a day – at the Lincoln Memorial and Jefferson Memorial; and private businesses increasingly restrict their restrooms to paying customers only,

WHEREAS, DC Law L22-0280 – the “Public Restroom Facilities Installation & Promotion Act of 2018” requires the DC Government to establish a working group to explore solutions to the lack of public restrooms in downtown DC, including examining feasibility of a pilot for two standalone public restrooms open 24 hours a day in high-need locations,

WHEREAS, ANC 2B has previously resolved its support for public restrooms in Dupont Circle and downtown DC,

WHEREAS, the working group has identified one location on the east side of Dupont Circle at the intersection of Massachusetts Avenue and P Street NW, and

WHEREAS, the Dupont Circle location would require destruction of “Steve & Phil’s Garden”, which has been a neighborhood treasure since the 1990s, and would not be ideally situated for utility connections.

THEREFORE, BE IT RESOLVED that ANC 2B welcomes and supports a public restroom pilot in the Dupont Circle area.

BE IT FURTHER RESOLVED that ANC 2B does not support the currently proposed location due to elimination of the garden plot that has been lovingly sustained by residents for over thirty years.

BE IT FURTHER RESOLVED that ANC 2B recommends that the working group considers the large, open space between the southeast corner of P Street and 20th Street NW and Dupont Circle, on the north side of the CVS, as the pilot location. This location has ample sidewalk clearances, does not conflict with any green space or structures, and should have no issues with utility connections.

Consideration of a Resolution Regarding ART BLOC DC’s DC Commission on the Arts and Humanities Grant Application

Chair Holden moved to adopt a proposed resolution regarding the matter. Commissioner Roggensack seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

ANC 2B enthusiastically supports ART BLOC DC’s DC Commission on the Arts and Humanities grant application.

Consideration of a Resolution Regarding Notice and Safe Accommodation for Roadwork Projects

Commissioner Rueckgauer moved to adopt a proposed resolution regarding the matter. Chair Holden seconded the motion, which was voted on and passed (VOTES: 6-0-0). The resolution reads as follows:

WHEREAS, DC regulations require properly posted advance public notice of planned road work or closure, including details such as the name of the company that the work is for, the contractor, and contact information,

WHEREAS, DC regulations require that safe accommodation be provided for pedestrians and bicyclists for work zones affecting streets or sidewalks,

WHEREAS, 24 DCMR § 3315 defines safe accommodation as “a safe and convenient route for pedestrians and bicyclists that ensures an accommodation through or around a work zone that is equal to the accommodation that was provided to pedestrians and bicyclists before the blockage of the sidewalk, bicycle lane, or other public bicycle path,”

WHEREAS, many “pop-up” work zones and resulting detours or street closures have no advance notification; no declaration of who the work is being done for or by; no contact information; and no legally required safe accommodation,

WHEREAS, many large, long-term work zones, such as the Rehabilitation of Massachusetts Avenue NW Project, for which the District Department of Transportation (DDOT) promised the public and ANC 2B on multiple occasions that complete safe accommodation would be provided, fail to provide the legally required safe accommodation,

WHEREAS, even after numerous well-documented complaints regarding inadequate or non-existent safe accommodation at road work projects that imperils everyone, including pedestrians, cyclists, and drivers, such as at the intersection of Massachusetts Avenue and Florida Avenue NW and the intersection of Q Street and 22nd Street NW, DDOT has not acted,

WHEREAS, notwithstanding injuries directly caused by inadequate attention to work zone safety, intervention by ANC commissioners or Councilmembers yielded only corrections at the locations cited, not the project footprint as a whole, and

WHEREAS, DDOT fails to provide a satisfactory, or even any, explanation as to why safe accommodation is routinely inadequate or not provided at all; or why the agency is not adequately inspecting and promptly correcting plainly visible safety issues or issuing stop work orders in order to make corrections.

THEREFORE, BE IT RESOLVED that ANC 2B respectfully requests that Ward 2 Councilmember Brooke Pinto pursues emergency legislation by the DC Council ordering

DDOT to immediately comply with legally required advance notice of planned road work and provision of safe accommodation at all current and upcoming road work projects.

BE IT FURTHER RESOLVED that ANC 2B requests that the emergency legislation includes requirements that DDOT ensures that all road work permits issued are correctly and timely entered into the Transportation Online Permitting System (TOPS), including contact information; compels DDOT to provide regular safety inspection and timely remedial action, including issuing stop work orders if necessary, for all construction projects involving road or sidewalk work zones within its purview; and compels DDOT to confirm that after-job restoration of pavement, sidewalks, and crosswalks was satisfactorily performed.

BE IT FURTHER RESOLVED that ANC 2B requests that the emergency legislation requires DDOT to provide a written public report within ninety days that details issues found, corrected, and outstanding.

BE IT FURTHER RESOLVED that ANC 2B requests that the DC Council enhances its oversight process of DDOT to ensure that DDOT documents its compliance with public notification of planned road work, including closures, detours, and the safe accommodation to be provided; and to ensure DDOT's compliance with and responsiveness to the public regarding safe accommodation requirements and work zone safety matters.

BE IT FURTHER RESOLVED that ANC 2B requests that the DC Council enhances its oversight process of DDOT to include meaningful measures that compel DDOT's continuing compliance with safe accommodation regulations and accountability to the DC Council and the residents of the District of Columbia.

BE IT FURTHER RESOLVED that ANC 2B requests that the DC Council considers permanent updates to the regulations regarding DDOT's road work and work zone management practices so that the practices require the involvement of ANCs and provide specific remedies and timetables for DDOT to remedy safe accommodation inadequacies or defects reported to the agency.

Consideration of a Resolution Regarding a Demonstration Project to Address Nightlife Issues in Entertainment Zones

Commissioner Silverstein moved to adopt a proposed resolution regarding the matter. Commissioner Holden seconded the motion, which was voted on and passed (6-0-0). The resolution reads as follows:

WHEREAS, the COVID pandemic and the public health emergency have caused all of us to make adjustments in our lives to ensure public health and safety,

WHEREAS, among those adjustments has been a shift toward outdoor dining and outdoor nightlife activities as safer options than indoors,

WHEREAS, ANC 2B has supported increased opportunities for rooftop nightlife activities and hopes to continue to do so as long as it is in the interest of public health and safety,

WHEREAS, ANC 2B is the center of a vibrant nightlife culture and has many residents living close to nightlife venues,

WHEREAS, the unmistakable trend for housing in the central business district is toward commercial to residential conversions, which are strongly supported by the Mayor and the DC Council with tax incentives,

WHEREAS, the move toward more outdoor nightlife activities has led to serious quality of life problems for certain residents who have to endure high noise levels as late as 3:00 am, while the multitude of establishments makes enforcement of noise regulations such as DCMR 25.725 difficult and at times impossible to single out individual offenders,

WHEREAS, the problem is far too complex to be solved on a case-by-case basis and trying to solve it through the protest process would be incredibly time consuming, and

WHEREAS, ANC 2B believes that it is possible to strike a balance between lively and livable, with a level playing field for all.

THEREFORE, BE IT RESOLVED that ANC 2B urges the Alcoholic Beverage Regulation Administration (ABRA) and the Mayor's Office of Nightlife and Culture (MONC) to work with licensees, neighbors, and all affected stakeholders to explore creating a demonstration project in the area known as "club central" to allow for as much outdoor activity as possible while maintaining standards of livability for the growing number of residents who live in proximity to entertainment venues.

BE IT FURTHER RESOLVED that ANC 2B offers to be of whatever help is needed to seek solutions that create a balance between nightlife and residents, between a good time and a good night's sleep, with a level playing field for licensees and mutual respect for all.

Administrative Matters

Approval of the ANC's Regular May 2022 Meeting Minutes

Commissioner Silverstein moved to approve the ANC's regular May 2022 meeting minutes. Commissioner Rueckgauer seconded the motion, which was voted on and passed (VOTES: 6-0-0).

Adjournment

Chair Holden adjourned the meeting at: 9:59 pm.