



# GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Dupont Circle Advisory Neighborhood Commission 2B

### Regular Meeting Minutes

Wednesday, March 8th, 2023; 7:00 p.m.

Online via Zoom

### Call to Order

The regular March 2023 meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Meg Roggensack at 7:02 pm.

### Introduction of Commissioners

The Commissioners identified their single member districts (SMDs). Present were: Meg Roggensack (2B01), Jeffrey Rueckgauer (2B02), Vincent Slatt (2B03), China Dickerson (2B04), Z Stein (2B05), Matt Johnson (2B06), Patricia Bencivenga (2B07), Zach Adams (2B08), and Christopher Davis (2B09).

### Adoption of the Agenda

Chair Roggensack adopted the ANC's meeting agenda by acclamation.

### Announcements and Public Comments

#### Update from Councilmember Brooke Pinto

Councilmember Brooke Pinto gave an update regarding her work on the DC Council.

#### Commissioner Announcements

Commissioners Bencivenga and Slatt gave commissioner announcements.

#### Committee Updates

Commissioner Rueckgauer, Chair of the ANC's Mobility Committee (MC), and Commissioner Davis, Chair of the ANC's Land Use Committee (LUC), gave committee updates.

#### Reports from DC Government Representatives

Lieutenant Timothy Beirne, a representative for the Metropolitan Police Department's (MPD) Second District, gave DC Government reports.

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

Robert Meins, the Executive Director of Historic Dupont Circle Main Streets (HDCMS); Bill McLeod, the Executive Director of the Dupont Circle Business Improvement District (BID); Susan Volman, the President of the Dupont Circle Citizens Association (DCCA); and Nick DelleDonne, the President of the Dupont East Civic Action Association (DECAA), gave other public announcements and general comments or future agenda items.

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

#### **Vagabond – Application for a Substantial Change to the Establishment’s Retailer’s Class C Restaurant License at 1836 18th Street NW**

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

ANC 2B protests Vagabond’s application for a substantial change to the establishment’s Retailer’s Class “C” Restaurant license at 1836 18th Street NW based on the adverse impact on the peace, order, and quiet of the neighborhood. The ANC agrees to withdraw the protest if and when a satisfactory settlement agreement is executed by the ANC and the applicant and presented to the Alcoholic Beverage Control Board for approval.

### **Land Use Agenda**

#### **1733 16th Street NW – Historic Landmark for a Scottish Rite Temple Amendment (Boundary Revision) to Reduce Boundary to That of Former A&T Lot 800, Within Present Lot 110, and to Establish a Period of Significance**

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

WHEREAS, the owner of 1733 16th Street NW, the Supreme Council Scottish Rite of Freemasonry of the Southern Jurisdiction USA, has applied to the Historic Preservation Review Board (HPRB) to amend the previous landmark designation by reducing the boundary of the historic landmark to the former A&T Lot 800 and by establishing a period of significance,

WHEREAS, the building at 1733 16th Street NW is in ANC 2B09 and the Sixteenth Street Historic District,

WHEREAS, the building at 1733 16th Street NW, commonly known as the “Temple,” was built in 1915 on Lot 800,

WHEREAS, the Temple was landmarked as historic in 1964 and identified by its street address but without defining its property lines. At the time the Temple stood exclusively on Lot 800,

WHEREAS, after 1964, the owner of the Temple began acquiring neighboring properties and for non-historic preservation purposes amended the property lines to create an expanded Lot 820 that included Lot 800 and certain neighboring lots,

WHEREAS, in 1978, the Temple was designated as a contributing property to the Sixteenth Street Historic District and listed on the National Register of Historic Places. This designation did not define a property line for the Temple for historic preservation purposes but at this time the Temple sat on Lot 820,

WHEREAS, in 2018, the owner announced plans to develop on part of its property beyond the area formerly included in Lot 800,

WHEREAS, on review of HPRB's initial approval of the project, the DC Superior Court ruled that the property line for the Temple for historic preservation purposes was Lot 820,

WHEREAS, HPRB subsequently issued an order approving the reduction of the property line for the Temple to the original Lot 800,

WHEREAS, HPRB's order was challenged in DC Superior Court. The court noted that HPRB does have the authority to reduce the property line of a historic landmark, but that HPRB did not follow proper procedure in this case. The court ruled that the only question legally before HPRB was a request to expand the historic designation, and that HPRB therefore could not issue an order to reduce the property lines,

WHEREAS, consistent with the court's ruling, the owner of the Temple is now formally requesting that HPRB reduce the property line to Lot 800 to accommodate the owner's construction on the remaining property it owns,

WHEREAS, ANC 2B has reviewed this project to build an apartment building on the owner's property beyond Lot 800 under HPRB and zoning requirements on at least five occasions:

- On November 14, 2018, ANC 2B voted as part of a historic preservation concept review to request that the owner considers changes to the design, including different window treatments in the carriage house, muted brick colors, and to simplify the overall exterior design. No changes were suggested for the proposed footprint of the new building which would extend over Lot 820's property line.
- On May 16, 2019, ANC 2B voted to support the project as proposed to HPRB after requested changes were made to the exterior design. The proposed development extended over Lot 820's property line.

- On May 16, 2019, ANC 2B voted to oppose the request by the Dupont East Civic Action Association to HPRB to expand the size of the historic landmark designation.
- On September 11, 2019, ANC 2B voted to support the request by the owner to HPRB for the division of the then-existing property lines to match the lines of Lot 800.
- On April 24, 2021, ANC 2B voted to not support an appeal to the Board of Zoning Adjustment (BZA) that challenged the previously approved division of the relevant lots for zoning purposes. This previously approved division matched the property line for Lot 800.

WHEREAS, ANC 2B's Land Use Committee (LUC) reviewed the submitted concept plans at its duly noticed monthly meeting held March 1, 2023 and heard testimony from the owner and residents.

THEREFORE, BE IT RESOLVED that ANC 2B supports the amendment to the historic landmark designation submitted by the Supreme Council Scottish Rite of Freemasonry of the Southern Jurisdiction USA to HPRB that would reduce the boundary to the former A&T Lot 800.

BE IT FURTHER RESOLVED that ANC 2B supports the amendment to set a date of significance as 1915.

BE IT FURTHER RESOLVED that ANC 2B asks HPRB to approve these amendments if HPRB finds that doing so is consistent with DC law.

BE IT FURTHER RESOLVED that ANC 2B requests that the ANC's LUC Chair, the ANC's Chair, the ANC's Executive Director, and the single member district (SMD) commissioner be sent the final decision on this matter as approved by HPRB and/or HPRB staff.

#### 1743 S Street NW – Permit / Penthouse Addition and Roof Deck

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

WHEREAS, the owner of 1743 S Street NW, Kingfisher Investment Group LLC, has applied to the Historic Preservation Review Board (HPRB) for approval of plans to modify the exterior of this rowhouse, including the addition of a penthouse, roof deck, rear stairs, and a front stairway to access the basement,

WHEREAS, the rowhouse at 1743 S Street NW is in ANC 2B01 and the Dupont Circle Historic District, and

WHEREAS, ANC 2B's Land Use Committee (LUC) reviewed the submitted concept plans at its duly noticed monthly meeting held March 1, 2023 and heard testimony from the owner and neighbors.

THEREFORE, BE IT RESOLVED that ANC 2B supports the HPRB application submitted by the owner with the understanding that:

1. The penthouse, roof deck, related mechanical elements, and all related parts are not visible from any part of the public space along S Street NW, and pass the physical "flag test" as field verified by Historic Preservation Office (HPO) staff and interested members of the ANC. Notice of the test should be given at least two days prior to the scheduled flag test,
2. The owner considers neighbors' request to restore the lost historic fabric of the facade to replicate its original historic character and appearance, as is demonstrated on the neighboring "intact" home, and as coordinated with HPO staff,
3. The owner considers eliminating the exterior stair in the front yard, which is an anomaly to the modest row of homes, and reconfiguring the interior plans to create a common entry vestibule from which one would access both the main house unit and the lower level unit, leaving a much more modest front yard areaway for enlarged windows and a ground level safety/fall grate with no visible railing at the front of the house, and
4. The owner considers eliminating the south side rooftop entertainment deck, moving the mechanical units to a mechanical "deck" in the front of the house, relocating the accessible exterior entertaining deck to the rear of the house, and extending the new rear access stair to the roof if desired.

BE IT FURTHER RESOLVED that ANC 2B requests that the ANC's LUC Chair, the ANC's Chair, the ANC's Executive Director, and the single member district (SMD) commissioner be sent copies of the final concept design and actions as approved by HPRB and/or HPRB staff.

### **General Agenda**

#### **Consideration of a Resolution Regarding Kappa Alpha Psi's Block Party on S Street NW Between 17th Street NW and New Hampshire Avenue NW on Saturday, July 8th, 2023**

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

ANC 2B supports the special event application for Kappa Alpha Psi's block party on S Street NW between 17th Street NW and New Hampshire Avenue NW on Saturday, July 8th, 2023.

#### **Recruitment of a Volunteer Public Safety Case Monitor**

Commissioners Slatt and Dickerson gave an update regarding the recruitment of a volunteer public safety case monitor.

Consideration of a Resolution Regarding Protecting Local Democracy and Autonomy

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

WHEREAS, the people of the District of Columbia have a fundamental right to self-governance and autonomy, and the principle of democratic representation is a cornerstone of American democracy,

WHEREAS, the recent announcement by President Joe Biden that he is willing to sign a bill passed by the U.S. Congress that will overturn the Revised Criminal Code Act, a law passed by the duly elected Council of the District of Columbia, is a deep affront to the principles of self-governance and local democracy,

WHEREAS, this action by the President undermines the will of the people of the District of Columbia, who voted overwhelmingly in favor of his election and expect him to respect the democratic process and their right to self-determination,

WHEREAS, every community in the District of Columbia is outraged by this action, which undermines the principles of democratic representation and local autonomy and sends a message that the voices and concerns of DC residents are not being heard or respected,

WHEREAS, Advisory Neighborhood Commission (ANC) 2B condemns the actions of the President in undermining the democratic mandate of the residents of the District of Columbia and calls upon him to take immediate action to push Congress to pass DC statehood, and not just signal support for the idea, and

WHEREAS, the President's actions have undermined the trust and confidence of DC residents in the democratic process and the principles of American democracy.

THEREFORE, BE IT RESOLVED that Advisory Neighborhood Commission (ANC) 2B condemns the actions of President Joe Biden in signaling his willingness to sign an unjust bill passed by the U.S. Congress that would overturn the Revised Criminal Code Act, a law passed by the Council of the District of Columbia, and affirms the importance of respecting the principles of local autonomy and democratic representation in the District.

BE IT FURTHER RESOLVED that ANC 2B demands an apology from President Joe Biden for his actions, which have undermined the trust and confidence of DC residents in the democratic process and the principles of American democracy, and calls upon him to

take immediate action to push Congress to pass DC statehood and respect the will of the people of the District.

BE IT FURTHER RESOLVED that ANC 2B calls upon all elected officials, including President Joe Biden and members of Congress, to respect the democratic mandate of the residents of the District of Columbia, and to refrain from interfering with the autonomy and self-determination of the District.

BE IT FURTHER RESOLVED that ANC 2B urges all residents of the District of Columbia to stand up for their democratic rights and principles and to demand full representation and enfranchisement for all DC residents, regardless of their race, ethnicity, religion, sex, gender (including gender expression and identity), sexual orientation, age, national origin, citizenship, disability, pregnancy, veteran status, political affiliation, lawful union activity, marital status, caregiver status, or any other protected status.

BE IT FURTHER RESOLVED that ANC 2B affirms its commitment to the principles of democratic representation and self-determination and will continue to advocate for the rights and interests of all residents of the District of Columbia, including the right to full and equal representation in the political process.

### **Administrative Matters**

#### **Approval of the ANC's Regular February 2023 Meeting Minutes**

Commissioner Rueckgauer moved to approve the ANC's regular February 2023 meeting minutes. Commissioner Bencivenga seconded the motion, which was voted on and passed (VOTES: 8-0-1).

### **Adjournment**

Chair Roggensack adjourned the meeting at 9:29 pm.