

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION REGULAR
MEETING MINUTES
Tuesday, October 13, 2010 Brookings Institution**

The October Regular Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chairman Stephens at 7:00 pm. The Commissioners identified their Single Member Districts (SMDs). Present were: Mike Feldstein (2B01), Bob Meehan (2B03), Jack Jacobson (2B04), Victor Wexler (2B05), Mike Silverstein (2B06), Phil Carney (2B07) Will Stephens (2B08) and Ramon Estrada (2B09). Commissioner Bhavna Patel (2B02) was not present. The Chair noted the presence of a quorum.

Approval of July, August, September 2010 Minutes & Circulation of Monthly Work Calendar

Commissioner Meehan noted that the following items should be added to the minutes:

September minutes – additional clarification on speed humps.

Commissioner Stephens made a motion to approve, subject to adding substantive changes from Commissioner Meehan. Commissioner Estrada seconded the motion. The motion carried (8-0).

August minutes – additional clarification on Ross school and rats/trash issues

Commissioner Stephens made a motion to approve, subject to adding substantive changes from Commissioner Meehan. Commissioner Estrada seconded the motion. The motion carried (8-0).

July – additional clarification on Hank's Restaurant.

Commissioner Stephens made a motion to approve, subject to adding substantive changes from Commissioner Meehan. Commissioner Estrada seconded the motion. The motion carried (8-0).

Presentations by Candidates for Dupont Circle ANC 2B

Commissioner Stephens noted all of the candidates running for ANC 2B seats. He noted that two candidates are running for 2B09. 2B09 candidates Ramon Estrada and Sunit Talapatra addressed the community.

Public Announcements

Commissioner Carney noted several complaints about traffic on 17th Street, due to construction. Commissioners Carney and Wexler met with eight DDOT officials. They were told that construction would likely be finished in December.

Commissioner Estrada attended a DDOT meeting at the Reeves Center on September 29. DDOT revealed its 14th Street Streetscape plan to the community.

Commissioner Meehan noted that he attended a meeting regarding the 18th Street Project.

Commissioner Feldstein noted that Swann Street will be closed off for a Halloween block party. He made a motion requesting the ANC spend no more than \$100 to to one of the oldest block parties in Dupont Circle. Commissioner Estrada seconded the motion. The motion carried (8-0).

Presentation of Community Involvement Award

ANC 2B presented Lee Granados a community involvement award for her work in organizing 17th Street Festival

Commissioner Stephens announced the next public safety meeting: Tuesday, Oct. 19th 7pm @ 3rd District HQ.

Other Announcements

Commissioner Meehan noted that he and others attempted over a three week period to request the MPD to stop a 30 foot Ryder truck parking in front of a fire hydrant on 17th Street and New Hampshire. He noted that MPD did not respond.

Commissioner Silverstein noted that the Dupont Circle Village would sell a calendar at the Dupont Circle House Tour.

A DCCA representative announced the Dupont Circle House Tour on Sunday, October 17, from 12-5.

Special Items

Status update and announcement of public meeting by Deputy Mayor's Office of the proposal for "Dupont Underground" (former trolley station)

Neil Goradia, Office of the Deputy Mayor for Planning and Economic Development, announced the proposal being considered for Dupont Underground. He invited the public to a meeting on showing the concept designs and evaluation criteria on Wednesday, October 20th at the Dupont Hotel at 7pm. Julian Hunt, Chairman of Arts Coalition for Dupont Underground, spoke briefly about the organization's proposal for the arts space concept to be discussed at next week's meeting.

Introduction of Simoun Banu, Urban Forestry Administration (UFA), Ward 2

Ian Lahey attended in place of Simoun Banu. He noted that they recently adopted the name “DDOT Trees” to better align with DDOT services. He spoke briefly about the organizations various activities. DDOT Trees plan to plant approximately 4,000 trees between October 15th and April 15th. Tree removal and pruning requests should be submitted by dialing 311. DDOT Trees is on call 24 hours a day.

Regulatory

HPRB & Zoning Applications

Follow up resolution in support of design concept for proposed addition to St Thomas Episcopal Church, 1772 Church Street NW, as requested by HPRB members. (2B07)

Commissioner Carney made the following motion:

Be it resolved that ANC 2B commends St. Thomas Episcopal Church, the Dupont Circle Conservancy, the Office of Historic Preservation, and the Historic Preservation Review Board for working together to modify and improve the concept design for the proposed new sanctuary.

Be it further resolved that ANC 2B agrees with DCC and offers its support of the concept design and urges HPRB approval;

And be it further resolved that ANC 2B takes note that numerous elements of the roof design include obvious religious symbolism, and are thus protected by federal civil rights law.

Commissioner Silverstein seconded the motion. The motion carried (8-0).

ABC Applications

Application by Cafe Japone, 2032 P St NW, for substantial change to existing CR (restaurant) license to add sidewalk cafe of 13 seats, hours of operation/sales/service M-Th 11:30am-1:30am, F-Sa 11:30am-2:30am. Petition due 11/8/2010; Hearing 11/22/2010. (2B06)

Kevin O’Connor, ANC 2B’s Special Designee for 2B06 alcohol-related issues (non-Commissioner), introduced the applicant. The applicant requested a substantial change to its existing CR license to add a sidewalk cafe with 13 seats. Kevin O’Connor recommended supporting the current hours of operation through a voluntary agreement, with the

recommendation of midnight operation hours every night. Commissioner Stephens made a motion to protest the application, pending the successful negotiation of a voluntary agreement. The applicant noted that they would accept the voluntary agreement proposed by the ANC. Commissioner Carney noted that this was not fair to the other businesses in the area closing at 11pm. Commissioner Meehan noted that the Commission can't amend the hours of operation, but rather the hours of alcohol service in a sidewalk cafe. Commissioner Stephens inquired whether the applicant would be open to leaving the sidewalk cafe open until the existing operation hours, but stop service of liquor Sunday-Thursday by 11pm, and weekends by 12am. The applicant stated they would accept the ANC's proposed guidance. The applicant will work with the Commission on amending its application. The applicant will submit an amended application to the Commission.

Application by Mad Hatter, 1321 Conn. Ave NW, for substantial change to existing CT (tavern) license for (1) new sidewalk cafe for 36 seats, hours of operation/sale/service Sun-Th 11:30am-10pm, F-Sa 11:30am-11pm; and (2) new entertainment endorsement for occasional DJ's or acoustic three-piece bands. Petition due 11/15/2010; Hearing 11/29/2010. (2B07)

Commissioner Carney made the following motion to protest the application based on peace, order and quiet. Commissioner Meehan seconded the motion and noted that CT's are not entitled to sidewalk cafes.

Resolved: that provided the applicants comply with the requirements of their Voluntary Agreement in the following sections: 4 (noise control), 5 (windows) and (sound-proofing), ANC2B supports the entertainment endorsement.

Whereas Dupont ANC2B guidelines support:

No outside public space use by CT licensees because of noise issues;

No additional seating in the night club area south of Dupont Circle that already has over 6,000 CT license seats with peace, order, quiet and crime already a problem;

Encouraging the preservation of trees in our Dupont neighborhood.

Whereas with significant residential housing directly across the street from the proposed outside public space use, additional noise will negatively affect residential property values and livability.

Resolved that ANC2B protests ABRA application (ABRA-082646) for outside CT seating based on peace, order, quiet, CT seating over-concentration, and crime – pending modification of the existing Voluntary Agreement.

Commissioner Meehan made a friendly amendment that patrons may be served alcohol in a sidewalk cafe if they are eating. He inquired whether the current VA addresses this issue. Commissioner Carney stated that it did not. Residents of the Palladium noted concern over the applicant's request. Commissioner Estrada suggested the Commission put a food requirement in the VA for the outdoor sidewalk cafe. Commissioner Meehan offered to withdraw his friendly amendment. Commissioner Carney added language to his motion: "pending modification of the existing VA". Commissioner Meehan accepted the modification. The motion carried (7-0-1) with Commissioner Silverstein not participating due to his position on the ABC Board.

Application by Mezza Luna, 1140 19th St NW, for substantial change for (1) change in class from CR to CT with total occupancy load 172; (2) hours of operation Sun-Th 10:30am-2am, F-Sa 10:30am-3am, hours of sale/service Sun-Th 11:30am-2am; F-Sa 11:30am-2:45am; (3) Entertainment endorsement Th 11pm-2am, F-Sa 11pm-2:30am; (4) 36-seat sidewalk cafe with hours Su 11am-2am, M-W 11am-12am, Th 11am-2am, F-Sa 11am-3am. Petition due 11/15/2010; Hearing 11/29/2010. (2B06)

The applicant requested a substantial change from a CR to CT license, changes to hours of operation and an entertainment endorsement. Kevin O'Connor, ANC 2B's Special Designee for 2B06 alcohol-related issues (non-Commissioner) and Commissioner Estrada suggested the Commission propose a voluntary agreement incorporating a food requirement for the sidewalk cafe. Commissioner Estrada moved the following motion:

Resolved that ANC 2B protest the application of Mezza Luna for substantial change on the basis of peace, order, and quiet – subject to successful negotiation of a voluntary agreement to incorporate a food requirement for the sidewalk cafe.

Commissioner Meehan seconded the motion. The motion carried (7-0-1) with Commissioner Silverstein not participating due to his position on the ABC Board.

Tavern (CT/CN) Renewal Applications – Petitions due 11/8/2010, Hearing 11/22/2010

Uni Sushi (CT01), 2122 P St NW, Sun 5pm-9:30pm, M-Th 11am-10pm, F 11am-11pm, Sa 1pm-11am (2B02)

Lucky Bar (CT02), 1221 Conn. Ave NW, Interior: Sun 10am-2am, M-Th 8am-2am, F-Sa 8am-3am; Sidewalk Cafe: Sun-Th 11am-2am, F 11am-3am, Sa 10am-3am; Entertainment: Sun/M/Th 9pm-2am, F 6pm-3am, Sa 9pm-3am (2B05)

Buffalo Billiards (CT03), 1330 19th St NW, Interior & Summer Garden Hours: Sun 10am-2am, M-Th 8am-2am, F-Sa 8am-3am (2B06)

Malaysia Kopitam (CT01), 1827 M Street NW, Hours: Sun 12pm-10pm, M-Th 11:30am-10pm, F-Sa 11:30am-11pm (2B06)

Ozio (CN02), 1813 M St NW, Sun-Th 11am-2am, F-Sa 11am-3am (2B06)

Mad Hatter (CT03), 1321 Conn Ave NW, Sun-Th 11:30am-2am, F-Sa 11:30am-3pm (2B07)

The Commission did not protest the renewals. The Commission took no action.

General

Consideration of Resolution in Support of Technical Amendment to Hatch Act to Include ANC Commissioners in the List of D.C. Elected Officials Excepted from the Act's Limitations

Commissioner Stephens noted that one year ago, there was an effort to receive authorization from Congress so that the District could pass its own Hatch Act and not be subject to Congress' Hatch Act. This initiative stalled. However, a new opportunity to vote for an elected Attorney General, instead of an appointed Attorney General will come up in November elections. If this happens, that would mean an additional partisan office. This presents an opportunity to amend the Hatch Act to also include ANC Commissioners. The Hatch Act prevents federal employees participating in fundraising for candidates, or running as partisan candidates.

Commissioner Stephens made the following motion:

Whereas in October 2009, ANC 2B passed a resolution encouraging Delegate Eleanor Holmes Norton and Congress to allow D.C. to pass its own D.C.-specific Hatch Act which would exclude ANC Commissioners from coverage;

Whereas currently the Hatch Act restricts D.C. Government officials from, among other things, hosting a fundraiser for a partisan candidate, raising funds for a partisan candidate, or being a candidate for partisan office;

Whereas the Hatch Act includes an explicit exception for certain elected D.C. officials, including the Mayor and the Council, but not ANC Commissioners;

Whereas the U.S. Office of Special Counsel has thus interpreted the Hatch Act to apply to ANC Commissioners, despite there being admittedly no enforcement mechanism against ANC Commissioners;

Whereas it is nonsensical to apply the Hatch Act's restrictions on fundraising and campaigning to any elected officials, including ANC Commissioners;

Whereas the November 2010 D.C. ballot will include a referendum to make the D.C. Attorney General an elected office, meaning the District would have another city-wide, partisan, elected official;

Whereas if the Attorney General measure passes, Congress will have to amend the Hatch Act to exclude this new elected office from coverage, and this provides an opportunity to also amend the Act to explicitly exclude ANC Commissioners;

Therefore be it resolved that ANC 2B respectfully urges Delegate Norton and Congress to amend the Hatch Act to explicitly exclude elected ANC Commissioners from coverage.

Commissioner Estrada seconded the motion. The motion carried (8-0).

Committee Reports

17th Street Working Group

1. 17th Street Festival

Commissioner Jacobson noted that the festival was a success. Lee Granados noted that the next Festival would need additional planning/time. Commissioner Jacobson thanked Lee for her efforts and looks forward working on the next Festival.

2. Further Business?

Commissioner Jacobson proposed concluding the 17th Street Working Group. Commissioner Carney and Stephens suggested waiting one month to determine if the Committee could review business development issues in this area.

ABRA Policy Committee

1. Omnibus ABRA Legislation

No update

2. Public Space Sidewalk Cafe guidelines

Commissioner Estrada noted the meeting he held on September 15th. The Committee discussed public space guidelines for summer gardens, CTs, and proximity to hotels.

3. Dupont West Moratorium

The Committee recommended setting up an ad hoc committee for P Street. The proposed chair would be from SMD 2B02.

4. Other Business

None.

5. Next Meeting

To be determined.

Zoning, Preservation & Development Committee (9:10-9:20pm)

1. Nomination of Michael Beidler as member

Commissioner Feldstein made a motion to nominate Michael Beidler to the Zoning, Preservation & Development Committee. Commissioner Stephens seconded the motion. The motion carried (8-0).

2. Conn Ave (South) median & landscaping

A representative from the Golden Triangle Business Improvement District spoke briefly regarding a rendering of the new green median on the southern part of Connecticut Avenue NW, to be implemented before Winter. Golden Triangle has received funding from the District to create the median and landscaping.

Other Business

Commissioner Feldstein suggested previewing applications before they come to the full Commission at its monthly meetings. He noted that other ANC's also do this. He noted that Michael Beidler will present how other ANC's address this at our November meeting. Commissioner Jacobson inquired whether constituents would need to spend additional funds to have their attorneys and architects attend additional public meetings to preview applications. Commissioner Feldstein noted that the meetings would be public and that attorneys and architects would be invited to the meetings to preview the applications. Commissioner Jacobson requested that his concerns be reflected in the minutes, regarding constituents accruing additional expenses from their attorneys and architects by attending additional meetings to preview their clients' applications. Commissioner Feldstein noted that he intended to bring up the issue at the November meeting.

3. Next Meeting

To be determined.

Community Involvement Committee (9:20-9:30pm)

1. Nomination of Aaron Denu & Abigail Wiebenson as members

Commissioner Feldstein made a motion to nominate Aaron Denu & Abigail Wiebenson to the Committee. Commissioner Estrada seconded the motion. The motion carried (8-0).

Commissioner Jacobson inquired how the public is notified of public meetings. Commissioner Feldstein noted that he has invited people who have been active in the community.

Commissioner Silverstein noted that this was the ANC 2B's outreach to the community.

New Mobile Roadway Vending Regulations

No update.

2. Other Business

No update.

3. Next Meeting

No update.

Commissioner Reports (9:30-9:40pm)

Neighboring Jurisdiction Reports: West End/Foggy Bottom (2B06), Adams Morgan (2B01, 2B08), Kalorama (2B01, 2B02), Logan Circle (2B04, 2B05, 2B09), Georgetown (2B06), Columbia Heights/Shaw (2B09) (9:30-9:35pm)

Commissioner Stephens noted that the northern part of the 18th Street Project starting at Florida and U Street, will start soon.

Commissioner Silverstein expressed concern over two recent drunk driving deaths taking place in Dupont Circle.

He made the following motion:

Following the recent tragic deaths of two innocent pedestrians within ANC 2B, be it resolved that ANC 2B seeks to work with the Metropolitan Police Department to establish enhanced law enforcement actions to deter drunken driving in the Dupont Circle neighborhood.

Commissioner Carney seconded the motion. Commissioner Feldstein made a friendly amendment to “work with MPD to establish enhanced law enforcement actions to combat drunk driving”. The motion carried (8-0).

Reports on Old Business

1. Farragut Virtual Tunnel

WMATA will look into this matter more seriously in the Fall.

2. Open Meetings Legislation

The Council has ANC 2B’s motion from last month, and the legislation is still being considered.

3. Speed Hump Study

DDOT have not completed a study, but they will get back to the Commission.

4. Scion sub. change 2:00am (2B02)

No update.

5. DC2NY Bus location (2B02)

No update.

6. Pasha Bistro sub. change DR to CR (2B05)

Commissioner Wexler noted that the applicant and protestors will work to address concerns, before mediation.

7. Teatro Goldoni sub. change ent. end. (2B06)

Kevin O’Connor noted that the Commission was successful in negotiating a voluntary agreement.

8. Ozio sub. change summer garden (2B06)

Kevin O’Connor noted that he held a meeting between the applicant and Jefferson Row Homeowners Association. They toured the space. The primary objection is the sound levels and open-roof garden. A sound engineering testing will take place on Saturday, October 16th. Based on these findings, the Commission will craft a voluntary agreement. Kevin is also working to

possibly craft a temporary VA with the applicant, to allow them to operate until the voluntary agreement incorporating sound study results is completed.

9. 2132 O St design concept (2B06)

Approved.

10. Application for mural at 1914 Sunderland Pl (2B06)

Approved.

11. Kabab-ji sub. change ent. end. (2B07)

Status hearing on Monday, October 18th.

12. Policy amendment to VA (2B09)

Commissioner Estrada noted that all signatories have met with the applicant.

13. Ross School Trash Compactor

The trash compactor will be installed in November.

Administrative/Financial Matters

Finances/Treasurer's Report

Commissioner Jacobson noted the following:

Checking: \$6,124.66

Checking End Balance: \$36,888.93

Money Market: \$34,871.15

Resolution for FY 2011 Budget

Commissioner Jacobson submitted the draft budget. He suggested the Commission retain the current budget (FY 2010) as is, and continue the resolution from last year. Commissioner Jacobson noted that he added a line item for Community Involvement Awards. Commissioner Silverstein seconded the motion. The motion carried (8-0).

ANC 2B FY 2010 Annual Report

Commissioner Stephens noted that the report will be due in March 2011. He recommended sharing a draft at the November meeting, revise, and then approve at a subsequent meeting.

New ANC 2B website

Commissioner Stephens noted that ANC 2B launched its new website.

Policy & Procedures Manual

No update.

Other Admin Items

Commissioner Stephens submitted the letter/motion calendar to Commissioners.

Commissioner Jacobson noted that he would prefer to step down as Public Safety Liaison . Commissioner Stephens suggested the Commission consider a replacement and discuss at the November meeting.

Commissioner Stephens noted that the Commission has interviewed a candidate for the public policy internship.

At 10:00 PM, Commissioner Stephens moved to adjourn the meeting, which passed by acclamation.

The next regular meeting of ANC 2B will be held on Wednesday, November 10, 2010, 7:00 PM at the Brookings Institution, 1775 Massachusetts Avenue, NW – 1st Floor, Falk Auditorium .

Respectfully submitted,

Alfred E. Blicher, Jr.
Executive Director
Dupont Circle Advisory Neighborhood Commission 2B
ADOPTED: November 10, 2010