

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION
REGULAR MEETING, Wednesday, August 10, 2005
DC Jewish Community Center**

The August Regular Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Darren Bowie at 7:00 pm. The Commissioners identified their Single Member Districts (SMDs). Present were Rob Halligan (2B-01), Bob Meehan (2B-03), Darren Bowie (2B-04), Mark Bjorge (2B-05), Mike Silverstein (2B-06), Babak Movahedi (2B-07), Peter Klempay (2B-08) and Ramon Estrada (2B-09). Karyn-Siobhan Robinson, (2B-02) was not present, but arrived shortly thereafter.

PUBLIC TESTIMONY AND ANNOUNCEMENTS

A representative of the American Civil Liberties Union had earlier requested to make an announcement, but was unable to attend this meeting.

PUBLIC SAFETY COMMITTEE

Commissioner Halligan, Public Safety Chair, announced that the Dupont Circle Public Safety Committee meets every third Tuesday of the month at 7:00 at the Metro Police Department station at 1620 V Street NW.

Commissioner Halligan discussed a prostitution-related shooting in the West Dupont area. He stated that drug dealing is taking place at 21st and O Streets, NW, and that there is a drug house in every single member district (SMD). Commissioner Silverstein stated that there is a very active open-air drug market along O St., NW.

A constituent noted that the Operation Goldcoast Neighborhood Watch should be reinstated. He noted that it resulted in the arrest of 43 individuals.

Commissioner Halligan urged the Commission to support forming a neighborhood watch to combat drug-related crimes, which are long-term problems that need long-term action from residents.

Commissioner Bowie recognized Michele Molotsky of Councilmember Jack Evans' office.

GENERAL AGENDA

The Commission considered the District of Department of Transportation's (DDOT) Proposal for four curbside parking spaces for car-sharing vehicles. Two spaces are located at 20th Street between Q Street and Connecticut Ave., NW, and two located at 1501 K Street, NW.

Commissioner Silverstein suggested that Commissioners find additional alternative parking spaces, since a DDOT representative was not present. Commissioner Silverstein moved to table the matter. Commissioner Movahedi seconded the motion. The motion carried (8-0). Commissioner Bowie requested Commissioner Silverstein to provide the Commission with specific parking space locations to consider at the September meeting.

The Commission considered proposed changes to the District's Comprehensive Plan. Commissioner Bowie noted that the Commission approved a general statement at the May meeting. Commissioner Meehan presented additional suggestions for the Commission's comments on the Comprehensive Plan. He urged the Commission to adopt these suggestions as a supplement to the Commission's general statement approved at the May meeting.

The Commission considered Commissioner Meehan's supplemental suggestions and agreed upon final revisions.

1. Commissioner Meehan made a motion to approve the following statement without any changes:

Each historic district shall have a zoning overlay if necessary to protect and enhance its distinctive characteristics of housing type, density, height, and uses. Such overlays shall be developed between the Office of Planning and the D.C. Historic Preservation Office.

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

2. Commissioner Meehan made a motion to approve the following statement as amended:

The objectives of the Comprehensive Plan to promote job and residential growth within one half mile of metro stops should exclude the Dupont Circle metro stop and areas within the Dupont Circle Special Treatment Area as amended, that are within one half mile of other metro stops.

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

3. Commissioner Meehan made a motion to approve the following statement as amended:

The Comprehensive Plan should retain the Dupont Circle Special Treatment Area and expand the Special Treatment Area boundaries as follows: from the 18th Street, Florida Avenue and U Street intersection, extend the boundary along the South side of U Street to the West side of 15th Street; from the intersection of U and 15 Streets on the West side, extend the boundary South until it joins the

*existing Eastern boundary at the intersections of S and 15th Streets on the South side of S Street. This area includes: the 1700 blocks of U (South side), Willard, T, Swann, and S (North side) Streets; the 1800 and 1900 blocks of New Hampshire Avenue; the 1600 blocks of U (South side), T, Swann, and S (North side); the 1800 and 1900 blocks of 16th Street; the 1500 blocks of U (South side), Caroline, T, Swann, and S (North Side); **the 1800 and 1900 blocks of 18th Street (East side).***

Commissioner Klempay seconded the motion. The motion carried (7-1) with Commissioner Movahedi opposing.

Commissioner Meehan recognized Bill Glew, President of the Dupont Circle Citizens Association (DCCA).

Bill Glew submitted a letter on behalf of the Dupont Circle Citizens Association. He noted that DCCA would urge the Office of Planning to include two provisions regarding 1) the need for equal treatment of all parts of the neighborhood, and 2) the need for recognition of commercial quarters in the neighborhood.

Commissioner Bowie thanked Bill Glew for his work on this matter.

Commissioner Halligan suggested adding additional streets to Commissioner Meehan's third motion. Commissioner Movahedi made a point of order and requested that Commissioners organize a list of additional streets for the Commission to consider. Commissioner Bowie requested Commissioners to prepare a comprehensive list of additional streets for the Commission's consideration at the September meeting.

Commissioner Bowie thanked Commissioner Meehan his hard work on this matter.

REGULATORY AGENDA UNFINISHED/NEW BUSINESS

The Commission considered Karma Café's Public Space Application for an unenclosed sidewalk café (1919 Pennsylvania Ave., NW). Commissioner Silverstein moved to approve the application. Commissioner Klempay seconded the motion. The motion carried unanimously (8-0).

The Commission considered Java House's ABC application for a Class D (beer and wine) license (1645 Q Street, NW). Commissioner Bowie noted that the Commission is in the midst of negotiations with the applicant, but the parties have not yet reached a consensus on a voluntary agreement.

Commissioner Bowie took this time to allow discussion on Public Space Guidelines relating to Pasha Bistro and Java House.

Constituents voiced concern over the issue of operating hours on 17th Street regarding Pasha Bistro and other applicants.

Commissioner Bowie noted that the Commission voted to protest Pasha Bistro's application, but that both parties remain in negotiations regarding a voluntary agreement.

Commissioner Bjorge stated that he believes the concerns of residents closest to disputed establishments carry more weight than residents who do not live in the immediate vicinity.

A constituent submitted a petition of 40 signatures by residents located across from Pasha Bistro.

Bill Glew noted that the Dupont Circle Citizens Association (DCCA) submitted a letter to the ABC Board emphasizing its opposition to Pasha Bistro's application on the basis of peace, order and quiet, in order to protect the Public Space guidelines. Mr. Glew stated that the Public Space Guidelines should apply to every applicant, regardless of any voluntary agreement.

Commissioner Bowie recognized Commissioner Robinson.

Commissioner Meehan made a motion to require any voluntary agreement with Pasha Bistro to be considered again by the Commission before it is finalized. Commission Halligan seconded the motion.

Commissioners discussed the circumstances under which it might be appropriate for the full Commission to approve executed voluntary agreements. Commissioner Meehan withdrew his motion to have the voluntary agreement with Pasha Bistro considered by the full Commission.

Commissioner Bowie returned to the discussion on Java House. Commissioner Bowie expressed concerns that the application 1) states that alcohol will be served at 8:00 AM, and 2) Java House may not meet the ABC and zoning standards for a restaurant.

Commissioner Bowie made a motion to protest this application on grounds of peace, order and quiet. Commissioner Movahedi seconded the motion. The motion carried (8-0-1), with Commissioner Robinson abstaining.

The Commission considered 17th Street Café's (Cyberstop) (1513 17th Street, NW) ABC Application for a Class CR (restaurant) license. The applicant was not present. He stated that the applicant would not meet the definition of a Class C liquor establishment.

Commissioner Meehan inquired whether the business is being sold. He suggested protesting and calling for the withdrawal of the application. Commissioner Bjorge stated that he does not know who will be the future owner. Commissioner Silverstein stated

that the Commission should protest the application and request the Alcoholic Beverage Regulatory Administration (ABRA) to provide the facts.

Commissioner Bowie made three motions to protest the application because:

1. The Commission has concerns about whether the applicant is the current license holder. Commissioner Halligan seconded the motion. The motion passed (8-1) with Commissioner Movahedi opposing.
2. The Commission has concerns about whether the applicant's kitchen meets the appropriate legal definitions of kitchen including, but not limited to ABC and zoning regulations. Commissioner Bjorge seconded the motion. The motion passed (8-1) with Commissioner Movahedi opposing.
3. Protest on grounds of peace, order and quiet. Commissioner Estrada seconded the motion. The motion passed unanimously (9-0).

Commissioner Bowie made an additional motion to also protest Java House's application because of concerns that the applicant's kitchen does not meet the appropriate legal definition of a restaurant. Commissioner Bjorge seconded the motion. The motion carried (8-0-1) with Commissioner Robinson abstaining.

The Commission considered Double A's (1401 T Street, NW) application for a CR (restaurant) license. Representatives presented the applicant's plan. Commissioner Estrada noted his concern over proposed exterior changes with respect to the Historic Preservation Review Board (HPRB) requirements. He inquired about the size of the kitchen and whether it meets the legal definition of a kitchen. The representatives assured the Commission that the kitchen size was adequate enough to meet this definition. Representatives stated they intended to mirror Saint Ex's operating hours. Commissioner Estrada made a motion to protest the application on grounds of peace, order and quiet. Commissioner Movahedi seconded the motion. The motion carried (8-0).

Commissioner Robinson left the meeting.

The Commission considered Simply Home Cuisine's (1410-1412 U Street, NW) application for a Class CR (restaurant) license. A representative of the applicant presented information to the Commission. Commissioner Estrada inquired about the applicant's operating hours. The representative stated that they would mirror their neighbor's operating hours. He also noted that he would like to forge a unified garbage management plan with the applicant and neighbors. Commissioner Estrada recommended the Commission take no action and let the application move forward.

The Commission considered the application by Rhode Island Associates Limited Partnership for a modification to an approved Planned Unit Development (PUD) at 1616 Rhode Island Ave., NW. Commissioner Bjorge stated that the PUD proposed contribution is \$125,000. Approximately \$100,000 would be contributed to affordable housing.

Commissioner Bjorge recommended delaying consideration of this application to allow more time to investigate the valuation of the project. Commissioner Bowie thanked Commissioner Bjorge for his work on this matter. Commissioner Bowie made a motion to table this matter until the September meeting. Commissioner Movahedi seconded the motion. The motion carried unanimously (8-0).

UNFINISHED/NEW BUSINESS

Commissioner Bowie noted that the Commission already approved a \$1,200 payment to the Jewish Community Center for a total of 3 hours use per month for 12 months for the Commission's monthly meetings.

Commissioner Movahedi made a motion to approve the third quarter report. Commissioner Bjorge seconded the motion. The motion carried unanimously (8-0).

Commissioner Bowie stated that the Gas Station and Cada Vez matters would be considered at a future meeting.

Commissioner Bowie made a motion to approve the July regular meeting minutes as amended. Alfred E. Blicher, Jr. is empowered to make technical changes to the July meeting minutes. Commissioner Movahedi seconded the motion. The motion carried (8-0).

The next regular meeting of ANC 2B will be held on Wednesday, September 14, 2005 at 7:00 p.m. at the D.C. Jewish Community Center, 16th & Q Streets, N.W.

At 9:55 PM, Commissioner Bowie moved to adjourn the meeting, which passed by acclamation.

Respectfully submitted,

Alfred E. Blicher, Jr.
Executive Director
Dupont Circle Advisory Neighborhood Commission

ADOPTED: September 14, 2005