

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION
REGULAR MEETING, Wednesday, March 9, 2005
DC Jewish Community Center**

The March 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), Karyn-Siobhan Robinson, (2B-02), Bob Meehan (2B-03), Darren Bowie (2B-04), Mark Bjorge (SB-05), Mike Silverstein (2B-06), Babak Movahedi (2B-07), Peter Klempay (2B-08) and Ramon Estrada (2B-09). The Chair noted the presence of a quorum.

PUBLIC TESTIMONY AND ANNOUNCEMENTS

Congresswoman Eleanor Holmes Norton will speak to Ward 2 Democrats regarding voting rights for the District on March 14th at 7:00 PM at the John Wilson District Building.

Commissioner Estrada noted that the ABC board has initiated proceedings to revoke Club U's ABC license, based on a dozen acts of violence. A hearing is scheduled for April 13. ANC 1B decided to not support the renewal of Club U's license.

A representative of the GLLU announced that the GLLU ribbon cutting ceremony on March 11 from 4-8 PM to celebrate the opening of the GLLU office will take place.

Commissioner Bowie announced that street cleaning and related parking restrictions would resume on March 18th.

PUBLIC SAFETY COMMITTEE

Commissioner Halligan noted that the Dupont Circle Public Safety Committee meets every third Tuesday of the month at 7:00 at the Police station at 1620 V Street.

GENERAL AGENDA

Desi Deschaine, Community Affairs Coordinator of the Office of the Mayor, announced the District's first lesbian, gay, bisexual and transgender citizens summit on April 30th from 9-5. More information can be found at <http://www.citizensummit.dc.gov/cs/site/default.asp>.

DC Emancipation Day will take place on April 16th. A parade, concert, and fireworks will be provided.

No representative was present from the First Baptist Church Dupont Circle regarding the Community Day announcement.

REGULATORY AGENDA

A representative from Potbelly Sandwich Works (1660 L St., NW) presented its proposal for a public space application authorizing an unenclosed sidewalk café. Commissioner Bjorge noted that the sidewalk café would face 17th St. and would incorporate enclosed planter boxes to the streetscape. He also noted that regulations call for a 10 foot public right of way, but that exceptions are allowed. The enclosed café would reduce the public right of way to 8.5 feet. Commissioner Meehan inquired whether it would be possible to have the unenclosed sidewalk café on the L St. side, since there are Pepco grates in the proposed space along 17th Street. Commissioner Bjorge made a motion to support the application with the provision that Potbelly explores the possibility of placing the café on the L St. side, as long as there is no conflict with Pepco regarding the grates.

Commissioner Silverstein made a friendly amendment to the motion in order to include the language that ANC 2B “prefers L Street”. Commissioner Bjorge accepted the friendly amendment. The motion passed unanimously (9-0).

Commissioner Halligan proposed that ANC 2B request DDOT to do a study to determine whether a four-way stop sign at 19th and T Streets is appropriate. Commissioner Klempay urged the Commission to take action on this matter. Commissioner Halligan made a motion to request a stop sign at 19th and T Streets. Commissioner Klempay seconded the motion. The motion passed unanimously (9-0).

Representatives from HAK LLC applied for a new CN nightclub license for Play (1219 Connecticut Ave., NW). They stated that they would be willing to enter into a voluntary agreement with ANC 2B.

Commissioner Movahedi asked whether the Commission should table the matter because the Commissioners did not receive a copy of the application. Commissioner Bowie noted that ANC 2B must take some action before this application goes to the ABC Board. Commissioner Bjorge made a motion to protest the application on grounds of peace, order and quiet, pending the negotiation of a voluntary agreement. Commissioner Halligan seconded the motion. The motion carried unanimously (9-0).

Barry Miller, Associate Director of Comprehensive Planning of the DC Planning Office, made a presentation on the Comprehensive Plan. He noted that the plan was approved as a policy guide for development and conservation in the District’s neighborhoods. It is amended on a four-year cycle.

Mr. Miller stated that a revised Comprehensive Plan faces three major challenges:

1. Creating successful neighborhoods
2. Increasing access to education and employment

3. Connecting the District

Proposed revisions to the Comprehensive Plan began in November 2004. Mr. Miller stated that the revised plan would incorporate clear implementation methods. Revisions are guided by input from a 28 member citizens taskforce. Logan Circle resident Wayne Dixon is the representative for Ward 2. Task force meetings are open to the public and take place every second Tuesday of the month. Commissioner Meehan is ANC 2B's liaison on the Comprehensive Plan review process.

Two representatives from the architecture firm Lee & Associates made a presentation on a proposed design concept for S and T Street parks. They addressed the nonnegotiable characteristics of the parks. These are:

S Street Park:

1. Preservation of cherry trees
2. Creation of a seating area in the southern end of the parks

T Street Park:

1. Addition of cherry trees
2. Creation of a seating area that functions as a circular walkway.

A representative from Greenspaces for DC noted that the management of the dog park would be addressed in a memorandum of understanding with Circle Dogs.

Irene Molotsky of Friends of S and T Street Parks and Berk Ozler of Circle Dogs stated that the proposed designs had met their organizations' objectives.

Commissioner Meehan made a motion to accept these plans as a basis for a final design with the understanding that the final plans would be brought back for final approval. Commissioner Meehan proposed the following resolution:

Resolution Regarding Pending Legislation Creating Dog Parks in the District of Columbia

WHEREAS Advisory Neighborhood Commission 2B (ANC 2B) passed a Resolution supporting enabling legislation allowing DPR to develop and maintain off-leash exercise areas for dogs (dog parks) within the District of Columbia;

WHEREAS this legislation was first introduced on November 19, 2003, and a hearing held on June 21, 2004, but the bill was not brought to the Council Committee as a Whole during Council Period 15;

WHEREAS the bill was reintroduced on January 18, 2005 as B16-0028, and the legislation is pending in the Committee on Education, Libraries, and Recreation;

WHEREAS ANC 2B continues to support the establishment of one dog park within ANC 2B.

BE IT RESOLVED, that ANC 2B fully supports enabling legislation allowing DPR to develop and maintain dog parks within the District of Columbia and ANC 2B encourages the Council to expedite said legislation (B16-0028) and, to aid said expediting, give consideration to eliminating a second hearing, if possible, since the transcripts and exhibits from the first hearing are available to the Council.

BE IT FURTHER RESOLVED, that ANC 2B authorizes Commissioner Bowie or his designee, to represent the Commission with respect to this resolution.

Attested by Darren A. Bowie, Chair, on April 13, 2005

Commissioner Bjorge seconded the motion. This resolution was unanimously approved (9-0) by ANC 2B at the regularly scheduled and noticed meeting on April 13, 2005, at which a quorum of 9 of 9 members was present. The motion carried unanimously (9-0).

The Commission considered the renewal, modification, and termination of the Alcoholic Beverage License Moratorium on 17th St., NW. Commissioner Bowie thanked Commissioner Movahedi, Ed Grandis of DCMAP, and Bill Glew of DCCA for their work on this issue.

Sue Landini, the President of the Dupont Circle Merchants and Professionals Association, stated that DCMAP pledges to work towards a comprehensive approach to encourage streetscape and business improvements along 17th Street. DCMAP specifically requests ANC 2B to address the following:

1. Enact the 17th St. Streetscape plan
2. Set up a task force to investigate whether a zoning overlay to address storefront usage can replace the Moratorium.
3. Adopt a relaxed Moratorium that exempts CR and DR establishments; allow DR licensees to apply for CR licenses; allow Safeway to apply for a beer and wine license; and allow CR and DR licensees to apply for expansion.

DCMAP submitted a draft Moratorium proposal and requested that it be included in ANC 2B's minutes. DCMAP suggested the Moratorium be limited to three years.

Bill Glew, President of the Dupont Circle Citizens Association, stated that DCCA would urge the ABC Board to approve a Moratorium to achieve the following:

1. Preserve the 50% commercial street frontage, which is currently available for non-ABC uses.

2. Prevent the worsening of the adverse impact on residents that inevitably would flow from an increasing number of licensees in the 17th St. commercial corridor.

Mr. Glew stated that DCCA supports a five-year renewal of the Moratorium.

Commissioner Bowie stated that he supported the creation of an ANC 2B Zoning Committee to study whether to recommend changes in the zoning regulations in Dupont Circle. He requested all individuals interested on being on the committee to contact him. The committee meetings would be open to all interested parties.

Dimitri Mallios made the following statement regarding lateral expansion:

“I’m not here as a liquor license lawyer, and I’m not here asking for more licenses or anything like that. But I would like to point out that under B in your motion-it ain’t gonna happen. Nobody can move the licensing from the District. If they want to close or sell the place, they just put the license in safekeeping and (inaudible). I’m here because my brother and I own the corner of 17th and Q. We’ve owned it for 55 to 60 years, and we have a little frame shop next to the restaurant, and if the frame shop goes under, we want the opportunity to expand Trio, or the successor to Trio, because George and I are getting old. And who knows how long we’ll be there. We have a little (inaudible) store in there, and we are requesting that the lateral expansion be made, provided that it’s within the same building. In other words, we’re not saying we want to expand East, just in the same building. Now I’ve looked at almost everything on 17th Street, and perhaps it would only apply to us. And if that’s true, that’s fine with me also. But we are asking that you allow lateral expansion in the same building.”

Commissioner Bowie made three motions:

1. I move that ANC2B request the District Department of Transportation (DDOT) to develop a 17th Street Streetscape Plan to improve the appearance of the 17th Street corridor, a commercial district of critical importance to the Dupont Circle neighborhood, and that ANC 2B request the Mayor and Council to ensure funding for implementation of such a plan. In connection with this project, DDOT should review the 17th Street Streetscape plan previously developed by the District, which was never implemented.

Commissioner Bjorge seconded this motion. Commissioner Meehan proposed a friendly amendment to encourage establishments to provide handicap access to widen sidewalks next to cafes to allow adequate pedestrian space in front of tree boxes. Commissioner Bowie accepted the friendly amendment. Commissioner Klempay seconded the motion. The motion carried unanimously (9-0).

2. I move that ANC 2B establish and “ANC 2B Zoning Committee” to explore the possibility of zoning changes to address commercial use and development along the 17th Street corridor, and other areas of Dupont Circle. This Committee will

consist of ANC 2B Commissioners, business representatives, residents, a representative of Historic Dupont Circle Main Streets, a representative of Dupont Circle Merchants and Professionals Association, and a representative of the Dupont Circle Citizens Association, to be appointed at ANC 2B's April 13, 2005 regular meeting.

The Committee shall make recommendations to ANC 2B on possible zoning changes to the 17th Street corridor by ANC 2B's November 2005 regular meeting. The Committee shall vote on all recommendations it makes to ANC 2B. If ANC 2B proposes zoning changes, and if those changes are approved by the Zoning Commission, ANC 2B shall consider whether to request the ABC Board to modify or terminate the East Dupont Moratorium.

Commissioner Klempay seconded the motion. The motion carried unanimously (9-0).

3. I move that ANC 2B request the ABC Board to extend the East Dupont Circle Moratorium for four years, with the following modifications:
 - a. The holder of an existing class DR license may be permitted to request a change of license class to CR;
 - b. If a license used at a location within the East Dupont Circle Moratorium Zone is transferred outside the East Dupont Circle Moratorium Zone or is revoked or otherwise cancelled, a license of the same class and sub-class as that license may be transferred to a location within the East Dupont Circle Moratorium Zone;
 - c. The holder of a Retailer's license class C or D within the East Dupont Circle Moratorium Zone may apply for outdoor seating in public space; and
 - d. No license shall be permitted to request a transfer or change of license class to CT (Tavern) or CN (Nightclub)

Commissioner Klempay seconded the motion. Commissioner Movahedi proposed a friendly amendment to change the length of time from four years to three years. Commissioner Bowie did not accept the friendly amendment. Commissioner Bjorge seconded Commissioner Movahedi's amendment. Commissioner Halligan stated that he prefers a timeframe of four years. Commissioners Silverstein and Robinson stated that they support a timeframe of three years. Commissioner Estrada stated that he supports the full five years. The proposed amendment to limit the Moratorium to three years failed. Commissioner Klempay proposed a friendly amendment to allow businesses to apply for outdoor cafes on private space bordering Stead Park. Commissioner Bowie did not accept the friendly amendment. Commissioner Klempay withdrew his proposed friendly amendment. Commissioner Bowie moved to vote on the original motion. The motion carried (6-3) with Commissioners Movahedi, Robinson and Estrada opposing.

UNFINISHED/NEW BUSINESS

Commissioner Movahedi made a motion to authorize the following expenditures:

1. \$124.70 to Berliner, Corcoran & Rowe for photocopy services
2. \$66.25 to Verizon for phone bill
3. \$116.55 to Alfred Blicher for nameplates
4. Petty Cash of \$181.66
5. Petty Cash in the amount of \$74.75 to Alfred Blicher for misc. expenditures

The motion passed unanimously (9-0)

Commissioner Bowie made a motion to approve the February meeting minutes. Commissioner Bjorge offered a friendly amendment to amend the February minutes to reflect discussion by the Staff of the Historic Preservation office regarding the Boston House. Commissioner Bowie accepted the friendly amendment. Alfred E. Blicher, Jr. is empowered to make technical changes to the February minutes. The motion was seconded and passed unanimously (9-0).

Commissioner Silverstein made a motion regarding the Boston House:

“Be it resolved that ANC 2B requests the Historic Preservation Review Board (HPRB) provide ANC 2B with HPRB’s justification, including relevant evidence relied upon, for its consideration of the Boston House Condominiums, located at 1711 Massachusetts Avenue, NW, a contributing structure to the Massachusetts Avenue Historic District.”

Commissioner Movahedi seconded the motion. The motion carried unanimously (9-0).

The next regular meeting of ANC 2B will be held on Wednesday, April 13, 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: April 13, 2005