

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION
REGULAR MEETING, Wednesday, May 11, 2005
DC Jewish Community Center**

The May 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

Commissioner Silverstein announced that the Commission had reached an agreement with Club Five, Red, 18th Street Lounge and Fuddruckers to purchase two trash compactors. The Commission has also reached an agreement with Café Toka, which will only operate as a restaurant.

Commissioner Halligan announced that neighbors will meet to clean up graffiti in the Dupont Circle neighborhood. The meeting will take place on Saturday, May 14th.

Commissioner Meehan announced two meetings to address revisions to the District's Comprehensive Plan.

1. Thursday, May 19th at Francis Junior High School from 6:00-9:00. The meeting will provide a general introduction to the Comprehensive Plan. The public is welcome to attend.
2. Wednesday, May 25th at the JCC from 7:00-9:00. ANC 2B will hold a special meeting regarding the Comprehensive Plan. The public is encouraged to attend.

Commissioner Meehan reiterated the Commission's unanimous support for Hank's Oyster Bar's recent application. He noted that several recent articles have created the impression that the Commission contested the application.

Commissioner Bowie announced that the District Department of Transportation would appear at the June meeting to address future road and alley repairs in the area.

PUBLIC SAFETY COMMITTEE

Commissioner Halligan announced 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 NW.

GENERAL AGENDA

Robert York, Director of Capital Pride, requested a general letter of support from ANC 2B to waive fees for the Capital Pride parade on June 11th. Commissioner Bowie made a motion to write a letter supporting Capital Pride's request. Commissioner Movahedi seconded the motion. The motion passed unanimously (9-0).

Karen LaBlanc of District Department of Transportation provided an update on construction on R Street. She noted that traffic lights at 15th, 16th, 17th and 18th Streets and New Hampshire Ave. are being upgraded. DDOT has finished installing the new traffic light system on 15th and 16th Streets. Commissioner Bjorge asked why the upgrade was not completed earlier during construction on R Street. Ms. LaBlanc stated that electrical utility issues caused the delay.

Commissioner Halligan noted that a traffic light is out at R Street and New Hampshire Ave (NE corner). He requested DDOT to resolve this matter.

Commissioner Meehan noted that residents are complaining about no street sweeping signage on R Street.

Commissioner Silverstein noted that he sent emails and submitted a service request regarding potholes on N Street between 19th and 20th Streets. DDOT fixed the potholes in a timely manner. Constituents can submit similar requests at http://src.dc.gov/ccc/ccclgin.asp?portal_link=1.

Commissioner Bjorge noted that the sidewalk in front of the German Marshall Fund (1744 R Street NW) is uneven and could pose a safety risk. He also requested DDOT to confirm that no further construction work is currently being undertaken at Scott Circle.

Commissioner Robinson announced that the Commission sent a letter requesting DDOT to fix the timing of traffic lights, per a motion made at the April meeting.

A constituent asked Ms. LaBlanc about the status of construction on the 16th Street underpass. Ms. LaBlanc stated that DDOT would take approximately one more month to finish this project.

A representative of the District Office of Planning provided an update on the Zoning Commission's consideration of a proposal regarding a Mandatory Inclusionary Zoning overlay. The District Office of Planning created three proposals (one voluntary, two mandatory). The Zoning Commission only accepted the two mandatory proposals. The proposals will be open to public comments in July. Fourteen ANCs already support a resolution regarding Inclusionary Zoning. The Zoning Commission will have hearings on proposal ideas and concepts in July. In Fall 2005, the Zoning Commission will consider the effects of the proposals in various areas of the District.

Commissioner Meehan noted that the proposals do not focus on single-person families. He voiced concern that the proposals consider income over families.

Constituents can find more information at www.planning.dc.gov.

Commissioner Bowie recommended that ANC 2B defer action on the Mandatory Inclusionary Zoning overlay. Commissioner Movahedi made a motion to table this matter. Commissioner Klempay seconded the motion. The motion carried unanimously (9-0).

The Commission considered a resolution regarding Smokefree Workplaces Legislation. A representative of the American Cancer Society presented public health information supporting the need for the proposed legislation. He urged ANC 2B to support the resolution requesting Councilwoman Carol Schwarz to bring this issue to a vote.

Commissioners Robinson, Bjorge and Halligan noted their concerns that Smokefree legislation could have an unintended effect of creating more noise outside of restaurants and bars. Commissioners Silverstein and Bowie stated that workers in bars should be entitled to the same protections afforded to workers in office buildings. Commissioner Bowie made two motions:

1. That ANC 2B approve Smokefree DC's resolution

Resolution of ANC 2B in support of Smokefree Workplaces in the District of Columbia

Whereas, all residents, workers and visitors of the District of Columbia have the right to breathe clean, safe, smokefree air;

Whereas, scientific research reveals that secondhand smoke has severe health effects, including but not limited to lung cancer, heart disease and respiratory problems such as asthma;

Whereas, it is vital for the laws of the District of Columbia to protect the health of all employees, regardless of occupation, from secondhand tobacco smoke;

Whereas, it is vital for the laws of the District of Columbia to protect the health of children, families and patrons from secondhand tobacco smoke in enclosed public spaces;

Whereas, ventilation systems and non-smoking sections do not protect patrons and workers from the health hazards of secondhand smoke,

Be It Resolved, on May 11, 2005 ANC 2B hereby declares its support for the enactment of 100% smokefree workplace legislation in the District of Columbia,

And Be It Further Resolved, that Commissioner Robinson may represent this Commission regarding smokefree workplace legislation including, but not limited to, Council Bills 16-0187 and 16-0193.

Commissioner Klempay seconded the motion. Commissioner Silverstein made a friendly amendment requesting the Commission to delete a clause discussing studies showing the effect of smokefree laws on business. Commissioners Bowie and Klempay accepted the friendly amendment. The motion passed unanimously (9-0).

2. That ANC 2B approve the American Cancer Society's resolution

Whereas, Washingtonians deserve to have their elected officials vote on a comprehensive smokefree workplaces law;

Whereas, a comprehensive smokefree workplaces law was introduced into the Committee on Public Works and the Environment in 2003 and was never allowed to come to a vote;

Whereas, six Council members introduced two pieces of smokefree legislation in 2005, doubling the number of co-introducers from 2003;

Whereas, the D.C. Council needs to move legislation in a quick and expeditious fashion;

ANC 2B is requesting that Councilmember Carol Schwartz markup a comprehensive smokefree workplaces bill and let her colleagues on the Council vote on this important issue immediately.

The motion was seconded by Commissioner Robinson. The motion carried unanimously (9-0).

ANC 3C requested ANC 2B's support on a Property Tax Legislation resolution requesting the Council to reduce property taxes. The Council passed a budget that contains some reductions in property taxes. Commissioner Bowie stated that it is not necessary for ANC 2B to pass a resolution at this point.

REGULATORY AGENDA

Representatives of Zeta Phi Beta requested ANC 2B's support to help close the 1700 Block of New Hampshire Ave., NW (R Street to S Street) between the hours of 10:00 AM and 4:00 PM, for a building dedication on July 23, 2005. They anticipate 2,500 people will attend the event.

Commissioner Halligan stated that idling buses creating noise could cause problems for residents. He moved to support the street closure. Commissioner Robinson seconded the motion. The motion carried unanimously (9-0).

Commissioner Bowie stated that the Commission would not take any action on N Street Follies Ltd.'s special exceptions and variances application (BZA Application No. 17337) to allow the construction of an addition to an existing building to be used as a hotel at 1743-1755 N Street NW. He stated that the Commission would take action before the BZA hearing.

Morton Bender gave a presentation on his BZA request for receiving 10 extra feet of FAR. Mr. Bender stated that Steve Calcott of the Historic Preservation Office (HPO) advised that the interior partitions must remain in place. Mr. Bender stated that he would lose FAR by keeping the interior partitions in place by complying with HPO's request regarding interior partitions. Mr. Bender does not have a letter from HPO setting forth its preference for keeping the interior partitions intact. Commissioner Movahedi stated that the Commission should request a letter from HPO with its analysis of whether the interior partitions have been specially designated or not.

Commissioner Bowie made a motion to send a letter to Lisa Bircham, HPO Director, requesting her to set forth in writing any requirements regarding the preservation of the interior. Commissioner Movahedi seconded the motion. He also requested a two-week time limit for HPO to respond to the Commission's request. The motion carried unanimously (9-0).

Commissioner Meehan stated that Mr. Bender's proposal is essentially a Planned Unit Development application. He noted that the Dupont Circle Overlay eliminated Planned Unit Developments permanently.

Commissioner Halligan stated that the Board of Appeals and Review suggested this application is not being made in good faith, with respect to the recent ruling on Mr. Bender's tax appeal. He also noted that this proposal appears identical to the original application, which was rejected.

Representatives of Rhode Island Associates Limited Partnership made a request for a Zoning Commission application for a modification to an approved Planned Unit Development at 1616 Rhode Island Avenue NW (2B05). The proposed space is a surface parking lot. They proposed a Planned Unit Development modification to the parking lot to create a commercial office building.

Commissioner Bjorge noted that the Dupont Circle Overlay dictates that Planned Unit Developments do not get an extra increase in height. He noted that this project satisfies the 4 Planned Unit Development guidelines. Commissioner Meehan inquired whether the Commission should request new amenities as a concession for the Planned Unit Development application. Commissioner Bowie stated that Commissioner Bjorge should work with the Dupont Circle Citizens Association, the Dupont Circle Conservancy, and other neighborhood groups and the applicant regarding the amenities issue.

A representative of Stetson's Famous Bar and Restaurant (1610 U Street NW) requested permission to add a rooftop summer garden with seating capacity for 57 persons (ABC

Application No. 467). He also requested permission to install a small bar with seven to nine seats and a rooftop wall of 42 inches. The operating hours are 4:30 PM until 2:00 AM, Monday-Thursday, and 4:30 PM until 3:00 AM Friday and Saturday. Stetson's currently has a CT license.

Commissioner Klempay moved to protest the substantial change application pending the negotiation of a voluntary agreement on the grounds of peace, order and quiet. Commissioner Halligan seconded the motion. The motion passed unanimously (9-0).

Commissioner Bowie stated that McDonald's delivery trucks were illegally driving the wrong way down Corcoran Street. He made a motion to send a letter to the Metropolitan Police Department (MPD) requesting that MPD strictly enforce rules on driving the wrong way down a one-way street, and also highlighting the concerns of residents with respect to the safety of children. Commissioner Movahedi seconded the motion. The motion passed 8-0-1 with Commissioner Meehan abstaining.

The Commission took no action on Wrapworks' ABC License Renewal application (1601 Connecticut Ave., NW).

UNFINISHED/NEW BUSINESS

Commissioner Bowie made a motion to approve the March and April Meeting minutes. Alfred E. Blicher, Jr. is empowered to make technical changes to the March and April minutes. The motion was seconded by Commissioner Movahedi and passed unanimously (9-0).

Commissioner Bowie made a motion to add Tom Jennings to the ANC 2B Zoning Committee. Commissioner Bjorge supported this request. Tom Jennings was added to the Zoning Committee without objection.

Commissioner Movahedi made a motion to approve monthly expenses:

1. Photocopies: Berliner, Corcoran & Rowe LLP Feb-April \$131.80
 2. Datarealm Internet Services, Inc. \$49.75
 3. Petty cash \$180.57
- TOTAL \$362.12

Commissioner Bjorge seconded the motion. The motion passed unanimously (9-0). Commissioner Movahedi made a motion to approve the quarterly report. Commissioner Klempay seconded the motion. The motion carried unanimously.

The next regular meeting of ANC 2B will be held on Wednesday, June 8, 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: July 13, 2005