

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION
REGULAR MEETING, Thursday, November 9, 2005 Jury's Hotel**

The November 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 (2B-05), Mike Silverstein (2B-06), Babak Movahedi (2B-07), and Ramon Estrada (2B-09). Peter Klempay (2B-08) was not present.

PUBLIC TESTIMONY AND ANNOUNCEMENTS

Commissioner Meehan announced that the recycling of old computers, hazardous waste and electronics would take place on Saturday, November 12th at the D.C. Cash Transfer Station on 3200 Benning Road, NE. He also announced that the Office of Planning requested community input regarding errors on the District's Comprehensive Plan maps. An informal meeting regarding this matter will take place at Commissioner Meehan's house (1740 Corcoran Street, NW) on November 14th at 7:00 PM.

Commissioner Bjorge announced that the sidewalk repairs at 17th and P Streets, NW have been completed. He thanked the District's Department of Transportation (DDOT) for their oversight of contractors.

Commissioner Bowie thanked Jury's Hotel for allowing ANC 2B to hold its meeting on the premises.

Desi Deschaine, Community Affairs Coordinator of the Office of the Mayor, announced the 4th annual Citizens Summit on Saturday, November 19th. Interested constituents can find more information at citizensummit.dc.gov.

Commissioner Bjorge requested David Moore of Pepco to check on the status of work on streetlights on N Street, NW at 20th and 21st Streets, NW. Residents can contact Mr. Moore at dlmoorehead@pepco.com.

PUBLIC SAFETY COMMITTEE

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

Commissioner Halligan announced that the rate of crime was up throughout the District. He warned constituents about recent street robberies and muggings in the area. He noted that two cases of burglaries on the 1700 block of S Street, NW were prosecuted.

Commissioner Estrada noted that residents should be vigilant of crime on 14th and U Streets, NW.

GENERAL AGENDA

Commissioner Robinson requested the Commission to consider a matter not listed on the official agenda. Kathryn Hansen, Director of Corporate Relations for the Phillips Collection (1600 21st Street, NW), appeared before the Commission regarding resident complaints of banner advertisements displaying a corporate sponsor logo. Ms. Hansen apologized for not consulting with the Commission regarding the placement and design of the banners. She stated that the banners would come down in the beginning of January.

The Commission considered a proposed resolution submitted by the Center for Science in the Public Interest supporting the proposed D.C. Menu Education and Labeling (MEAL) Act. A representative of the organization appeared before the Commission to request the Commission's support. She noted that Councilmember Evans has co-sponsored this bill. The Act would require chain restaurants, having 10 or more locations nationally, to list basic nutritional information for standard menu items in order to provide more information to help consumers eat healthier. Commissioners Bowie and Robinson stated that this is an important issue.

Commissioner Bowie made a motion to support the D.C. Menu Education and Labeling Act:

WHEREAS, At-Large Councilmember of the District of Columbia, Phil Mendelson will introduce the DC Menu Education & Labeling (MEAL) Act which would require fast-food and other chain restaurants in the District of Columbia with 10 or more locations nationwide to list the calorie, saturated and trans fat, carbohydrate, and sodium contents of standard items on their menus and list calories on menu boards (where space is limited); and

WHEREAS, the bill would apply to chains, not small, family-run restaurants and only to regular menu items, not special orders or daily specials; and

WHEREAS, The Advisory Neighborhood Commission 2B recognizes that obesity and other diet-related diseases, such as heart disease, cancer, and diabetes, affect a significant portion of the residents of ANC 2B and the District of Columbia; and

WHEREAS, Studies have found a link between eating out and higher caloric intakes and body weights; and

WHEREAS, People are increasingly relying on restaurants to feed themselves and their families; and

WHEREAS, Restaurant patrons often cannot tell from menus and menu boards which foods constitute healthier choices and, two-thirds of the largest chain restaurants do not provide any nutrition information about their foods; and

WHEREAS, Providing clear, easy-to-use nutrition information at fast food and other chain restaurants would allow customers to make informed choices. Such information would particularly help those who watch what they eat to manage medical conditions such as diabetes, high cholesterol, and high blood pressure; and

WHEREAS, The DC MEAL Act is supported by the DC affiliates of the American Cancer Society and the American Heart Association, DC AARP, the DC Medical Society, Center for Science in the Public Interest, La Clinica del Pueblo, DC Action for Children, the Capital Area Food Bank, and many others, and

WHEREAS, The US Surgeon General and Department of Health and Human Services' "Call to Action" to reduce obesity recommended: "increase availability of nutrition information for foods eaten and prepared away from home;" and therefore

BE IT RESOLVED, that ANC 2B supports the DC Menu Education and Labeling Act, and

BE IT FURTHER RESOLVED, that ANC 2B urges DC Councilmember Evans and At-Large Councilmembers Carol Schwartz, David Catania, and Kwame Brown, and Council Chair Linda Cropp to co-sponsor the Act and actively support its passage, and urges Mayor Anthony Williams sign the Act into law.

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

REGULATORY AGENDA

The Commission considered an ABC application by Wasabi Co. (910 17th Street, NW), for a new CR license. Commissioner Silverstein stated that the establishment is preparing to open in Spring 2006. Commissioner Silverstein recommended the Commission take no action on this application.

The Commission considered ABC Retailer Class "B" license renewals by the following applicants:

1807 Corporation, Dupont Market, 1807 18th Street NW (2B01)
Fairfax Grocery Store, Inc., Fairfax Deli-Carryout, 2153 P Street NW (2B02)
2130 P Inc., Metro Supermarket, 2130 P Street NW (2B02)
International Grocery, Inc., Casa Pena, 1632 17th Street NW (2B03)
H.S. Lee Corp., Prego Again, 1617 17th Street NW (2B04)
Moon Run, Inc., 1500 Market, 1500 Mass. Avenue NW (2B05)
Hyk, Inc., Marbi's Newstand, 1730 Rhode Island Ave. NW (2B05)
Oasis, Inc., Oasis, 2024 P Street NW (2B06)
Thomas and Hyn Sook, Inc., Virginia Market, 1776 U Street NW (2B08)
Bella Investments, Inc., New Hampshire Market, 1900 16th Street NW (2B09)
Freedom Market, Inc., 1901 New Hampshire Avenue NW (2B09)

Commissioner Bowie recommended the Commission take no action on these

applications.

The Commission considered the Board of Zoning Adjustment (BZA) Application No. 17423 by Carl Sara for a Special Exception to allow an addition to an Existing Non-Conforming Single Family Dwelling in the R-5-B District at 1808 Riggs Place, NW.

Commissioner Meehan made a motion to support the special exception application to allow for an awning on the back of the house. Commissioner Bjorge seconded the motion. The motion carried unanimously (8-0).

The Commission considered the Board of Zoning Adjustment (BZA) Application 17426 by Imran Javaid for a Special Exception to allow for construction of a roof deck at 1813 Riggs Place, NW. Commissioner Halligan made a motion to support the application. Commissioner Meehan seconded the motion. The motion carried unanimously (8-0).

The Commission waited for representatives of Georgetown University to discuss a proposed boathouse to be constructed by Georgetown University in the C&O National Historic Park. During this time, the Commission considered administrative and financial matters. Commissioner Bowie made a motion to approve the October meeting minutes as amended. Alfred E. Blicher, Jr. is empowered to make technical changes to the October meeting minutes. Commissioner Halligan seconded the motion. The motion carried unanimously (8-0).

The Commission stood in recess until representatives of Georgetown University arrived.

The Commission considered a resolution regarding the Georgetown University Boathouse proposal. Linda Greenan, Assistant Vice President of External Relations for Georgetown University and Alan Bragman, Architect of the Georgetown University Boathouse, gave a presentation regarding Georgetown University's proposal. Ms. Greenan explained that the National Park Service and the Historic Preservation Office signed a memorandum of agreement regarding the future site of the boathouse. The memorandum specified that the boathouse should be no more than 15,000 square feet. Georgetown University was not a signatory to this document. Georgetown University representatives stated that the University received support for its proposal from the National Park Service, Old Georgetown Board, Fine Arts Commission, ANC 2E and the D.C. Zoning Commission. The National Park Service is currently conducting an environmental assessment to look at the impact of Georgetown's revised proposal for a 19,000 square foot boathouse.

Commissioner Bill Skelsey (ANC 2E03) appeared before the Commission and explained ANC 2E's position supporting Georgetown University. Commissioner Skelsey urged ANC 2B to support the Georgetown University proposal.

Commissioners Bjorge and Silverstein noted their immediate concern about the propriety of a private institution developing a private boathouse on public park land.

Commissioners Bowie and Bjorge discussed a motion in light of the pending National Park Service environmental review and its impact on this matter.

Commissioner Bjorge made a motion to request the National Park Service to complete a full Environmental Impact Statement regarding the Georgetown University Boathouse Proposal. Commissioner Movahedi seconded the motion. The motion carried unanimously (8-0).

The Commission considered Commissioner Movahedi's BZA application No. 17392 for Special Exceptions and a Variance in connection with Home Occupancy Use at 1700 Q Street, NW. Commissioner Movahedi recused himself from the Commission while the remaining Commissioners considered his application.

Commissioner Bowie summarized the Commission's action on this matter at the October meeting. At the October meeting, Stephen Gell had indicated that Mr. Movahedi was considering filing an amendment to his application to proceed under the Home Occupancy Provisions of the D.C. Zoning Regulations. The Commission passed a motion at its October meeting, which directed Mr. Movahedi to serve any amendment on the ANC and affected neighbors by October 24th. Mr. Movahedi complied with the ANC's request. The Board of Zoning Adjustment is scheduled to consider this matter on November 22nd.

Mr. Movahedi's amendment to the original application seeks:

1. A Special Exception to use more than 25% of his property for business;
2. A Special Exception to have a maximum of two non-resident employees at the property;
3. A Variance to have up to five non-resident employees at the property.

Stephen Gell gave a presentation on behalf of Mr. Movahedi supporting the amended application.

Commissioners questioned Stephen Gell regarding issues with respect to amended changes to the original application. Commissioner Bowie inquired about the issue of undue hardship under the variance test. Commissioner Meehan inquired about the layout of the house with respect to the percentage of space used for business. Commissioner Bjorge inquired about the likelihood of transfer of the property's special exceptions and variance to a new owner, if Mr. Movahedi were to sell the property. Commissioner Estrada inquired whether Mr. Gell had researched and found any cases similar to this matter before the Commission.

The Commission heard testimony from Kenneth Brown, the attorney representing David Maloff, John Evans, Alaire Rieffel, Michael Trister, Nancy Campbell and Ralph Johanson. Mr. Brown explained his clients' reasoning for opposing Mr. Movahedi's application. Commissioners questioned Mr. Brown and discussed his arguments.

Bill Glew, President of the Dupont Circle Citizens Association (DCCA) stated that his organization is opposed to Mr. Movahedi's application. He noted that residents would be negatively impacted if the original or amended application were granted. Residents are concerned that this application would negatively impact the values of individual residential properties; exacerbate already limited parking in the neighborhood; and disrupt the balance between residential and non-residential uses and character of properties in close proximity to 1700 Q Street, NW. Mr. Glew stated that the DCCA voted unanimously (with one abstention) at its November meeting, against both original and amended applications.

Mr. Glew requested clarification on whether the original application would be considered. Commissioner Bowie stated that the Commission would vote on both the original and amended applications.

Commissioner Bowie noted that the Commission received a letter from the Dupont Circle Conservancy opposing this application. He also noted that the Commission received a petition with 74 signatures supporting the application.

Numerous constituents voiced their views in opposition and support for this application. A petition opposing this application was submitted to the Commission.

Commissioner Bowie made a motion that ANC 2B oppose the originally filed application by Babak Movahedi for a Variance from Use Provisions to allow the conversion of a single family dwelling to general office use in the R-5-B district at 1700 Q Street, NW because:

1. The applicant has not demonstrated that the property is exceptionally narrow, shallow or has a unique shape, or has demonstrated exceptional topographical conditions or other extraordinary or exceptional situation or condition;
2. The applicant has not shown that strict application of the regulations would result in exceptional and undue hardship upon him;
3. The granting of the variance would result in substantial detriment to the public good and would substantially impair the intent purpose and integrity of the Zoning Plan as embodied in the Zoning Regulations and Map, in particular, because of the change from residential to commercial use in the neighborhood in which this ANC has tried to preserve residential uses.

Commissioner Estrada seconded the motion. The motion passed unanimously (8-0), with Commissioner Klempay voting by proxy, and Commissioner Movahedi recused.

The Commission considered the applicant's amended application requesting two Special Exceptions and a Variance to home occupancy use at 1700 Q Street, NW.

Commissioner Bowie made a motion that ANC 2B take no position on the applicant's request for a Special Exception to use more than 25% of the property for home occupation, pursuant to Section 203.4(b) of the Zoning Regulations.

Commissioner Robinson seconded the motion. The motion carried by a vote of 7-0, with Commissioner Movahedi recused and Commissioner Klempay not participating.

Commissioner Bowie made a motion that ANC 2B oppose the requested Variance to allow up to five non-resident employees at the business, pursuant to Section 203.10(c) and 3103 of the Zoning Regulations because:

1. The applicant has not demonstrated that the property is exceptionally narrow, shallow or has a unique shape, or has demonstrated exceptional topographical conditions or other extraordinary or exceptional situation or condition;
2. The applicant has not shown a strict application of the Zoning Regulations would result in exceptional and undue hardship; and
3. The granting of the variance would result in substantial detriment to the public good and would substantially impair the intent purpose and integrity of the Zoning Plan as embodied in the Zoning Regulations and Map.

Commissioner Estrada seconded the motion. The motion carried (6-0-1) with Commissioner Bjorge abstaining, Commissioner Movahedi recused, and Commissioner Klempay not participating.

UNFINISHED/NEW BUSINESS

Commissioner Bowie made a motion to approve the fourth quarter financial report and that Commissioner Estrada be designated to sign on behalf of Commissioner Klempay, who is not present. Commissioner Movahedi seconded the motion. The motion carried unanimously (8-0).

Commissioner Bowie noted that he would be representing the Commission on Commissioner Movahedi's application before the Board of Zoning Adjustment.

The next regular meeting of ANC 2B will be held on Wednesday, December 14, 2005, 7:00 PM at the D.C. Jewish Community Center at 16th and Q Streets, NW.

At 11:30 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 2B

ADOPTED: December 14, 2005