

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION
REGULAR MEETING, Wednesday, September 14, 2005
DC Jewish Community Center**

The September 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), Peter Klempay (2B-08) and Ramon Estrada (2B-09). The chair noted the presence of a quorum.

PUBLIC TESTIMONY AND ANNOUNCEMENTS

Commissioner Bowie announced that the October meeting would not take place at the regularly scheduled time and location.

Commissioner Bowie recognized Gottlieb Simon and Mark White, Office of Advisory Neighborhood Commissions.

Commissioner Bowie announced a message from the ACLU that there will be a rally promoting "Democracy for DC" on Thursday, September 15th at 5:30 PM on the West Lawn of the U.S. Capitol. Interested constituents can find out more information at www.aclu-nca.org.

Commissioner Estrada noted that Double A, LLC withdrew its ABC application for a sushi restaurant at 1900 1401 T Street, NW due to the amount of money required to bring the building up to code.

Commissioner Silverstein congratulated the 1223 nightclub for raising \$20,000 for Hurricane Katrina relief.

Commissioner Halligan made a motion to send a letter of appreciation to participants of the Callbox Committee. Commissioner Robinson seconded the motion. The motion carried unanimously (9-0).

A representative of a community arts group gave a short presentation regarding the installation of temporary public art on public space at 1730 Connecticut Ave., NW on October 13th. Commissioners Bowie and Robinson recommended no objection to this project.

A representative of Smithgroup Architects gave a presentation on proposed renovations to 1701 Pennsylvania Ave., NW pending before the Commission of Fine Arts.

A representative of the Center for Science in the Public Interest gave a presentation regarding the Menu Education and Labeling Act pending before the DC Council.

A representative of ANC 3B gave a presentation on proposal by Georgetown University to build a boathouse on public land in the C+O Canal National Historical Park.

PUBLIC SAFETY COMMITTEE

Commissioner Halligan introduced two Metro Police Department (MPD) officers: Sergeant Brett Parsons of the Gay and Lesbian Liaison Unit and Sergeant Harrell. They notified the public of an armed robbery, which took place on the 2100 block of P St., NW. They provided a description of both suspects and asked constituents to contact MPD if there are sightings. They also noted that drug activity has increased west of Dupont Circle. MPD is addressing this problem by having more officers patrol the area at night. Commissioner Movahedi inquired whether the MPD bike patrol would increase. Sgt. Parsons stated that he would encourage increased bike patrols.

Commissioner Halligan 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.

GENERAL AGENDA

A representative of the Casey Trees Foundation gave a presentation to ask the community for volunteers to help replant tree boxes. The replanting will take place on October 1 at 9:00 AM at the corner of 18th and T Streets, NW. For more information, contact Kathy Devin at 202-234-7603.

The Commission considered the District Department of Transportation's (DDOT) proposal for curbside parking spaces for car-sharing vehicles. Commissioner Bjorge emphasized that the Commission and residents do not want a private company using residential parking spaces. He discussed a proposal regarding two parking spaces on Bataan Street, NW. Commissioner Bowie noted that the Commission is searching for spaces that are not currently utilized for any parking. Commissioner Silverstein suggested 23rd St., NW between Q and P Streets, NW, beside the Church of the Pilgrims. Commissioner Bowie recommended the northeast corner of Q Street. He asked Commissioner Meehan to work with DDOT regarding this matter. Commissioner Bowie stated the Commission would revisit the issue at the October meeting.

A representative of Hotel Palomar (2121 P Street, NW) gave a presentation regarding its renovation plans. He noted that renovations would take place from January-February 2006. Commissioner Bowie welcomed them to the neighborhood. Commissioner Robinson thanked Hotel Palomar for adjusting the operating hours of the construction, to accommodate residents.

Commissioner Bowie returned to the matter regarding parking spaces for car-sharing vehicles. Commissioner Bowie made a motion to oppose DDOT's proposal of four spaces on Bataan St., NW between Rhode Island Ave., NW and Massachusetts Ave., NW

to be designated as on-street parking spaces for car-sharing vehicles. Commissioner Bjorge seconded the motion. The motion carried (7-0) with two Commissioners not present at the time of voting.

A representative of 2147 P Street, NW (Formerly Mr. P's) made a presentation regarding plans for its property. He stated that construction would be complete mid-December.

A representative of the Foundry United Methodist Church (1500 16th Street, NW) gave a presentation on proposed renovations to create wheelchair access pending before the Historic Preservation Review Board (HPRB). Commissioner Bjorge noted that this proposal does not impact public space and is supported by the Dupont Circle Conservancy. Commissioner Bjorge made a motion to support this application and the comments on this project by the Dupont Circle Conservancy. Commissioner Movahedi seconded the motion. The motion carried unanimously (9-0).

The Commission heard a report and recommendation from the ANC 2B Zoning Committee regarding possible zoning changes to the 17th Street corridor. Commissioner Bowie noted that the Commission had appointed a Zoning Committee during the ABC Moratorium, in order to analyze zoning changes to see whether a Moratorium was needed.

Commissioner Movahedi, Chair of the Zoning Committee, presented the Committee's recommendation. The Zoning committee decided that a zoning overlay was not practical and would not address all of the issues currently addressed by the East Dupont Moratorium, after consulting with the Woodley Park and Cleveland Park ANCs. Both ANCs noted that DCRA enforcement of zoning guidelines is impossible. Commissioner Movahedi stated that since the zoning overlay motion failed before the Zoning Committee (12-2-1), the Committee recommended to the ANC that its mission be refocused to formulate a vision for East Dupont Circle centered on 17th Street, encompassing various issues, including the Moratorium. Commissioner Bowie thanked the Zoning Committee for its hard work on this matter.

Commissioner Bowie made a motion to send a letter to the ABC Board endorsing the Zoning Committee's recommendation and setting forth reasons for the conclusion that pursuing a zoning overlay on 17th Street is not a workable substitute for the East Dupont Moratorium. Commissioner Movahedi seconded the motion. The motion carried unanimously (9-0).

Commissioner Bowie noted that the Commission would consider the formation of a 17th Street Committee at the October meeting. Interested constituents should contact their Commissioner for more information.

Commissioner Movahedi made a motion to pass the recommendation of the Zoning Committee:

The Committee recommends to the ANC that its mission be refocused to formulate a vision for East Dupont Circle centered on 17th Street, encompassing various issues, including the Moratorium.

Commissioner Silverstein seconded the motion. The motion carried (8-1) with Commissioner Halligan in opposition. Commissioner Bowie stated that the Commission would address membership in the newly established Committee at the October meeting.

The Commission discussed initial comments on the Comprehensive Plan. Commissioner Meehan made 3 motions:

1. ANC 2B recommends that the Office of Planning provide support and work with neighborhood groups to determine whether down zoning is appropriate to preserve the low-rise residential character of the historic buildings currently located there or to advocate some other mechanism to achieve the same goal: 1400 and 1500 blocks of T, Swann and S Sts; 1500 block of Caroline St; 1800 and 1900 blocks of 16th St and the 1700, 1800 and 1900 blocks of New Hampshire Ave.

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

2. As part of an effort to slow the rate of conversion of R5B residential properties into properties occupied by non-profit organizations under the Special Exceptions provisions of the Zoning Regulations, ANC 2B requests the Office of Planning to work with the Office of Zoning to come up with new criteria that would have the effect of slowing down the rate of displaced renters in R5B housing near commercial areas.

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

3. The Office of Planning should consult with as many citizen and neighborhood groups as possible to identify errors in its existing maps before it releases the draft comp plan with a new set of maps.

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

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

Commissioner Meehan noted that the last ward-wide meeting regarding the Comprehensive Plan would take place on September 21st at the Marshall Center, located on 12th and S Streets.

REGULATORY AGENDA

The Committee considered Rhode Island Associates' Zoning Commission Application 02-51A for a modification to an approved planned unit development located at 1616 Rhode Island Avenue, NW.

Commissioner Bowie made a motion to oppose the proposed modification of the PUD at 1616 Rhode Island Ave., NW because the proposed modification does not offer a commendable number or quality of public benefits. In particular, the Commission opposes the proposed modification because of the adverse effects on the neighborhood that would result from the proposed modification to the previously approved PUD including:

1. *The loss of neighborhood-serving amenities and the decreased neighborhood pedestrian street traffic on evenings and weekends (including potential resulting adverse effects on public safety) that would result from the requested change from hotel to office use;*
2. *Increased traffic and parking problems resulting from the proposed conversion from hotel to office use, because office workers are more likely to drive automobiles than hotel guests, who are more likely to travel by taxi or metro; and*
3. *The lack of an adequate amenities package offered by the applicant in connection with the proposed PUD modification.*

The Commission further opposed the PUD because the legal standards for a PUD modification have not been met. Commissioner Movahedi seconded the motion. The motion carried unanimously (9-0).

Commissioner Bowie made a motion to retain Stephen N. Gell, Esq. to represent the Commission in this matter, with authorization of legal fees up to \$7,500 with an initial \$3,000 retainer. Commissioner Borge seconded the motion. The motion carried unanimously (9-0).

The Commission considered Historic Preservation Application No. 05-331 for a concept approval regarding proposed alterations and additions to five row houses for conversion to a hotel at 1743-1755 N St., NW. Commissioner Borge raised the issue of public safety regarding the vacant buildings in question. Commissioner Bowie noted that he received correspondence from the International United Auto Workers Union expressing opposition to this application.

Commissioner Bowie made a motion to oppose HPA No. 05-331 for the following reasons:

1. *The mass and scale of the proposed building are out of character with the existing historic fabric on the proposed site and the surrounding neighborhood;*
2. *The rear elevation is too monolithic and will severely impact the adjacent light and air of the existing, adjacent more modest historic buildings on the east, north, and west sides of the proposed building; and*
3. *We oppose the proposed demolition of substantial portions of the existing historic fabric in the 1743 and 1751 buildings, where rear and side walls are slated for removal.*

Commissioner Robinson seconded the motion. The motion carried (8-0). Commissioner Movahedi was not present during this vote.

The Commission also considered BZA Application No. 17337 regarding 1743-1755 N St., NW. Commissioner Bowie made the following motion opposing the application:

ANC 2B opposes BZA Application No. 17337 by N Street Follies Ltd. for various special exceptions and variances to allow the construction of an addition to existing buildings to be used as a hotel in the SP-1 District at 1743-1755 N Street NW based, among other things, on concerns about the bulk, height, and density of the proposal. The mass and scale of the proposed building are out of character with the surrounding neighborhood, and the existing historic fabric on the proposed site. The proposed rear elevation is too monolithic and will severely impact the adjacent light and air of the existing, adjacent more modest historic buildings on the east, north, and west sides of the buildings.

ANC 2B further protests the above-referenced application based on the following specific grounds under the Zoning Regulations:

Special Exception Relief for Hotels and Inns.

Section 512.3. The height, bulk, and design of the proposed hotel are not in harmony with existing uses and structures on neighboring property.

Section 512.10. The location and design of driveways, access roads, and other circulation elements of the hotel do not avoid dangerous or other objectionable traffic conditions.

Special Exception Relief for Roof Structures.

Section 411.11(a). The applicant has not shown that compliance with the roof structure regulations is impractical because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable.

Section 411.11(b). The intent and purpose of Chapter 400 of the Zoning Regulations would be materially impaired and the light and air of adjacent buildings would be adversely affected if the application were granted.

Modification of Rear Yard Requirement.

Section 534.10. The proposal has not made adequate provision for service functions, including parking and loading access and adequate loading areas.

Special Exception Relief Pursuant to Section 3104.1.

The requested special exemptions are not in harmony with the intent and purpose of the zone plan and tend to adversely impact the use of neighboring property.

Variance Relief for Maximum Height (530.1), Maximum Floor Area Ratio (531.1), and the Minimum Width of a Court (536.1).

The applicant has not shown that: 1) the subject property is confronted with some exceptional condition or situation; 2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and 3) that the relief requested can be granted without substantial detriment to the public good or zone plan.

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

The Commission updated constituents on the status of pending ABC matters.

The Commission executed a voluntary agreement with Pasha Bistro (1523 17th St., NW).

The Commission's protest of 17th Street Café (1513 17th St., NW) is ongoing. The Commission will insist that a representative of 17th Street Café appear before the Commission to discuss 17th Street Café's ABC proposal and its business plan.

After an update by Commissioner Klempay regarding the Commission's protest of Stetson's (1610 U St., NW) ABC application, Commissioner Meehan made a motion to support Stetson's roof deck closing hours at 11:00 on Sunday-Thursday and 12:00 on Friday-Saturday. Commissioner Estrada seconded the motion. The motion passed (8-0). Commissioner Movahedi was not present.

Commissioner Bowie discussed the status of the protest of Java House's ABC application. A representative of Java House agreed to provide architectural drawings and menu changes, before the Commission signs a voluntary agreement.

The Commission considered Komi's (1509 17th Street, NW) ABC application for a license change from a DR to a CR license. A representative was not present. Commissioner Bjorge made a motion to protest the license class request on grounds of peace, order and quiet pending a voluntary agreement. Commissioner Estrada seconded the motion. The motion passed unanimously (9-0).

The Commission considered Hank's Oyster Bar's (1624 Q St., NW) ABC application for a license class change from a DR to CR license. Commissioner Bjorge recommended that the Commission take no action.

UNFINISHED/NEW BUSINESS

The Commission considered HPA application No. 05-463 before the HPRB for the conversion of a building (1534 16th St., NW) into residential condominiums. Commissioner Bjorge made a motion to support the application. Commissioner Movahedi seconded the motion. The motion passed unanimously (9-0).

The Commission considered a public space application by the Embassy of Indonesia to construct a fence. Commissioner Bowie made a motion to request the Public Space Committee defer a decision until the Commission has adequate time to consider the matter. Commissioner Movahedi seconded the motion. The motion passed unanimously (9-0).

Commissioner Bowie made a motion to send a letter to DDOT opposing the installation of parking meters in front of Java House, which removed residential parking spaces. Commissioner Bowie noted that ANC 2B previously had recorded its opposition to the installation of parking meters at that location. Commissioner Movahedi seconded the motion. The motion passed unanimously (9-0).

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

The next regular meeting of ANC 2B will be held on Thursday, October 13, 2005, 8:00 PM at Provisions Library, located at 1611 Connecticut Avenue NW, Second Floor.

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: October 13, 2005