

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION  
REGULAR MEETING,  
Wednesday, September 13, 2006 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: Commissioners Karyn-Siobhan Robinson (2B02), Bob Meehan (2B03), Darren Bowie (2B04), Mark Bjorge (2B05), Mike Silverstein (2B06), Babak Movahedi (2B07), Peter Klempay (2B08) and Ramon Estrada (2B09). Commissioner Morra Aarons (2B01) was not present.

**PUBLIC TESTIMONY AND ANNOUNCEMENTS**

Commissioner Meehan announced that Ximena Hartsock would be the new Principal of the Ross School (1730 R St NW). She will attend the October meeting to meet the community. He noted the enrollment of students increased from 140 to 180.

Commissioner Meehan noted that individuals were seeking petition signatures in front of the 17<sup>th</sup> Street Safeway regarding a recent initiative on gambling. He noted that the individuals soliciting petition signatures refused to identify which organization they represent. He advised residents to report any similar incidents to the DC Board of Election and Ethics (DCBOEE).

Morgan Zehner, Executive Director, Historic Dupont Circle Main Streets (HDCMS), announced that Main Streets is preparing for the reconstruction of P Street NW between Dupont Circle and Rock Creek Park in connection with the P Street Streetscape project. He noted Main Streets would begin a formal facilities application for use of a valet parking lot to ease the adverse effects of construction on local businesses. He noted Dupont Circle will lose approximately 100 parking spaces during the P Street Streetscape renovations. He stated that a portion of proceeds from valet parking will be donated to the Francis Junior High School. Commissioner Silverstein moved to send a letter of support to HDCMS for the effort to establish a valet parking program at Francis Junior High School that would benefit the Friends of Francis School. Commissioner Estrada seconded the motion. The motion carried (8-0).

Timothy Jenkins, a candidate for President of the DC School Board, introduced himself and made brief remarks. He explained his concerns and solutions for the District's educational system. More information can be found at [www.2mpower.us](http://www.2mpower.us).

Rob Halligan, President, Dupont Circle Citizens Association (DCCA) announced that the annual Dupont Circle House Tour would take place on October 15<sup>th</sup>. He requested any interested residents to contact him regarding volunteering. Residents may contact him at [president@dupont-circle.com](mailto:president@dupont-circle.com).

A resident voiced concern over parking enforcement on 17<sup>th</sup> and R Streets. Commissioner Bowie noted that the issue of general parking enforcement in Dupont Circle would be taken up later in the meeting.

## **PUBLIC SAFETY COMMITTEE**

Mr. Halligan noted residents' concerns over the recent shooting of a dog at Dupont Circle. He also noted the poor police response time during a recent fight in the area.

Mr. Halligan announced that the Dupont Circle Public Safety Committee meets every third Tuesday of the month at 7:00 PM at the Metropolitan Police Department (MPD) station at 1620 V Street NW.

Commissioner Estrada inquired about the recent murder on 15<sup>th</sup> and Swann Streets NW. Mr. Halligan did not have an update.

Commissioner Silverstein noted that another early morning break-in occurred at T-Mobile.

A resident noted that MPD street officers are not responsive to recent noise violations.

## **GENERAL AGENDA**

Jodye Russell, Supervisor, Office of Planning, DC Water and Sewer Authority (WASA), and Aleziah Batson, Community Relations Coordinator, DC Water and Sewer Authority (WASA), appeared before the Commission to address concerns regarding the status of flooding in Dupont Circle. Commissioner Bowie commended WASA for attending the meeting and addressing concerns of residents. Ms. Russell stated that six properties reported problems. She noted five of these properties' issues were resolved. Only one property experienced sewer backup, requiring further investigation. WASA proposed the following measures to reduce sewer backups:

1. Install Backflow Preventor
2. Install pump-around system
3. Install elevated sewer system
4. Ensure sewer laterals are clean and root-free.

WASA proposed the following measures to reduce surface flooding:

1. Construct "curbs" at basement entrances
2. Waterproof basements
3. Address roof downspouts
4. Improve property grading.

Concerned residents may contact Ms. Russell at 202-787-2248 or [jrussell@dcwasa.com](mailto:jrussell@dcwasa.com).

Representatives of DC WASA and Fort Meyer Construction were not able to appear before the Commission regarding proposed Dupont Circle construction. They are rescheduled to attend the October meeting.

Lindy Baucum, Supervisor, Parking Enforcement Services, Department of Public Works, appeared with a colleague before the Commission to address resident concerns over wrongfully issued parking tickets and parking enforcement. Commissioner Meehan stated that people are still parking in commercially designated spaces for delivery trucks. He expressed concern that Parking Enforcement does not ticket cars parked in these spaces. He noted that 30 cars illegally parked on Church Street and Corcoran Street over the weekend.

A resident expressed concern over cars not registered in the District, which are illegally parked in residential parking spaces. Commissioner Bowie noted that this was a policy issue that the Mayor and DC Council must address.

Commissioner Robinson inquired about a task force to identify cars with out of state license plates, in order to force out-of-state car owners to register in the District. Mr. Baucum noted that there is an exemption list for vehicles with out of state license plates for people who work overnight in the District. Commissioner Bowie inquired how residents could report parking violations. Mr. Baucum stated that residents could call the Mayor's Call Center at 202-727-1000, or contact Pam McLean at 202-541-6063.

A resident inquired about who enforces the rush hour no parking law on 16<sup>th</sup> Street NW. He inquired about who is responsible for this street. Representatives of Parking Enforcement noted this concern.

Commissioner Meehan stated that the Commission should identify specific blocks and specific concerns regarding parking enforcement. He asked that Parking Enforcement appear before the Commission in two months to address these specific concerns.

Residents with parking enforcement concerns may contact Lindy Baucum at 202-541-6066 or [lindy.baucum@dc.gov](mailto:lindy.baucum@dc.gov).

David Perruzza, Vice President, JR's Bar & Grill, appeared before the Commission to discuss the 2006 High Heel Race on 17<sup>th</sup> Street NW. He noted this year's race would be the 20<sup>th</sup> High Heel Race. The race will occur on October 24<sup>th</sup>. He noted the parade organizers needs 90% of all 17<sup>th</sup>, 18<sup>th</sup>, P and Q Street residents' signatures to complete the licensing application. He noted that the parade had been authorized in the past with the Commission's support. He noted the parade has hired police officers and will set up a beer tent.

Commissioner Movahedi stated that he supports this event, but that it has caused disturbances at his house. He stated that he would not support this event unless the organizers would control the crowd around his property.

Mr. Perruzza noted that Commissioner Movahedi personally retained individuals last year to secure his property. Consequently, Mr. Peruzza did not order police officers specifically for Commissioner Movahedi's property. Commissioner Movahedi noted that he was concerned for all residents' houses in the area and that there was inadequate police support at last year's parade. Commissioner Bowie suggested that residents with specific concerns about crowd control contact JR's Bar & Grill.

Commissioner Bowie made a motion that ANC 2B send a letter to the Mayor requesting that he 1) waive the 90% of signatures requirement or in the alternative 2) support the application for a parade license. Commissioner Movahedi seconded the motion. The motion carried (8-0).

## **REGULATORY AGENDA**

The Commission considered the appeal to the Mayor's Agent of an Historic Preservation Review Board (HPRB) ruling regarding a request by Palm Restaurant (1225 19<sup>th</sup> Street NW) for construction of an enclosed sidewalk café. Commissioner Bowie noted that HPRB denied this request. Representatives of Palm Restaurant are seeking review of the HPRB decision before the Mayor's agent.

Commissioner Silverstein recognized representatives of Palm Restaurant. They presented a revised sidewalk café plan. Commissioner Bowie inquired about the standards used by the Mayor's Agent to determine the outcome of the HPRB ruling. A representative stated that the sidewalk café must be consistent with the character of the Historic District.

Commissioner Silverstein noted his concern about the approval of this application setting a precedent for other businesses. Commissioner Movahedi commended the redesign of the proposal. He inquired about why the applicant wants to enclose the outdoor sidewalk café. He noted that this would not create a precedent.

Mr. Halligan stated that DCCA continues to object to this application. He noted that when a business rents public space and encloses it, it becomes private property.

Commissioner Bowie noted that the Dupont Circle Conservancy opposes this application. He noted that public space belongs to the public and should benefit the public. Commissioner Bowie recommended opposing the application. Commissioner Meehan agreed with Commissioner Bowie's recommendation.

Commissioner Silverstein made a motion to oppose the application:

*Although we appreciate design changes we oppose the request because of the adverse effects of the proposed design on public space in this historic neighborhood, citing the preservation of public space.*

Commissioner Estrada seconded the motion. He and Commissioner Robinson noted their opposition to the application.

The motion carried (7-1) with Commissioner Movahedi voting in opposition.

The commission considered a revised HPRB application regarding 2000 Massachusetts Avenue NW. Ben Van Dusen appeared before the Commission to present the revised application. He stated that HPRB requested the applicant to revise the plan to allow for a minimal connection to the neighboring building.

A representative of the Optical Society of America (2010 Massachusetts Avenue NW) requested the Commission recommend HPRB to delay the hearing. He noted that the Optical Society of America received the revised plan late and did not have adequate time for review. He also noted that the Optical Society offered to purchase some of the property in question, in order to keep the mansion freestanding, and also protect the Optical Society's light and air requirements.

Commissioner Movahedi noted his opposition to the Commission becoming involved in private transactions. Commissioners Bjorge and Silverstein also noted their objections. Commissioner Bowie stated that the Commission should not take a position because the Dupont Circle Conservancy was not present to voice its opinion. Commissioner Klempay noted that the Commission should wait until the Dupont Circle Conservancy offers an opinion. Commissioner Robinson also noted that she would like to consider the Dupont Circle Conservancy's opinion before making a decision on this application.

Commissioner Robinson moved to ask HPRB to defer ruling on this application to allow for the Commission to review this issue further. Commissioner Estrada seconded the motion.

Commissioner Movahedi made a friendly amendment requesting that under no circumstances should the Commission go on record delaying the application on a contractual basis. Commissioner Bowie did not accept the friendly amendment and noted that the Commission was not considering any potential private contractual negotiations between the applicant and any other party. The motion carried (8-0).

The Commission discussed a Historic Preservation and Public Space Regulatory violations at Baskin Robbins (1511 17<sup>th</sup> Street NW). Commissioner Bjorge noted that the original construction was never permitted or reviewed by Department of Consumer and Regulatory Affairs (DCRA) and ANC 2B. However, the DCRA did issue a permit to cover construction retroactively.

Commissioner Bjorge made a motion to request the Historic Preservation Office (HPO), District Department of Transportation (DDOT ) and the Office of Public Space require the applicant to remediate their violations and that all appropriate fines be imposed. The motion carried (8-0)

The Commission heard the status of an ABC application for Club Five (1214 B 18<sup>th</sup> Street NW) for permission to add a rooftop summer garden with seating for 50 persons. Commissioner Silverstein noted Club Five received two weekend licenses to determine the noise level of a rooftop summer garden. A representative of Club Five noted that Club Five installed small speakers on the rooftop garden to test the noise level. Commissioner Silverstein noted that the Commission filed a friendly protest in order to determine the level of noise during Club Five's trial period.

The Commission considered an ABC application by Madhatter Restaurant (1831 M Street NW) for a CT (Tavern) license for an entertainment endorsement. The applicant did not appear before the Commission. Commissioner Silverstein recommended taking no action on this matter.

The Commission considered an ABC application by Mackey's (1823 L Street NW) for a CT (Tavern) license for an entertainment endorsement to allow dancing and a cover charge. The applicant appeared before the Commission. Commissioner Silverstein moved that the Commission approve the application. Commissioner Bjorge seconded the motion. The motion carried (8-0).

Commissioner Bowie thanked the applicant on behalf of the ANC, for their cooperation on the Source Theatre matter. The applicant noted that his company no longer has a contract on the Source Theatre.

The Commission considered an ABC application by Cloud (1 Dupont Circle NW) for a CR Restaurant License, for an entertainment endorsement to allow dancing and a cover charge. John Charalambous, Manager, Cloud Dining Lounge, appeared before the Commission. Commissioner Robinson inquired about the type of entertainment Cloud was proposing. Mr. Charalambous stated they would like to have DJ music after dinner at 11:00 PM. Commissioner Meehan noted that he would abstain from the vote due to a conflict of interest. Commissioner Bowie noted that the application requested operating hours of 10:00 PM – 2:00 AM on Thursday and 10:00 PM – 3:00 AM on Saturday and Sunday. Commissioner Meehan inquired about when the cover charge goes into effect. Mr. Charalambous stated that the cover charge would go into effect at 11:00 PM. Commissioner Bowie inquired whether the applicant originally applied for a CT (Tavern) license. Commissioner Robinson moved to oppose the application based on concerns of peace, order and quiet pending the negotiation of a voluntary agreement with the applicant. Commissioner Klempay seconded the motion. The motion carried (6-1-1) with Commissioner Movahedi voting in opposition, and Commissioner Meehan abstaining.

The Commission discussed the status of proposed revisions to the District's Comprehensive Plan. He noted that a number of ANCs believe the document to be too complicated and have requested the Council to defer consideration of the proposed Comprehensive Plan revisions. Commissioner Meehan and others believe there must be more extensive hearings. For example, zoning experts say the revised Plan would promote a paradigm shift for zoning. This needs to be discussed thoroughly. The

Comprehensive Plan will be the legal basis for an overhaul of zoning regulations in the next few years. Commissioner Bowie recognized Janet Brown, Member, Board of Directors, Affordable Housing Alliance. Commissioner Bowie noted his discussion with Cheryl Cort, Washington Regional Network for Livable Communities, regarding this matter. Commissioner Bowie stated that Ms. Cort expressed concern that if the Council does not act on this plan, there is a significant chance the Comprehensive Plan would be shelved indefinitely. Commissioner Bowie noted that a number of ANCs support moving the plan forward so that the Council will consider this matter.

Commissioner Bjorge inquired if it would be possible to pass the Comprehensive Plan and amend it later. Commissioner Meehan noted that once the Comprehensive Plan is approved the Council is not likely to revisit any time soon.

Janet Brown noted that this process has been open to the community with over 100 meetings on the plan. She recommended moving the process forward and requesting any changes to the Comprehensive Plan before the DC Council. Commissioner Meehan noted that inclusionary zoning is already approved per the May 2006 issuance of inclusionary zoning regulations. Commissioner Bowie noted the first hearing before the Council would take place on October 26<sup>th</sup>. Commissioner Movahedi noted his agreement with Commissioner Meehan.

The Commission took no action on this matter.

#### **UNFINISHED/NEW BUSINESS**

Commissioner Bowie recommended submitting copies of the proposed budget to Commissioners before the October meeting. Commissioner Estrada requested Commissioner Silverstein email copies to all the Commissioners. Commissioner Bjorge requested \$3,000 in addition to the proposed budget. Commissioner Bowie requested Commissioners Silverstein and Bjorge to determine whether the Commission could appropriate an additional \$3,000.

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

The next regular meeting of ANC 2B will be held on Wednesday, October 11, 2006, 7:00 PM at the D.C. Jewish Community Center at 16<sup>th</sup> and Q Streets, NW.

At 10:00 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: October 11, 2006