

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION
REGULAR MEETING,
Wednesday, January 10, 2007 Jewish Community Center**

The January Regular Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Ramon Estrada at 7:00 pm. The Commissioners identified their Single Member Districts (SMDs). Present were: Commissioners Curtis Farrar (2B01), Brian Branton (2B02), Bob Meehan (2B03), Mark Bjorge (2B05), Mike Silverstein (2B06), Phil Carney (2B07), Douglas Johnson (2B08) and Ramon Estrada (2B09). Commissioner Ryan Butler (2B04) was not present.

PUBLIC TESTIMONY AND ANNOUNCEMENTS

Commissioner Estrada announced that the ABC Board ruled on Cada Vez's (1438 U Street NW) ABC license application request. He stated that the ABC Board granted the license renewal request. The ABC Board denied the substantial change request to change the hours of operation to Sunday – Thursday 11:00 PM – 2:00 PM and Friday – Saturday 11:00 PM – 3:00 PM. The ABC Board granted the applicant's request to play live or recorded hip-hop and rock music. He noted the protestants of the application were satisfied with the ABC Board ruling.

Christopher Ziemann, Transportation Management Specialist, Ward 2, District Department of Transportation (DDOT) introduced himself to the community. He noted that he coordinates communication between DDOT and Dupont Circle ANC 2B regarding transportation projects. He announced that DDOT would complete the Dupont Circle underpass reconstruction by the end of February. He announced that DDOT had begun the P Street Streetscape project. Commissioner Silverstein asked whom the Commission should contact regarding any issues with the P Street Streetscape project. Mr. Ziemann stated that he would serve as the Commission's main point of contact. Residents may contact Mr. Ziemann at christopher.ziemann@dc.gov or at 202-671-2555.

Commissioner Estrada recognized David Moorehead of PEPCO.

Morgan Zehner, Executive Director, Historic Dupont Circle Main Streets, announced its wine club event at Mark and Orlando's (2020 P St NW) on January 29th. Interested residents can find more information at www.dupontcircle.biz.

Zafra Stork, Chief of Staff, Councilmember Kwame R. Brown, Council of the District of Columbia, introduced herself to the community. Residents may contact her at zstork@dccouncil.us.

PUBLIC SAFETY COMMITTEE

Rob Halligan, Dupont Circle Public Safety Chair, and President, Dupont Circle Citizens Association (DCCA), announced that the Dupont Circle Public Safety Committee meets every third Tuesday of the month at 7:00 PM at the Metropolitan Police Department

station at 1620 V Street NW. The Dupont Circle Public Safety Committee will meet this month at Omega (2122 P St. NW) at 7:00 PM.

Mr. Halligan announced that a number of crimes had taken place on the 1500 blocks of P and R Streets NW. Mr. Halligan commended Lt. Dignan for his help reaching out to the public regarding these crimes. Mr. Halligan noted that a number of victims of these crimes attended tonight's meeting.

Lt. Scott Dignan, Internal Affairs Division, Metropolitan Police Department (MPD), introduced himself to the community. He expressed concern over the 14% spike in crime in Dupont Circle in the last month. He stated that MPD would increase foot and bike patrols in alleys and in the neighborhood. He requested victims of crimes to submit impact statements to the court. Concerned residents can contact Lt. Dignan at scott.dignan@dc.gov or at 202-727-9099. Lt. Dignan met with victims of recent crimes during the meeting.

Commissioner Estrada thanked Lt. Dignan and MPD for their hard work and increased presence in the neighborhood.

Concerned residents can join Mr. Halligan's public safety email list serve by emailing him at RobHalligan@bigfoot.com.

GENERAL AGENDA

The Commission elected new ANC 2B Officers. Commissioner Bjorge made motions to nominate the following Commissioners:

Ramon Estrada - Chair
Curtis Farrar - Vice Chair
Douglas Johnson - Secretary
Mike Silverstein - Treasurer

The motions were seconded and passed by acclamation (8-0).

The Commission discussed a proposed Metro "Core Area Charge" Fee Increase for metro customers using the Dupont Circle Metro Station. A WMATA representative was not present. Commissioner Estrada noted that the proposal calls for an increase of \$0.35 during rush hour from 5:00-9:30 AM and 3:00-7:00 PM Monday – Friday; and 2:00 – 3:00 PM Saturday. Commissioner Silverstein stated that the fare increase was a bad idea. He recommended the Commission go on record against any Metro fare increase. Commissioner Estrada requested the Executive Director to contact WMATA and request a representative to appear at the February meeting with more details on the proposed fare increase.

REGULATORY AGENDA

The Commission considered BZA Application No. 17564 by 1815 19th St LLC for variances to allow the renovation and expansion of an existing seven-unit apartment building at 1815 19th Street NW (2B01). The Commission deferred consideration while waiting for the applicant to appear before the Commission.

The Commission considered Public Space Application No. 24084 by Palm Restaurant for an Enclosed Sidewalk Café at 1225 19th Street NW (2B06). The applicant presented a revised plan to the Commission. Commissioner Silverstein made the following motion:

ANC 2B opposes the application citing concern over the precedent being set. This is an area with more than a dozen unenclosed sidewalk cafes, including a competing steak house, and it is our main concern that approving this application would put those businesses at a competitive disadvantage, and result in a series of applications for similar enclosed sidewalk cafes.

Commissioner Meehan seconded the motion. The motion carried (8-0). Commissioner Silverstein thanked the applicant for working with the Commission.

The Commission considered BZA Application No. 17564 by 1815 19th St LLC for variances to allow the renovation and expansion of an existing seven-unit apartment building at 1815 19th Street NW (2B01). The applicants explained that the previous owner had left the building in disrepair. The applicants formed an LLC to purchase and make renovations to the building. They are seeking a variance to complete renovations required by the District to address numerous housing violations by the previous owner. The applicant noted that the variance would increase the building's FAR by 300 square feet.

Commissioner Silverstein inquired if the applicants had received any support or opposition from neighbors. The applicant stated that he had not received any disapproval from neighbors.

John Moran, a tenant at 1815 19th Street NW, expressed his concern over the application. He stated that the other tenants of 1815 19th Street NW did not disclose the application to him. He noted his opposition to the application. He specifically noted that the certificate of occupancy was originally for six units, however 1815 19th Street LLC is claiming the building will house seven units. He noted that 1815 19th Street LLC plans to sell the building.

Commissioner Farrar made the following motion:

ANC2B as a matter of policy wishes to encourage the purchase of houses by tenants and their conversion to condominium status.

The ANC welcomes the intention of the owners to modernize their building, to bring it up to code, and to improve the attractiveness of the exterior, contributing to the quality of the environment as well as the structure itself.

The ANC has been made aware of positive indications of neighbor attitudes toward the proposal, and knows of no opposition from neighbors. We take this to mean that any effects on light and air are offset, in the minds of neighbors, by other virtues of the project. A tenant spoke to the ANC in opposition to the application on the grounds that it was intended to facilitate conversion to a condominium.

The ANC is concerned that the decision in this case not provide a precedent that might enable neighboring houses to seek similar expansions, which could, as this project by itself does not, substantially impair the intent, purpose, and integrity of the zone plan.

Replacement of the existing addition and deck on the second floor includes increasing FAR, but is required to restore the integrity of the building, entails adding to the floor area ratio.

Addition of a living room to the third floor unit also requires further expansion of FAR. The issue here is whether the applicant has demonstrated that this expansion is necessary to overcome a practical difficulty in complying with Zoning Regulations.

ANC 2B generally endorses the application. On the specific question of approving increased FAR to accommodate expansion on the third floor, the ANC takes no position.

Commissioner Meehan seconded the motion. The motion carried (7-1) with Commissioner Bjorge voting in opposition.

Commissioner Estrada recognized Sean Howard, Ward 2 Community Outreach Coordinator, Office of Community Outreach and Service, for Mayor Adrian Fenty. He requested residents to call 727-1000 with any neighborhood problems. He noted that residents could contact his office if any problems remain unresolved. Residents can reach Mr. Howard at sean.howard@dc.gov.

The Commission considered an ABC application by Bouzid, Inc., license No. 60695, T/A Marrakesh Palace Pasha Lounge (2147 P Street NW) for a CT (Tavern) license and license renewal (2B02). Michael Fonseca, Attorney, and the applicants appeared before the Commission. He noted the applicants spent over \$15,000 on pest control. Commissioner Meehan inquired whether the requested license applies to the whole building. Mr. Fonseca responded that the license applies to the whole building. Commissioner Meehan inquired whether there are four hot tubs on the third floor of the building. The applicants stated that they do not have hot tubs. Commissioner Estrada

inquired whether the applicants intended on opening the rooftop deck. The applicants stated they would not open the roof deck.

John Hammond, a resident living next door to Marrakesh Palace Pasha Lounge, expressed concern over the application. He specifically noted noise, parking and trash problems and violations. He provided documentation and photographs of the violations. Commissioner Estrada inquired whether Mr. Hammond was familiar with the original voluntary agreement with the applicants. Mr. Hammond responded that he was not familiar with the agreement.

A representative of the West Park Tenant Association noted their tenants' concerns over loud noise violations.

Commissioner Branton made a motion to support the application for license renewal. Commissioner Bjorge seconded the motion. The motion carried (8-0).

The Commission considered an ABC application by Grey's Holding LLC, License No. 76187, T/A Paradise Fusion (1401 T Street NW), for a New CR (Restaurant) License with a Summer Garden and Entertainment Endorsement (2B09). Michael Fonseca, Attorney and the applicant appeared before the Commission. Mr. Fonseca noted that the applicant has not yet purchased the building. He noted the kitchen would be installed in the basement. Commissioner Estrada stated that he would like to tour the building to review the applicant's floor plans. Commissioner Estrada expressed concern over the lack of menu. Commissioner Estrada noted that there is neighborhood opposition to a summer garden at this location. Commissioner Estrada inquired about the applicant's plans for garbage management. The applicant stated he would consider using a garbage removal service on a daily basis. Commissioner Estrada inquired if the applicant was willing to work with the Commission to create a voluntary agreement. The applicant stated that he would be willing to work with the Commission.

Elwyn Ferris (14th and T Streets NW) expressed concern over the application. He noted that the windows were removed without proper permitting. He stated that the application calls for seating for 99 people in the summer garden. He expressed concern that this would take away green space from the neighborhood. He also expressed concern over the placement of placards. He noted that late this afternoon, the ABC Board determined that the placards were improperly posted in the neighborhood. The ABC Board is now requiring the applicant to repost the placards, giving the community and ANC an additional 45 days to consider the application.

Commissioner Estrada stated that the Commission had not received official notice of the ABC Board's ruling on the improper placement of placards. He noted that the Commission must make a ruling on this matter tonight. However, the Commission will take additional time to consider this matter again when ANC 2B receives official notice of the ABC Board's decision.

Commissioner Estrada made a motion to protest the application based on issues of peace, order and quiet, pending the negotiation of a voluntary agreement. Commissioner Bjorge seconded the motion. The motion carried (8-0).

UNFINISHED/NEW BUSINESS

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

Commissioner Silverstein made a motion to appropriate a sum, not in excess of \$200, to allow the Executive Director to purchase an external hard drive. Commissioner Bjorge seconded the motion. The motion carried (8-0).

Commissioner Silverstein made a motion that the Commission approve ANC 2B's participation in the Advisory Neighborhood Security Fund, and authorizes the Treasurer to pay \$25 for the period January 1, 2007 – December 31, 2007, with the Chairman and Secretary authorized to execute the agreement. Commissioner Estrada moved the motion. Commissioner Silverstein seconded the motion. The motion carried (8-0).

Commissioner Estrada noted that he would be attending a mandatory training program for the Chairman and Treasurer on February 10, 2007.

The next regular meeting of ANC 2B will be held on Wednesday, February 14, 2007, 7:00 PM at the D.C. Jewish Community Center at 16th and Q Streets, NW.

At 10:00 PM, Commissioner Estrada moved to adjourn the meeting, which passed by acclamation.

Respectfully submitted,

Alfred E. Blicher, Jr.
Executive Director
Dupont Circle Advisory Neighborhood Commission 2B

ADOPTED: February 14, 2007