

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION  
REGULAR MEETING,  
Wednesday, March 14, 2007 Jewish Community Center**

The March 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), Ryan Butler (2B04), Mark Bjorge (2B05), Mike Silverstein (2B06), Phil Carney (2B07), Douglas Johnson (2B08) and Ramon Estrada (2B09). Commissioner Bob Meehan (2B03) was not present at the beginning of the meeting, due to his attendance at a meeting regarding dog park regulations. Commissioner Brian Branton (2B02) was not present due to his resignation from the Commission. The chair noted the presence of a quorum.

**PUBLIC TESTIMONY AND ANNOUNCEMENTS**

Commissioner Silverstein announced that Bill Hewitt and Josh (LAST NAME?) submitted petitions to the Board of Elections and Ethics (BOEE) for the 2B02 vacancy. The BOEE approved both petitions. Commissioner Silverstein recommended the Commission hold elections at the April meeting from 6:00-8:00 PM.

Commissioner Carney thanked Joe Martin, Neighborhood Services Coordinator, Ward 2, Office of Community Relations and Services, for his work on helping clean recent graffiti tagging in the neighborhood. He also noted 206 trees will be planted in the next few weeks. He reiterated the need for residents to adopt trees.

Morgan Zehner, Executive Director, Historic Dupont Circle Main Streets (HDCMS), announced the 2007 Annual Spring Fling & Silent Auction on Wednesday, March 21, 2007 from 6:00-9:00 PM at the Washington Hilton & Towers Hotel. Tickets are \$35 and can be purchased by contacting Susan Taylor at 202-667-6404 or at [suetaylor1@juno.com](mailto:suetaylor1@juno.com).

Ed Grandis, Executive Director of Dupont Circle Merchants and Professional Association (DCMAP) expressed concern over the District's vending policy. He noted that the District recently lifted a moratorium on vending, which found that there were 2,400 illegal vendors operating in the District. He requested the ANC to take action against the vending legislation through its power over permitting of public space. He noted that the District plans to grant 5,000 new vending licenses. He expressed concern that the District does not have regulations in place or enforcement mechanisms to handle the increase in vending licenses. Commissioner Bjorge volunteered to work on this issue.

## **PUBLIC SAFETY COMMITTEE**

Rob Halligan, President, Dupont Circle Citizens Association, 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.

Representatives of MPD were not present. Mr. Halligan noted that MPD is conducting undercover work regarding recent graffiti crimes. There are no specific spikes in crime in the neighborhood. He noted that MPD has rolled out an "Adopt a Block" program. Concerned residents can contact Mr. Halligan at [president@dupont-circle.com](mailto:president@dupont-circle.com).

Commissioner Silverstein expressed concern over the Department of Public Works (DPW) and parking enforcement on streets affected by the P Street Streetscape project. He stated that DPW parking enforcement officers illegally ticketed many residents. He noted that DPW changed parking signs without advanced notice on various streets and ticketed parked cars. Commissioner Silverstein made the following motion:

*WHEREAS, ongoing work by DDOT to upgrade P Street has led to numerous changes, some temporary, in traffic and parking patterns and will surely result in additional changes in the coming months, and*

*WHEREAS those changes have led to confusion on the part of motorists and parking enforcement officers, and*

*WHEREAS parking enforcement officers have acted at times with monumental irresponsibility, such as ticketing every car already parked on Hopkins Street for parking in the wrong direction immediately after DDOT - without notice - changed the direction of the one-way street, resulting in great embarrassment to the District government, and*

*WHEREAS DPW did not appear to learn anything from that fiasco, recently ticketing dozens of cars once again on Hopkins Street that were parked directly in front of signs stating it was legal to park there, and*

*WHEREAS relations between local residents and merchants and DPW are already so bad that one local newspaper has editorialized that "we think they are out to get us," and*

*WHEREAS DDOT has attempted to rectify those mistakes and has kept lines of communication with residents and merchants open and has helped void as many of those tickets as possible,*

*THEREFORE, ANC 2B commends DDOT and especially Karyn LeBlanc for efforts to ease the pain that comes with the renovation of a major thoroughfare and*

*ANC 2B expresses its profound displeasure with DPW's parking enforcement officials for failing to communicate with DDOT and with local residents before writing tickets in the*

*wake of temporary changes. The P Street Streetscape project brings many difficulties to all who live and work in the area, and it threatens the survival of some businesses. Yet DPW sees it as a prime opportunity to further fleece and harass the public....*

*And ANC2B requests that Office P. Garcia and at least one supervisor be transferred on a temporary basis from our area to demonstrate that DPW and its employees are held accountable for the pain that their foolish actions have caused. Mayor Fenty has demanded that the city's bureaucracy be held accountable for its failures. We agree enthusiastically with the Mayor, and believe accountability should begin here.*

Commissioner Estrada moved the adoption of the resolution. Commissioner Butler seconded the motion. The motion carried (7-0).

## **GENERAL AGENDA**

The Commission heard a presentation by Amy Ward, Director, DC Citizen Corps, on the Community Emergency Response Training (CERT) program. DC Citizen Corps provides training to people living in the District to help them better prepare for emergencies. They offer free classes taught by the Police and Fire departments. The next session begins April 3<sup>rd</sup>. Classes are also available on weekends. Participants receive an emergency preparedness kit at the end of the program. For more information, go to [www.citizencorps.gov](http://www.citizencorps.gov). Commissioner Estrada suggested coordinating a program for the neighborhood. Ms. Ward stated her office could organize such a program. Rob Halligan recommended Ms. Ward attend a DCCA meeting to present this information. Residents can contact Ms. Ward at [amy.ward@dc.gov](mailto:amy.ward@dc.gov).

The Commission did not hear a presentation by the Cultural Development Corporation regarding the Source Theatre Project. No representative was present at the meeting. Commissioner Estrada noted that DCCA has endorsed the applicant's proposal.

The Commission discussed the proposed dog park regulations. Iris Molotsky, President and Jeff Hosley, Co-Chair of Friends of S & T Street Parks, spoke briefly before the Commission. He stated that his organization has been working with Circle Dogs for several years to create a design for dog parks at S and T Street Parks. He noted that the newly released District regulations do not incorporate the agreed-upon dog park designs. He noted that there is a provision requiring dog parks be free of rats.

Commissioner Estrada inquired when the comment period ends. Mr. Hosley stated that the comment period would end April 2<sup>nd</sup>, and that they plan on submitting comments. Commissioner Estrada noted that other ANCs have requested an extension of the comment period.

Mr. Halligan recommended ANC 2B contact Councilmember Jack Evans, the Department of Parks and Recreation (DPR), and the Department of Health (DOH). Commissioner Estrada recommended sending a letter regarding the grandfathering of dog

park designs into the regulations and following up with a detailed commentary of main issues of contention, assuming the comment period deadline is extended.

Commissioner Farrar recommended authorizing the sending of letters without further consideration by the ANC if the April 2<sup>nd</sup> deadline is not extended. Commissioner Silverstein suggested authorizing letters to each Councilmember and to the Directors of DPR and DOH. Commissioner Estrada suggested the Commission request Commissioner Meehan to draft letters addressing specific regulations in question. He also expressed concern over inadequate time for the ANC and public to review proposed comments. Commissioner Farrar noted that Commissioner Meehan suggested the creation of a committee to review the proposed comments.

Commissioner Estrada made a motion to authorize the Chair of the Commission to draft letters to individual Councilmembers, and the Directors of DOH and DPR, addressing issues contained in the proposed DPR dog park regulations. Commissioner Estrada stipulated that if the April 2<sup>nd</sup> comment period deadline is extended to April 15<sup>th</sup>, the ANC will have public discussion of any comments submitted to Councilmembers, DPR and DOH. Commissioner Silverstein seconded the motion. The motion carried (7-0). Commissioner Estrada requested residents to send comments to Commissioner Meehan.

## **REGULATORY AGENDA**

The Commission considered BZA Application No. 17614 by the owner of 1825 19<sup>th</sup> Street NW for a variance from the prohibition of enlarging a nonconforming structure and a variance from the requirement for one off street parking space (2B08). Christopher Zimmer appeared before the Commission and explained his application request. He stated that the house is currently in a state of disrepair. He stated renovations would cost approximately \$1.6 - \$2 million. Mr. Zimmer and his architects are working on designs within the historical footprint of the building. He plans to install balconies and a spiral staircase. Mr. Zimmer requested a 7% increase in lot occupancy for the installation of three balconies.

Commissioner Farrar inquired about the status of the application with HPRB. Mr. Zimmer stated that HPRB approved the application. Commissioner Estrada inquired about the parking variance request. Mr. Zimmer responded that the property is landlocked. He offered to provide four parking spaces (three in a parking garage and one across the street from the property). Mr. Zimmer noted that he has prepaid for the four parking spaces for a total of three years.

Commissioner Carney inquired how Mr. Zimmer would handle waste management, in light of the landlocked property. Mr. Zimmer stated that he worked with his architect to design a dedicated trash area and provide private trash collection service.

Henry Gallagher (1823 19<sup>th</sup> Street NW) expressed his appreciation that Mr. Zimmer is renovating the house. However, he expressed concern over the roof deck, swimming pool

and addition of three balconies in the original footprint of the structure. He believes these structures are excessive and do not fit in the original footprint. He is concerned that these additions will create a noise chamber and disturb the neighbors. He also noted his concern regarding the trash. He expressed concern over the renovations setting a precedent.

Sandra Yarrington (1817 19<sup>th</sup> Street NW) also expressed concern over the possible precedent this application could establish.

David Bediz (2013 New Hampshire Avenue NW) noted that there are properties in the surrounding area with balconies. He expressed his support for the application.

Commissioner Silverstein stated that the Commission understands the views of both the applicant and the neighbors, and that the Board of Zoning and Adjustments (BZA) would be best suited to handle this matter. Commissioner Johnson expressed concern over the possibility of Mr. Zimmer's additions blocking the neighbors' light and air. Commissioner Johnson recommended taking no action on this matter.

Commissioner Meehan arrived at the meeting.

The Commission considered BZA Application No. 17589 (1417 17th Street NW) and an appeal of the administrative decision of the Zoning Administrator of DCRA to deny the issuance of a Certificate of Occupancy for a delicatessen because the prior delicatessen use was discontinued for more than 3 years pursuant to 11 DCMR 2005 (2B05). The applicant appeared before the Commission. The applicant explained that he did not operate the previous delicatessen, which was responsible for numerous health violations. The applicant now wishes to operate a new delicatessen. Commissioner Silverstein inquired about the sanitation problem from the previous tenant. Commissioners Carney and Estrada expressed concern over past sanitation problems and the landlord's unwillingness to address these concerns. Commissioner Estrada made a motion to support the Zoning Administrator's decision to deny the issuance of a Certificate of Occupancy. Commissioner Meehan seconded the motion. Commissioner Bjorge made the following motion:

*WHEREAS, the alteration of business practices at 1417 17th St NW from pre-prepared food service to cooked-to-order food occurred in 1998 and*

*WHEREAS, this alteration caused excessive negative impacts upon the neighboring residential properties on the 1600 Blocks of P Street and the 1400 Blocks of 17th Street, and*

*WHEREAS, neither the then commercial tenants of said property nor the owner was able or willing to reduce said impacts, and*

*WHEREAS, for 6 years the best concerted efforts of DCRA, DOH, DPW, ONS, Ward 2 Councilmember Jack Evans, and ANC 2B were unable to abate these negative impacts,*

*and*

*WHEREAS, the past DCRA Zoning Administrator, Denzil Noble, found said alteration of business practices at that property had exceeded its Grandfathered Delicatessen Certificate of Occupancy, and*

*WHEREAS, the current DCRA Zoning Administrator, Bill Crews, has found said alteration of business practices at that property exceeded its Grandfathered Delicatessen Certificate of Occupancy, and*

*WHEREAS, the DCRA Zoning Administrator has determined that said alteration of business practices to be an abandonment of the Grandfathered Use, and*

*WHEREAS, the Zoning Administrator has found said abandonment of Grandfathered Use to exceed a period of three years in time, and*

*WHEREAS, the Zoning Administrator has determined said lapsed period of time has caused said Grandfathered Use to be extinguished, and*

*WHEREAS, the owner of 1417 17th St NW has appealed the decision of the Zoning Administrator to the BZA,*

*THEREFORE, be it resolved that ANC 2B expresses its support of the decision by DCRA and the Zoning Administrator. ANC 2B commends the Zoning Administrator's decision that the grandfathered use has been abandoned and is thereby extinguished.*

*THEREFORE, ANC 2B opposes the appeal.*

Commissioner Estrada withdrew his original motion and seconded Commissioner Bjorge's motion. The motion carried (8-0), with Commissioner Meehan in attendance.

The Commission considered a public space request for an existing sidewalk cafe outside Overtime Sports Café at the 1200 block of 20th Street, NW (2B06). Commissioner Silverstein stated that the applicant will go before DDOT to request the use of public space for an existing deck. He expressed concern that this establishment would morph into a club. A resident expressed her support for the application. Commissioner Carney stated that he supports the use of public space.

Commissioner Silverstein made a motion to support the request for use of public space for an existing sidewalk café. Commissioner Estrada seconded the motion. The motion carried (8-0).

## **UNFINISHED/NEW BUSINESS**

Commissioner Meehan reported on his attendance at a meeting regarding dog park regulations. He stated that DPR extended the comment period until May 1<sup>st</sup>. He announced that there would be three public meetings:

Chevy Chase Community Center on March 21<sup>st</sup> from 7-8:30 PM

Kennedy Playground on March 26<sup>th</sup> from 7-8:30 PM

Riverside Center on March 28<sup>th</sup> from 7-8:30 PM

The Commission delayed approving the February regular meeting minutes until the April meeting.

Commissioner Silverstein announced that the ANC was approved for two quarterly allotments. The ANC has only received one of these allotments.

The next regular meeting of ANC 2B will be held on Wednesday, April 11, 2007, 7:00 PM at the D.C. Jewish Community Center at 16<sup>th</sup> and Q Streets, NW.

At 9:30 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: April 11, 2007