

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

The November Regular Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Vice Chair Curtis Farrar at 7:00 pm. The Commissioners identified their Single Member Districts (SMDs). Present were: Commissioners Curtis Farrar (2B01), William Hewitt (2B02), Bob Meehan (2B03), Ryan Butler (2B04), Mike Silverstein (2B06), Phil Carney (2B07) and Will Stephens (2B08). Commissioner Ramon Estrada (2B09) was not present. The Vice Chair noted the presence of a quorum.

PUBLIC TESTIMONY AND ANNOUNCEMENTS

Commissioner Silverstein noted that jersey barriers were removed from P Street. He noted that only one restaurant closed during the P Street construction.

Commissioner Stephens announced that Rosemary's Thyme Bistro would host a Thanksgiving dinner for the homeless on November 22nd from 12:00-2:00 PM.

Commissioner Carney announced the Walk for the Homeless on November 24th. Interested residents can contact Rob Halligan at president@dupont-circle.com for more information.

A representative of the Cairo Condominium Board of Directors briefed the public on the status of renovation work on the outside of the building. He stated that the renovation could start the end of November, depending on when the Board receives a permit.

Carey Silverman announced his intention to run for Ward 2 Councilmember. More information can be found at www.careyforcouncil.org. Rob Halligan noted his intention to run for Ward 2 Councilmember. More information can be found at www.halliganprojects.com.

Sol Levine announced the establishment of a neighborhood network. He asked interested residents to volunteer as block captains. Interested residents can email neighborhood.network.208@gmail.com for more information.

A resident expressed concern over the Hilton plan to build a modern condo building.

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.

He noted a number of robberies had occurred in the neighborhood during the past month.

GENERAL AGENDA

Commissioner Farrar announced that the 2B05 Special Election would take place at the next ANC meeting on December 12th from 7:15 – 9:30 PM. Commissioner Silverstein made a motion to approve the Special Election procedures. Commissioner Butler seconded the motion. The motion carried (7-0).

Commissioner Farrar pulled names of the three candidates from a hat to determine the ballot order. The candidates will appear in the following order on the ballot:

1. Victor Wexler
2. Desmond Foynes
3. Thomas Kelly Hamilton

Matthew Marcou, Public Space Manager, District Department of Transportation, spoke before the Commission. He briefly spoke to the public about DDOT's role in handling private occupancy of public space.

REGULATORY AGENDA

The Commission considered the Historic Status of Third Church of Christ, Scientist (16th & I Streets, NW) and its request to reject the landmark nomination on its Church Building (2B06). Whitney Louchheim, a representative of Third Church, requested the ANC's support in defeating the landmark application with the Historic Preservation Review Board (HPRB). She briefed the public on the history of Third Church. She noted that the Committee of 100 at the DC Preservation League filed a landmark application without consulting Third Church. She noted the landmark application has been pending for 16 years, which is presently holding up any additional improvements. The landmark application contains numerous factual inaccuracies. Third Church's architect highlighted numerous structural and energy efficiency concerns. Representatives of HPRB and the Committee of 100 spoke before the public.

Commissioner Silverstein made the following motion:

Whereas, Dupont Circle ANC 2B has heard arguments from all interested parties regarding the landmark nomination petition for Third Church of Christ, Scientist at the corner of 16th and I, and has considered the original nomination application and the staff report of the Office of Historic Preservation and the minutes of the Historic Preservation Review Board meeting of November 1, 2007,

Therefore, Dupont Circle ANC 2B strongly recommends that the HPRB reject the landmark application at the request of the Church. Further, we request the Attorney General of the District of Columbia to issue an opinion regarding the Church's rights in

the matter under the Religious Land Use and Institutionalized Persons Act of 2000 (R-LUIPA) 42 USC Section 2000cc and the Free Exercise Clause of the First Amendment.

We do so for the following reasons:

- 1. Churches play a vital role in our community, and the sense of the community is that they should not be subject to undue burdens by the District government in order to continue their mission.*
- 2. The nomination application is replete with errors and falsehoods regarding church history and religious matters. These alone should require the nomination be rejected.*
- 3. The structure is less than 50 years old, and lacks historic significance.*
- 4. The attempt to landmark a 19 year old structure - as occurred here in 1991 - without the consent of the Church - and keeping that application on hold for 16 years strikes us as an abuse of process. The Committee of 100, the applicant for the landmark effort wrote on October 4, 1991, "we have also stated explicitly that it is not our intention to save physical things if so doing means the loss of the activities that give them life." The Church is requesting the applicant to honor this pledge of 1991.*
- 5. There is no consensus on the worth of the structure. Many critics and much of the public dislike the architecture, to say the least.*
- 6. The Church has provided evidence that the architect overrode their concerns and built a structure that does not meet with their religious mission, with no public doors or windows on either 16th or I Streets. They have convinced us that it is too large and expensive to maintain, and these problems will become more serious with the passage of time. And they are steadfast in their mission to serve the Downtown area, and have no intention of moving to another area. Thus, we feel their case merits consideration under the "undue burden" provision of R-LUIPA. In addition, a system of subjective, individualized assessments, such as the historic preservation process, triggers strict scrutiny under the Free Exercise Clause of the First Amendment.*
- 7. We feel that the landmark case fails to prove any compelling government interest, and weakens public support for historic preservation and could not adequately be defended in court. In fact, we strongly believe this is not a case that preservationists should wish to litigate.*

Commissioner Butler seconded the motion. The motion carried (7-0).

The Commission considered a mixed-use development proposal by Utopia (1912 - 1944 14th Street NW and 1400 - 1418 U Street NW) by Eric Colbert, and Georgetown Strategic Capital, to develop floor retail and apartments. Mr. Colbert stated that the applicant has an agreement with affected businesses to help them remain open during the proposed construction. The ground floor will hold 30,000 square feet for retail

businesses. He stated that the applicant did not request an increase in FAR, height, or density. The building will accommodate 140 parking spaces and 250 units.

Commissioner Meehan made a motion to endorse the Dupont Circle Conservancy's position and incorporate into the ANC's minutes.

The Conservancy opposed the project as presented. The proposed massing is too great for this narrow site. We would prefer that the design retain more of the character of the historic quadrant; that it include additional stepped-down massing on the rear of the 14th Street portion of the project in order to retain more of the light now received behind the existing structures; that changes be undertaken to reduce traffic impact on the already congested historic alley system immediately adjacent to the west; and that proposed ingress/egress from T Street be moved to and limited to 14th Street only, thus minimizing the traffic impact on the historic alley system and on residential T Street with its existing one-way traffic pattern. Unlike the Reeves Center to the north, which was built on a large site, this project is being wedged into an existing historic district with considerable adjacent existing residential areas. Both the historic district and the existing residences should be respected.

Commissioner Carney seconded the motion. The motion carried (7-0).

The Commission considered ABC License Application No. 74020 by Jack's Restaurant and Bar (1527 17th Street NW) for a substantial change request to expand the seating capacity for the sidewalk cafe from 28 seats to 34 seats. Commissioner Carney expressed concern over noise from additional seats. Commissioner Meehan stated he would not support any application unless the applicant installed permanent handicap access. Commissioner Carney made a motion to protest the application, based on concerns over peace, order and quiet, pending the negotiation of a voluntary agreement. Commissioner Carney additionally requested that Jack's Restaurant comply with ANC guidelines on hours of operation regarding public space. He requested the applicant to install handicap access. Commissioner Farrar seconded the motion.

Madison Jones noted that 27 residents signed a petition opposing Jack's Restaurant recent ABC renewal.

The motion carried (6-0-1), with Commissioner Butler abstaining.

Commissioner Carney left the meeting.

The Commission considered the Historic Preservation Application No. 07-451 by Barmy Wines (2012 P Street, NW) for a Third Floor Addition on a two-story Commercial Building. The applicant stated that he would not pursue the third floor addition.

Dave Mallof expressed concern over Barmy Wines' check cashing service. He requested the applicant to be a steward to the community. The Commission did not take a position because the applicant withdrew his application.

The Commission considered a Historic Preservation Application No. 08-26 by Primimoda Gallery (2010 R Street, NW) for a banner sign. Commissioner Hewitt made a motion to support the application. Commissioner Meehan expressed concern over the banner sign being too large for the building. The motion carried (6-0).

The Commission considered Historic Preservation Application No. 08-37 by Circa Café (1601 Connecticut Avenue, NW) for a permanent awning for a sidewalk café. A representative of Circa Café stated that HPRB stated that the applicant did not need to appear before the board regarding this application. The representative noted that he appeared before the Dupont Circle Conservancy. Rick Busch, President, Dupont Circle Conservancy, read aloud DCC's resolution:

We accepted the proposal as presented to us, contingent upon the pole to support the replacement awning, being immediately aligned with the existing fence on all sides.

Commissioner Meehan noted that the overhang of the awning was acceptable. Commissioner Hewitt made a motion to support the application with the condition that the awning is aligned with the existing fence. Commissioner Meehan seconded the motion. The motion carried (6-0).

UNFINISHED/NEW BUSINESS

Commissioner Silverstein made a motion to appropriate an amount not exceeding \$75 for office expenses for Executive Director Blicher; and an amount not exceeding \$40 for the purchase of two sheet cakes for the DCCA House Tour.

Commissioner Silverstein made a motion to approve the quarterly financial report. The ANC currently has \$30,000 in its bank account.

Commissioner Butler seconded the motions. The motions carried (6-0).

Commissioner Silverstein made a motion to approve the budget. Commissioner Farrar suggested the Commission consider this item at the December meeting.

Commissioner Farrar made a motion to approve the October regular meeting minutes as amended. Alfred E. Blicher, Jr. is empowered to make technical changes to the October meeting minutes. Commissioner Hewitt seconded the motion. The motion carried (6-0).

Commissioner Meehan made a motion that either the Chairman or he would speak on behalf of the Commission, and attend a meeting held by Councilmember Graham on ABC licenses and voluntary agreements. Commissioner Silverstein seconded the motion. The motion carried (6-0).

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

The next regular meeting of ANC 2B will be held on Wednesday, December 12, 2007, 7:00 PM at the D.C. Jewish Community Center at 16th and Q Streets, NW.

Respectfully submitted,

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

ADOPTED: January 9, 2007