

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION
REGULAR MEETING MINUTES
Wednesday, November 12, 2008 Jewish Community Center**

The November Regular Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chairman Estrada at 7:00 pm. The Commissioners identified their Single Member Districts (SMDs). Present were: Curtis Farrar (2B01), William Hewitt (2B02), Bob Meehan (2B03), Jack Jacobson (2B04), Victor Wexler (2B05), Mike Silverstein (2B06), Phil Carney (2B07), Will Stephens (2B08) and Ramon Estrada (2B09). The Chairman noted the presence of a quorum.

PUBLIC TESTIMONY AND ANNOUNCEMENTS

Commissioner Estrada congratulated newly elected and re-elected Commissioners.

Paul Williams, HDCMS Executive Director, Dupont Circle Main Streets, announced the start of its Clean Team. In the first 3 weeks, the team collected 831 bags of trash weighing nearly 25,000 pounds, and cleaned up graffiti.

PUBLIC SAFETY

Commissioner Jacobson:

- Sgt. McDonald (PSA 208) attended the meeting
- Sex abuse crimes are down in the past month
- All other crimes are up in the past month

Contact Sgt. McDonald at johnc.mcdonald@dc.gov

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.

GENERAL AGENDA

Commissioner Farrar left the meeting.

DPW Parking Tickets

Representatives from the Department of Public Works spoke before the community regarding parking tickets.

- The law requires that you cannot park in public space
- If your vehicle extends into the public sidewalk, your vehicle will be ticketed
- DPW would need to go block by block to review parking problems

Commissioners will be in touch with DPW to submit any parking spaces in question.

Presentation by Sam Williams (DCRA), New Vending Regulations

- Site permit and a vending license for a specific location
- All permitting and licensing falls under DCRA
- Temporary legislation calls for a 350 vendor limit in Ward 2. No new vending sites may be opened in Ward 2
- DCRA will work with community to address concerns

Update on Hilton Hotel issues

- HPRB approved the concept design
- The City entered into a memorandum of understanding with the Hilton. Third party enforcement will audit traffic issues and compliance by the Hilton
- Fees are referred to as “Assessments”, and would go to a nonprofit dealing with transportation issues
- A study is under development to address an alternative loading dock
- Original intent of MOU was for the community to enter into an agreement with the Hilton, but the Hilton entered an MOU with the city.

Commissioner Stephens made a motion requesting the Commission submit a letter to the city addressing the following:

1. We appreciate the city heard our concerns
2. We are hopeful that the MOU will be effective in mitigating problems
3. We are concerned about the city’s negotiation of the MOU

Commissioner Carney seconded the motion.

Commissioner Jacobson expressed concern over the ambiguity of language used in motions passed at meetings and presented in letters. Commissioner Estrada reminded Commissioners of their responsibility to craft language for their SMD items.

The motion carried (8-0).

Presentation by DDOT (Chris Ziemann) on 14th/15th Street projects & T Street resurfacing

- 14th Street Study is complete and available at www.14thstreetstudy.com
- Numerous projects were cut back due to funding cuts
- 15th Street Study
- T Street Resurfacing – Commissioner Stephens expressed concern that residents received only 4 days notice
- Contact: christopher.ziemann@dc.gov

Consideration of resolution re: 18th Street DDOT & WASA projects

Commissioner Stephens made a motion to write a letter to WASA and DDOT, letting them know they should coordinate on the 18th Street Project to make sure that water mains and street resurfacing are coordinated.

Commissioner Silverstein seconded the motion. The motion carried (8-0).

Introduction of Amanda Alexander, Ross Elementary School

202-673-7200 (phone)

202-673-6644 (fax)

amanda.alexander@dc.gov

Principal's Hotline

202-579-5326 (Wednesdays from 5-7 PM)

Consideration of grant request by Dupont Circle Village

- Projected budget for 2009: Approximately \$36,000
- Membership dues will be collected, but amount remains to be determined
- Raised \$10,000 through grants from DCCA, \$7,000 from over 100 contributors
- Requesting \$3,000 from ANC 2B

Commissioner Silverstein stated that ANC 2B would receive money from DCCA regarding the 1616 Rhode Island Ave, N.W. PUD matter. He suggested that ANC 2B accept less money from DCCA, and request that this money be granted to Dupont Circle Village. Commissioner Hewitt noted his opposition to this grant. He noted that ideologically, he does not believe government should be in the business of charitable giving. Commissioner Silverstein noted that ANC 2B has authority to designate where money from the 1616 Rhode Island Ave, N.W. PUD is granted. Commissioner Estrada suggested reviewing this matter at the December meeting. No motion was made regarding this matter.

Commissioner Farrar returned to the meeting.

Consideration of a resolution requesting that the Council hold a hearing on Councilmember Barry's religious land use bill & consideration of Commission action in appeal and District Court case (Third Church)

Commissioner Jacobson made the following motion:

WHEREAS, Third Church of Christ, Scientist is seeking permission from the DC government to tear down its structure;

WHEREAS, that structure does not meet the needs of the congregation in fulfilling its religious mission, and the congregation makes a compelling case that it actually impedes them;

WHEREAS, maintenance of the Brutalist structure imposes an undue financial burden and hardship upon the congregation;

WHEREAS, federal religious civil rights legislation forbids any government entity from imposing an undue land use burden on any church or congregation; and

WHEREAS, the DC Preservation League has stated in its legal filing in the case that the aforementioned federal religious civil rights protections "may or may not apply" in the District of Columbia.

THEREFORE, BE IT RESOLVED, that the Dupont Circle Advisory Neighborhood Commission urges the Mayor's Agent considering the Third Church case to rule in favor of the congregation on both hardship and federal civil rights grounds; and

THEREFORE, BE IT FURTHER RESOLVED, that we find it inconceivable that a local government seeking full civil rights in the case of voting representation in Congress would not vigorously enforce the civil rights protections already granted to District residents by the Constitution of the United States of America.

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

Commissioner Jacobson made the following motion:

WHEREAS, District of Columbia residents are denied voting representation in Congress and its elected officials regularly call for full civil rights for residents of the District;

WHEREAS, it is the responsibility of District elected officials to secure and guarantee the same civil rights for District residents as for those of the 50 states;

WHEREAS, in a pending submission to the Mayor's Agent for Historic

Preservation, the DC Preservation League states that a religious civil rights statute that protects the liberties of residents of the 50 United States "may or may not apply in the District of Columbia";

WHEREAS, the Mayor's Agent for Historic Preservation has declined to rule on the Preservation League's assertion or the claim of religious civil rights protection in the District of Columbia; and

WHEREAS, the Mayor's Agent, in declining to consider these issues, is effectively claiming that the First Amendment of the Constitution is not a limitation on her actions as a representative of the DC Government.

THEREFORE, BE IT RESOLVED, that the Dupont Circle Advisory Neighborhood Commission sharply rebukes the DC Preservation League for insinuating in litigation that District residents may not enjoy the same religious civil rights granted to other Americans in the U.S. Constitution, thereby putting its own agenda ahead of the rights and freedoms of our constituents; and

THEREFORE, BE IT FURTHER RESOLVED, that the Dupont Circle Advisory Neighborhood Commission requests the City Council reaffirm the civil rights of DC residents granted in the U.S. Constitution by holding hearings and passing legislation without delay to bring DC law into conformance with federal civil rights protections – specifically Councilmember Barry's legislation, B17-0788.

Commissioner Silverstein seconded the motion. The motion carried (9-0). Commissioner Jacobson requested permission from the Commission to speak on these issues before the Mayor's Agent on November 24. The Commission supported Commissioner Jacobson's request.

Presentation by Center for Strategic and International Studies, 1616 Rhode Island Ave, N.W. to propose a Second Stage PUD (2B05)

Commissioner Silverstein stated that the applicant requested to make minor changes to a building structure, which had already been approved. He stated that the changes to the structure were positive. The applicant presented their design plans to the Commission. Commissioner Estrada stated that the Commission looks forward to receiving the BZA application. No letter was required tonight.

REGULATORY AGENDA

1666 Connecticut Avenue, NW, HPA #09-036, concept/alterations to sidewalk café (2B02)

The applicant requested permission to install a retractable awning for their sidewalk café. The applicant requested permission to enclose the sidewalk café. Commissioner Meehan stated that ANC 2B has a policy of opposing enclosed sidewalk cafes. Rick Busch, President, Dupont Circle Conservancy, stated that DCC does not support the project as presented. Commissioner Silverstein suggested that the applicant work with DCC and ANC 2B on an acceptable design for the sidewalk café. Commissioner Hewitt made a motion to oppose the application as presented, and request that the applicant to work with DCC on an acceptable alternative design. Commissioner Jacobson seconded the motion. The motion carried (9-0).

BZA Application #17850 for one variance and three special exceptions to permit the redevelopment of the structures located at 1407 S Street NW and 1802, 1804, 1810, 1816, and 1818 14th Street NW. (2B09)

Commissioner Estrada noted that the Whitman Walker Clinic and surrounding buildings at 14th and S Streets are being redeveloped into residences. The applicant is seeking the following:

1. Variance for lot occupancy for a historic building
2. Special Exception for parking
3. Special Exception for a zone boundary setback (arts overlay)
4. Special Exception for the height of the pent house

Rick Busch, President, Dupont Circle Conservancy, stated that DCC did not like the proposed project. He noted that DCC does not care for the concept of the project.

Commissioner Estrada made a motion to approve the variance for lot occupancy, the special exceptions dealing with height and parking, but oppose the arts overlay special exception. Commissioner Jacobson seconded the motion.

Commissioner Farrar proposed a friendly amendment to disapprove all of the applicant's requests, for the project as submitted. Commissioner Estrada noted that the Commission had set a precedent regarding the lot occupancy variance with the Utopia project.

Commissioner Estrada suggested that the applicants could withdraw their application to present their plans more completely before the community. The applicant noted that the next available hearing date would be in April 2009.

Commissioner Estrada withdrew his original motion, with the agreement of the second, Commissioner Jacobson.

Commissioner Meehan made a motion to not support the variance and special exceptions for the project as submitted. Commissioner Silverstein seconded the motion. The motion carried (9-0).

Commissioner Silverstein announced three Voluntary Agreements between the Commission and ABC applicants.

1. ABRA Application #080501, PQ Blaine Mansion, Inc. t/a Le Pain Quotidien, for “C” Restaurant license, New restaurant with bakery. (2B02)
2. ABRA Application #080149, JPA Hospitality, Inc t/a Aioli, 2153-2155 P Street NW, for “C” Restaurant license. New restaurant with sidewalk café (34 seats). (2B02)
3. SoHo Tea and Coffee – not on agenda?

He noted that these three applicants agreed to all of the Commission’s concerns. Commissioner Silverstein made a motion to approve the three applications and voluntary agreements, and offer a stipulated license to Aioli. Should SoHo Tea and Coffee agree to a similar Voluntary Agreement, the Commission would support them and offer a stipulated license to them. Commissioner Farrar seconded the motion. The motion carried (9-0).

Public Space Application #40570 for six parking spaces at 1926 16th Street NW (2B09)

Commissioner Estrada made a motion to approve the application. Commissioners expressed concern over the city’s fee for parking spaces (7% of the adjoining property). Commissioner Silverstein suggested that the Commission approve the application with the demand that the city request a reasonable price for parking spaces. Commissioner Jacobson seconded Commissioner Silverstein’s original motion. The motion carried (9-0).

ABRA Renewals

The Commission took no action.

Application by 1807 Corporation for renewal of Class B Retailer License

#ABRA-021578 for the Dupont Market located at 1807 18th Street NW. (2B01).

Application by 2130 P Incorporated for a Class B Retailer License #ABRA-074057 for the Metro Supermarket at 2130 P Street NW. (2B02)

Application by H. S. Lee Corporation for a Class B Retailer License #ABRA-060741 for Prego Again at 1617 17th Street NW, (2B04)

Application by Moon Run Inc for renewal of a Class B Retail License #ABRA-060717 for the 1500 Market at 1500 Massachusetts Avenue NW, (2B05)
Application by Hyk, Inc. for renewal of a Class B Retailer License #ABRA-071148 for Marbi's Newstand at 1730 Rhode Island Avenue NW. (2B05)
Application by Oasis, Inc. for renewal of a Class B Retailer License #ABRA-014153 for the Oasis at 2024 P Street NW. (2B06)
Application by Freedom Market, Inc. for renewal of a Class B Retailer License for Freedom Market, Inc at 1901 New Hampshire Avenue NW. (2B09)
Application by Bella Investments, Inc. for renewal of a Class B Retailer License for the New Hampshire Market at 1900 16th Street NW. (2B09)

UNFINISHED/NEW BUSINESS

BUDGET

Commissioner Silverstein stated that he finalized the quarterly report.

- \$24,000 in funds available
- Total disbursements were \$6,290
- Ending balance was \$17,928
- \$19,000 in savings

Commissioner Silverstein made a motion to approve the report. Commissioner Estrada seconded the motion. The motion carried (9-0).

MINUTES

Commissioner Farrar moved the approval of August, Regular and Special September, and October minutes. The motion passed by acclamation.

NEW BUSINESS

Commissioner Jacobson expressed concern over the exact language voted on at meetings and in official letters. He requested that the Commission correct any discrepancies. He also requested the Executive Director to research how the Commission could store official letters on the website for the public to access. He requested an update no later than the January 2009 meeting.

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

The next regular meeting of ANC 2B will be held on Thursday, December 11, 2008, 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: February 11, 2009