

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION  
REGULAR MEETING MINUTES  
Wednesday, October 7, 2008 Jewish Community Center**

The October 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: Bob Meehan (2B03), Jack Jacobson (2B04), Mike Silverstein (2B06), Phil Carney (2B07), Will Stephens (2B08) and Ramon Estrada (2B09). The Chairman noted the presence of a quorum. Commissioners Curtis Farrar (2B01), William Hewitt (2B02) and Victor Wexler (2B05) arrived later in the meeting.

**GENERAL AGENDA**

**Presentations by ANC 2B Candidates in November 2008 General Election**

2B09 and 2B07 candidates spoke before the Commission and residents.

**Public Safety**

Commissioner Estrada announced that an arrest was made for the recent murder in the alley at 14<sup>th</sup> and T Streets NW (2B09). Commissioner Jacobson stated that crime was down 8% in Dupont Circle since last year. Officer Fletcher attended tonight's meeting. He is MPD's new Community Outreach Officer for Dupont Circle. He can be contacted at [Steven.fletcher@dc.gov](mailto:Steven.fletcher@dc.gov).

**Discussion of Council at-Large Candidates Forum**

Commissioner Stephens: At-Large Council seat candidates' debate will be held on October 20<sup>th</sup> from 7:00 - 8:30 PM in the "Powell Room" in the Cosmos Club (2121 Mass. Ave. NW).

<http://2008ward2candidatesdebate.blogspot.com/>

**Commissioners Wexler and Hewitt arrived at the meeting.**

**Discussion of and resolution regarding the 2008 High Heel Race on October 28, 2008**

Dave Perruzza, JR's Bar & Grill, requested a parade license for the High Heel Race on October 28<sup>th</sup>.

Commissioner Jacobson made a motion to send a letter of support for the High Heel Race parade license to Tanya Mitchell. Commissioner Estrada seconded the motion. The motion carried (8-0).

**Consideration of any 1-day requests for substantial change during the 2008 High Heel Race on October 28, 2008**

Commissioner Silverstein made a motion to support any and all requests for substantial changes for one day for all establishments along 17<sup>th</sup> Street NW, that wish to expand their

capacity for the High Heel Race. Commissioner Carney seconded the motion. The motion carried (8-0).

### **Councilmember Jack Evans**

Councilmember Evans stated he would be attending future ANC meetings.

- \$130 million projected shortfall in the budget.
- Single sales legislation will take effect soon
- Vote recount was completed today and found that a computer erroneously generated 1,452 additional write-in votes
- Third Church clean legislation will be considered in November

## **REGULATORY AGENDA**

**Review of BZA Application No. 17831—14th and U Street Utopia Project—6 variances: a variance from the height requirements under section 770, a variance from the floor area ratio requirements under subsection 771.2, a variance from the lot occupancy requirements under section 772, a variance from the rear yard requirements under section 774, a variance from the loading requirements under section 2201, and a variance from the prohibition of driveways that provide access from a pedestrian street to required parking spaces or loading berths under subsection 1903.2. (2B09)**

Commissioner Estrada: The BZA will review the requested variances, which the applicant needs to continue the project. The applicant initially requested six variances. This request was amended to four variances as of October 2<sup>nd</sup>. The Commission will review these four variances. The revised drawings delivered to Commissioner Estrada, (dated September 23<sup>rd</sup>) were modified to include penthouses; a minor change to the south side of the building (which was removed); the north side includes the layout of the mechanical equipment where there is no habitable space.

Commissioner Estrada noted that the ANC reserves the right to comment on any changes after tonight's meeting, due to concerns about future changes to the plan between now and the BZA hearing. The applicant stated that the filing date of the application is October 22<sup>nd</sup>. The BZA hearing date is November 5<sup>th</sup>.

The Commission considered 4 variances.

### **1. Public Space Ground level variance**

The applicant has worked with HPRB on this variance.

### **2. Driveway variance**

The Commission already ruled and is in favor of the curb cut on 14<sup>th</sup> Street NW. Commissioner Estrada noted that DDOT's traffic study supported this curb cut. The ANC originally requested DDOT to conduct this traffic study. The DDOT study is in draft form and will be made available to the public.

Commissioner Estrada made a motion to approve both Public Space Ground Level and Driveway variances. Commissioner Silverstein seconded the motion. The motion carried (8-0).

### **3. Rear yard variance**

Commissioner Estrada made a motion to not approve the rear yard variance. Commissioner Meehan seconded the motion.

Commissioner Stephens noted that the Commission passed a motion at the September meeting stating that the project could go forward because the developer has shown good faith in working with the community. He stated that it would be inappropriate for the Commission to continue to not support zoning variances requested by the developer. He noted that he did not support a motion denying the developer's request for this particular zoning variance.

Commissioner Estrada expressed concern over the impact of this particular variance on public safety, loading space, and proper turning radius.

Commissioner Silverstein made a friendly amendment expressing the Commission's concern about loading space and proper turning radius; that the Commission does not support the variance as it currently stands; and that the Commission urges BZA to work with the developer to address public safety issues. Commissioner Estrada accepted the friendly amendment.

Commissioner Jacobson expressed concern over the Commission unanimously approving the concept plans at the September meeting, and not approving zoning variances at the October meeting.

The applicant noted that rear yard would remain as open space and that the lot be maintained. Commissioner Estrada stated he would consider the applicant's suggestion as a friendly amendment to the motion.

Commissioner Estrada stated the revised motion including friendly amendments: Commissioner Estrada made a motion to not approve rear yard variance due to concerns over a number of issues, including public safety, and that we urge BZA to work through these issues in their deliberation, and that we stipulate that on the Southern side (C3A) we preserve the open space as shown in the plan. Commissioner Meehan seconded the revised motion with friendly amendments.

Commissioner Stephens offered a friendly amendment to support the zoning variance, subject to and on the condition that the plans submitted are substantially equivalent to the plans the Commission viewed tonight, in particular that the green space in the rear yard is preserved on the southern portion of the property. Commissioner Estrada did not accept the amendment, and stated that the Commission would consider each motion separately. Commissioner Hewitt seconded the motion.

The Commission first voted on Commissioner Stephens' motion. The motion failed (3-5), with Commissioners Meehan, Wexler, Silverstein, Carney and Estrada voting in opposition.

The Commission voted on Commissioner Estrada's motion. The motion passed (5-3), with Commissioners Stephens, Jacobson and Hewitt voting in opposition.

#### **4. Lot occupancy variance**

Commissioner Estrada made a motion to approve the lot occupancy variance. Commissioner Stephens seconded the motion. Commissioner Estrada accepted a friendly amendment (suggested by Ed Grandis) to allow Commissioners to view any changes made by the applicant, after tonight's meeting. The motion carried (8-0).

#### **Commissioner Farrar arrived at the meeting.**

#### **ABC Substantial Change request for Eighteenth Street Lounge for summer garden with 26 seats (2B06)**

Commissioner Silverstein noted that the applicant has a roof deck for which no permit exists. He noted that the previous applicant had installed the roof deck. The current applicant requests a substantial change request to bring its establishment up to ABC code. Commissioner Silverstein made a motion to approve the request. Commissioner Stephens seconded the motion. The motion carried (9-0).

#### **Public Space Request #41003 for rental of 7 parking spaces at 1901 R Street NW (2B01)**

Commissioner Farrar made a motion to endorse the Public Space request. Commissioner Carney seconded the motion. The motion carried (7-1-1), with Commissioner Meehan opposing, and Commissioner Wexler abstaining.

#### **Commissioner Silverstein left the meeting.**

Commissioner Farrar made the following motion:

ANC 2B wishes to understand the rationale regarding DPW's policies on parking spaces, when for decades they have been available to the owners, and that the Commission request the presence of representatives of DPW and DDOT to discuss this matter at our next meeting on November 12<sup>th</sup>. Commissioner Estrada seconded the motion. The motion carried (8-0).

#### **Public Space Request #41047 for rental of 2 parking spaces at 1812 R Street NW (2B03)**

Commissioner Meehan made a motion to approve the request. Commissioner Estrada seconded the motion. The motion carried (8-0).

## **UNFINISHED/NEW BUSINESS**

### **MINUTES**

Commissioner Estrada tabled approval of August and September minutes until the November meeting.

### **New Business**

Commissioner Estrada recommended the Commission seek technical zoning assistance, up to the amount of \$3,000, should the Commission need such funding for the Utopia BZA project. Commissioner Carney seconded the motion. Commissioner Jacobson requested that the Commission be notified before any funds are disbursed for any technical assistance. The motion carried (8-0).

Commissioner Jacobson requested that the September minutes reflect the language which was sent in the Commission's letter regarding the Utopia project to the BZA.

At 9:00 PM, Commissioner Estrada moved to adjourn the meeting, which passed by acclamation.

The next regular meeting of ANC 2B will be held on Wednesday, November 12, 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: November 12, 2008