

ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION REGULAR MEETING MINUTES

Wednesday, August 12, 2009 Jewish Community Center

The August Regular Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chairman Silverstein at 7:00 pm. The Commissioners identified their Single Member Districts (SMDs). Present were: Mike Feldstein (2B01), Bhavna Patel (2B02), Bob Meehan (2B03), Jack Jacobson (2B04), Victor Wexler (2B05), Mike Silverstein (2B06), Phil Carney (2B07) and Will Stephens (2B08). Ramon Estrada (2B09) was not present at the beginning of the meeting, but arrived later. The Chairman noted the presence of a quorum.

Approval of Minutes

Commissioner Stephens made a motion to approve the July minutes, subject to technical corrections. Commissioner Jacobson seconded the motion. The motion carried unanimously (8-0).

Public Announcements

A representative of EarthAid.net notified the public about www.earthaid.net to help residents save money on home utilities. Interested residents can contact him at david@earthaid.net.

Commissioner Carney noted that residents may contact the Foundry Methodist Church for more information on its outreach missions: <http://www.foundryumc.org/>

He also noted that residents can now make online appointments for car inspections at the DMV.

Commissioner Jacobson notified the community that an event took place at Stead Park on August 10, promoting DC's bid for the Gay Games in 2014. He noted that the Mayor's Office did not notify the ANC or the community of their approval of a permit for the event, which prevented the ANC from weighing in on the event's live music and entertainment. He noted that he spoke with the Mayor's office to ensure that the ANC be notified of future events which could have an impact on noise and the community.

Paul Williams, HDCMS, announced that they would start a used cell phone drive to collect old cell phones from the community to recycle.

Notice re: Change of Regular Meeting Location—Brookings Institution, 1775 Mass. Ave. NW (beginning Sept. 9, 2009)

Commissioner Silverstein announced that the ANC would move its monthly meeting location to the Brookings Institution, 1775 Massachusetts Avenue, NW, beginning with the September meeting.

Arts Overlay Report

Andrea Doughty, a representative of the ANC 2F Arts Overlay Committee, appeared before the Commission, and noted that ANC 2F sent a three page report to the ANC. She noted that residents can review the report at: <http://www.anc2f.org/arts/>. The ANC 2F Arts Overlay Committee held eight public meetings to address the Arts Overlay issue and zoning regulations. Any residents with comments on the issue should contact Commissioners Meehan and Estrada.

Notice re: Ribbon-Cutting for S/T Street Parks—4pm Aug. 13th (planned)

Commissioner Jacobson introduced Adrian Belinne, Chief Operating Officer, DPR, to address S & T Street Parks. The ribbon cutting ceremony will not take place on August 13 as previously scheduled. He stated that DPR projects a completion date for the parks in July 2009. He noted that the previous DPR team's contractors made substantial errors with astroturf. He assured the community that the contractor will fix the errors by September 2009. Commissioner Meehan requested commitment from DPR to install fencing at least 30 inches high for dogs at the T Street Park. Commissioner Jacobson requested DPR notify the ANC about any future design changes.

Public Safety

Commissioner Silverstein introduced Officer Steven Fletcher and Lt. Scott Dignan, MPD, PSA 208. Lt. Dignan thanked the community for the success of the National Night Out at Dupont Circle. He noted that a car jacking/robbery took place on August 10 on 16th Street, NW. MPD apprehended two of the three men. A warrant is out for the arrest of the third man. He also noted recent rooftop burglaries taking place on 14th and T Streets NW on approximately August 10. MPD arrested the suspect. Residents can contact Lt. Dignan at scott.dignan@dc.gov.

The Dupont Circle Public Safety Committee normally meets every third Tuesday of the month at 7:00 PM at the Metropolitan Police Department (MPD) station at 1620 V Street NW.

Committee Reports

Working Group on P Street Moratorium—Proposed change to moratorium boundary

Commissioner Silverstein noted that the P Street Working Group held a community meeting on this matter at the Dupont Hotel. He noted that this matter involves the 1500 block of Connecticut Avenue, NW. He noted that 20 people participated in the community meeting and supported the proposed change. Commissioner Silverstein made a motion to support the proposed change. Commissioner Feldstein seconded the motion. Commissioner Jacobson made a friendly amendment to language referring to failed retail tenants. Commissioner Silverstein accepted the friendly amendment. Commissioner Stephens made a friendly amendment to delete language referring to "a trusted operator". Commissioner Feldstein accepted the friendly amendments. Commissioner Stephens called the question.

The revised motion is as follows:

Whereas the buildings on the west side of the 1500 block of Connecticut Avenue have been vacant for several years, since the international banking division of Riggs - now PNC - was shut down, and

Whereas an opportunity exists to provide restaurant space in that row of buildings, and

Whereas, this would require carving the block out of the Dupont West Moratorium zone, and

Whereas, leaders of the Dupont Circle Citizens' Association, Historic Dupont Circle Main Streets and Dupont Circle Merchants and Professionals Association all spoke in favor of removing the block from the Moratorium zone, and the Current Newspapers agreed in an editorial,

Therefore, be it resolved that ANC 2B petition ABRA, requesting that the West side of the 1500 block of Connecticut Avenue NW be carved out of the Dupont West Moratorium zone.

The motion carried unanimously (7-0-1) with Commissioner Carney out of the room during the vote. Commissioner Silverstein noted that the final letter needed to be submitted in the morning.

Working Group on 17th Street

Commissioner Jacobson noted that ANC2B and Historic Dupont Circle Main Streets held a community meeting on August 5 on the 17th Street Corridor. The meeting addressed what businesses types are on 17th Street, what is needed, and how to develop 17th Street as a community moving forward, including how to better promote the corridor for residents and businesses and how to mitigate the effects of the pending 17th Street streetscape project that will begin this fall.

Commissioner Reports

Dupont Circle Village

Commissioner Silverstein noted that Dupont Circle Village recently hired a part-time Executive Director, and then had its \$25,000 budget cut completely by the DC Government. Commissioner Stephens suggested the Commission work to fundraise and replace this money. He suggested using the ANC's email list to reach out to the community, and host a fundraiser on behalf of Dupont Circle Village. Commissioner Silverstein suggested the Commission consider requesting

some PUD amenities packages support Dupont Circle Village. Commissioner Stephens and Silverstein will work to develop a plan to address this matter.

Neighboring Jurisdiction Reports (West End/Foggy Bottom, Adams Morgan, Kalorama, Shaw/Mt. Vernon, Logan Circle, Georgetown)

Commissioner Stephens noted that the Adams Morgan ANC held a community meeting regarding the street redesign on 18th Street NW. The design will remove angled parking and include a bike lane. More information can be found at:

<http://greatergreaterwashington.org/post.cgi?id=3088>

General

Resolution congratulating ABRA Director Fred Moosally on his confirmation & congratulating ABRA on its recent national award

Commissioner Stephens made the following motion:

Whereas the Dupont Circle ANC 2B has worked constructively with Mr. Moosally for many years in his capacity both as counsel to ABRA and as Acting Director; and

Whereas the Dupont Circle ANC includes more liquor-licensed establishments than any other ANC in the District;

Therefore be it resolved that ANC 2B congratulates Mr. Moosally on his confirmation as the new Director of ABRA; and

Be it further resolved that ANC 2B looks forward to continuing a constructive working relationship with Mr. Moosally and the entire ABRA staff; and

Be it further resolved that ANC 2B congratulates ABRA on its 2009 Innovative Liquor Law Enforcement Program of the Year award from the National Liquor Law Enforcement Association.

Commissioner Meehan seconded the motion. Commissioner Jacobson made a motion to table the motion. He noted that the Commission should generally not move motions recognizing District Government employees. Commissioner Silverstein expressed his disagreement. Commissioner Wexler seconded the motion. Commissioner Stephens suggested that our ANC recognize colleagues with positive relationships with the Commission. The Commission voted (3-5) with Commissioners Patel, Feldstein, Stephens, Silverstein and Carney voting in opposition, and Commissioners Jacobson, Wexler and Meehan voting in support of Commissioner Jacobson's motion to table the original motion. The motion to table failed. The Commission voted on

Commissioner Stephens' original motion. The motion carried (5-3) with Commissioners Patel, Feldstein, Stephens, Silverstein and Carney voting in support, and Commissioners Jacobson, Wexler and Meehan voting in opposition of Commissioner Stephens original motion.

Notice – Proposed Establishment of Working Groups on (1) Dupont North Metro Entrance Improvements and (2) Neighborhood Tree Box Adoption Program

Commissioner Stephens noted that he reached out to stakeholders on improving the amphitheater area of the Dupont Circle North metro entrance, and initiating a formal tree box adoption program. Anyone interested can get involved by contacting Commissioner Stephens.

Regulatory

Proposed Rule-Making on Food Sales Requirement

Commissioner Stephens made the following motion (with friendly amendment):

Whereas the economic downturn has made it difficult for some establishments licensed as CR (restaurant) to meet the minimum food sales requirement set forth in the ABRA regulations; and

Whereas in recent months, ANC 2B has had to consider the difficult choice between potential substantial changes from CR (restaurant) to CT (tavern) and potential license revocations or other serious penalties as part of ABRA regulatory enforcement; and

Whereas a multi-tiered non-compliance regime helps to eliminate such harsh choices by providing additional flexibility in ABRA enforcement; and

Whereas the Alcoholic Beverage Control (ABC) Board held a hearing earlier today to discuss a proposed rule which would clarify two levels of non-compliance with the minimum food sales requirements—“minimal” and “substantial”;

Therefore be it resolved that ANC 2B supports the general concept of multiple levels of non-compliance with different enforcement penalties for establishment that previously had complied with the minimum food requirements; and

Be it further resolved that the Chairman send a letter to the ABC Board to supplement the hearing record with this resolution.

Commissioner Meehan made a friendly amendment to add the language “for establishment that previously had complied with the minimum food requirements”. Commissioner Stephens accepted the friendly amendment. Commissioner Silverstein seconded the motion. The motion carried (8-0).

Public space request: 2000 P Street NW, Pain Quotidien request for a sidewalk cafe with 46 seats (2B02)

A representative appeared before the Commission and requested outdoor patio seating for 46 seats (10 tables on the 20th Street side of the restaurant). He noted that there will be 6 umbrellas and all tables will be taken down each night. Commissioner Patel expressed concern over the effect on the P Street sidewalk. Commissioner Silverstein made a motion to support the request with the revision that removable stansions be added, within the existing dimensions, and that those tables would be required to be removed; and that wait staff not use the sidewalk area. Commissioner Stephens seconded the motion. The motion carried (7-0)

Request for transfer of CR license from Estrusco Restaurant to European Restaurant Group LLC t/a LaTour 1606, at same address, 1606 20th Street NW, with no change in VA. By: Nico Papademetriou. (2B02)

The applicant did not appear before the Commission. The Commission did not consider this matter.

Commissioner Estrada joined the meeting.

Request to formalize an entertainment endorsement (karaoke) for Dupont Italian Kitchen, 1637 17th Street, NW (2B04)

Commissioner Jacobson explained that the Dupont Italian Kitchen requested an entertainment endorsement for karaoke. He noted that the 17th Street Moratorium requires establishments with entertainment endorsements to keep their kitchen open until one hour before the entertainment ends. Dupont Italian Kitchen requested to close their kitchen earlier than what the 17th Street Moratorium states.

Commissioner Jacobson made a motion to support the entertainment endorsement pending the successful negotiation of a voluntary agreement. Commissioner Stephens seconded the motion. The motion carried (8-0-1) with Commissioner Estrada abstaining.

Proposal from Freshfarm Market to establish a Farmer's Market on 800 block of 16th St. N.W. (2B05)

A representative was not present. The Commission did not consider this matter.

Request from Jefferson Hotel to reduce the size of tables in the cafe to allow 22 seats (revised Terrace Furniture Plan) (2B05)

Commissioner Wexler stated that the applicant requested a revision to its previously approved plan regarding its configuration of tables. The ANC had already approved 20 seats, but they now request 22 seats with smaller tables.

Commissioner Wexler made a motion to support the request. Commissioner Stephens seconded the motion. The motion carried (9-0).

Request for Class CR restaurant license – Kabab-Ji Restaurant DC One LLC t/a Kababji, 1351 Connecticut Ave NW, 125 seats, plus sidewalk cafe of 20 seats. ABRA-082446 (2B07)

Commissioner Carney introduced the applicant. The applicant's attorney briefly explained the request. Commissioner Carney made a motion to support the request. Commissioner Feldstein seconded the motion. The motion carried (9-0).

Presentation re: 1612 U Street NW project (2B08)

The applicant requested the Commission's support before HPRB, for a three story edition on the East side of the existing building. Commissioner Stephens made the following motion (with friendly amendment). Commissioner Estrada made a friendly amendment to add the language "design concept". Commissioner Stephens accepted the friendly amendment. Commissioner Silverstein seconded the motion. The motion carried (9-0).

Whereas the architect and owner of 1612 U Street NW has applied for HPRB approval of an addition to the existing structure; and

*Whereas the design was presented to the ANC 2B at its August 12, 2009 public meeting; and
Whereas the Dupont Circle Conservancy (DCC) in July 2009 passed a resolution supporting the design and commending "the architect and the owner for the project's uniqueness and sensitivity to the streetscape;"*

Therefore be it resolved that ANC 2B supports the design concept application before HPRB as presented to the ANC on August 12, 2009 and seconds the commendations of the DCC; and

Be it further resolved that ANC 2B requests the owner and architect to return to the ANC to present any zoning-related issues prior to any scheduled BZA hearing on this project; and

Be it further resolved that the Chairman send a letter to HPRB in accordance with this resolution, with a copy to the owner's representative.

Administrative/Financial Matters

Commissioner Jacobson noted that he filed the Commission's 3rd quarter report:

- Started the quarter with Checking: \$17,019.52
- Received allotment from the DC Government: \$6,036.40
- Remaining balance: \$19,699.10
- Spent: \$3,956.82

- Final Total: 19,864.31

Commissioner Stephens moved to approve the report. Commissioner Silverstein seconded the motion. The motion carried (9-0).

Policies & Procedures—Consideration of Committee Structure; Consideration of Motions Policies; Establishment of ABRA Policy Committee; Establishment of Zoning, Historic Preservation, and Development Committee; Establishment of Community Service Committee.

Commissioner Stephens made a motion to approve the committee structure in version 1.2. Commissioner Estrada seconded the motion. The motion carried (9-0).

Chris Andrews, Intern, Dupont Circle ANC 2B, presented a brief report on a number of committee structures in various ANCs. He noted the prevalence of the following four committees typically found in ANCs:

1. ABC/ABRA
2. Zoning & Historic Preservation
3. Community Development/Services
4. Public Safety

Commissioner Stephens made the following motion to address the committee structure:

Resolved that ANC 2B shall charter the following three standing committees: ABRA Policy Committee; Zoning, Historic Preservation, and Development Committee; and Community Service Committee;

Further resolved that the following two commissioners are designated to the ABRA Policy Committee: Commissioners and;

Further resolved that the following two commissioners are designated to the Zoning, Historic Preservation, and Development Committee: Commissioners and;

Further resolved that the following two commissioners are designated to the Community Service Committee: Commissioners and;

Further resolved that the commissioners designated above return to the ANC at the September 2009 public meeting with proposals for committee chairs, additional committee members, and a list of responsibilities for their respective committees.

Commissioner Estrada volunteered for the ABRA committee. Commissioners Silverstein and Jacobson suggested the Commission wait until the September meeting, so that Commissioners

have time to consider which Committee to join. Commissioner Stephens withdrew and tabled his motion.

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

The next regular meeting of ANC 2B will be held on Wednesday, September 9, 2009, 7:00 PM at the Brookings Institution, 1775 Massachusetts Avenue, NW - 1st Floor, Falk Auditorium .

Respectfully submitted,

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

ADOPTED: September 9, 2009