ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION REGULAR MEETING MINUTES
Wednesday, June 10, 2009 Jewish Community Center

The June 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), Jack Jacobson (2B04), Mike Silverstein (2B06), Phil Carney (2B07), Will Stephens (2B08) and Ramon Estrada (2B09). The Chairman noted the presence of a quorum. Commissioner Bob Meehan (2B03) was not present.

The poll was open for the Special Election to fill SMD 2B02 vacancy from 7:00 - 9:00 PM.

Approval of Minutes

Commissioner Estrada made a motion to approve the May minutes, subject to technical corrections. Commissioner Stephens seconded the motion. The motion carried unanimously (7-0).

Public Announcements
Commissioner Carney: The Concert for Life on May 15th raised over $50,000. More info can be found at: http://www.concertforlife.org/

Rick Busch, Dupont Circle Citizens Association, requested support from the ANC for DCCA's letter to DCRA to save the building on 1841 16th Street NW.

Commissioner Silverstein made the following motion for a letter to DCRA:

Whereas, the condition of the vacant residence at 1841 16th Street NW is a clear case of demolition by neglect on the part of the owner, and

Whereas, the structure has sat vacant for a year after some of its inside walls began to collapse in June 2008, and despite perimeter fencing is open to the elements and homeless alike, and

Whereas, a recent inspection has revealed the property is not in imminent danger of collapse, but it in immediate need of stabilization, therefore

BE IT RESOLVED that Dupont Circle ANC 2B supports the position of the Dupont Circle Conservancy in its opposition to demolition of the structure, and

BE IT FURTHER RESOLVED that, rather than demolition, the Commission urges your department to stabilize and shore the structure and to place a lien upon the property for that work so that it may be rehabilitated in the future and the integrity of the 16th Street Historic District is retained.

Commissioner Silverstein read aloud the proposed letter. Commissionner Estrada seconded the motion. The motion carried 7-0.

Committee Reports
None

Commissioner Reports

Report on MTV Real World House
Commissioner Feldstein introduced Andrew Huff, Outreach & Services Specialist, Mayor's Office of Community Relations & Services. He addressed the community on the MTV Real World house. Concerned residents can contact Mr. Huff at 202-442-8151, or at andrew.huff@dc.gov.

Mr. Huff stated that the production crew would hire local residents for half of the crew filming the show. The show will hire private security or MPD officers. Filming is expected to wrap up in November 2009. Commissioner Jacobson inquired whether Mr. Huff and the Mayor's office had notified MPD's Second District. Mr. Huff did not know. Commissioner Jacobson noted that he understands that the Second District has not been notified. He requested Mr. Huff to notify the Second District and report back to the ANC to confirm. Commissioner Silverstein requested Mr. Huff to report back on how local residents can apply for the camera crew. Residents located near the Real World house on 20th and S Streets expressed concern about the lack of parking spaces, and the likelihood film crews would take these spaces away from residents. Commissioner Stephens inquired whether the DC film office has a process in place to notify ANCs in the District, to allow ANCs to consider any film permits and give their great weight. A representative of the Office of Motion Picture & Television Development noted that they were making an effort to notify ANCs prior to granting permits. Commissioner Silverstein stated that the neighborhood should have received notice from the Office of Motion Picture & Television Development, if the MTV film crew is going to be using residential parking spaces. Commissioner Feldstein inquired why the film crew couldn't use the parking lot across the street from the house, instead of taking away residential/metered parking. He also requested the Office of Motion Picture & Television Development to brief the charter school nearby the house.

Public Safety
Commissioner Jacobson introduced Lt. John MacDonald, MPD, PSA 208. He announced that Lieutenant Miller has left the MPD, and that Lt. MacDonald is currently in the position of Acting

Lieutenant. He briefly addressed concerns regarding privacy and the shooting of MTV's Real World. He noted that there is no expectation of privacy on public property.

Crime Statistics for the last 30 days:
- theft from autos is down
- robbery excluding guns up to 15

He briefly described the incident at the Holocaust Museum earlier today, and noted that the "special officer" shot at the Holocaust Museum had passed away.

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.

General

Representative of ACLU will speak on anti-gang legislation pending before Council.
Representatives briefly discussed the legislation and why they feel the legislation needs more discussion by the Council before making a final decision. Commissioner Jacobson noted that the text of the legislation has been around for nine months. The legislation is going to be considered as "emergency" legislation. The ACLU offered a suggested motion for the commission, which was tabled.

Resolution re ANC 2B's objectives for possible amendments to the Comprehensive Plan and changes in zoning regulations that may affect Dupont Circle
Commissioner Meehan was not present. Commissioner Silverstein read aloud Commissioner Meehan's motion:

Whereas the DC City Council adopted on December 19, 2006 a revised Comprehensive Plan for the National Capital and the DC Office of Planning certified on August 14, 2007 that the published document is correct and complete,

Whereas ANC 2B (known as the Dupont Circle ANC) was pleased to have participated in the two-year public effort to revise the Comprehensive Plan, is proud that its recommendations for map and land use reconciliations have been reflected in the revised accompanying maps, is gratified that its proposed down zoning of the two-story blocks around Caroline St was subsequently approved, and is most satisfied that the Plan incorporated the common vision of the ANC, the Dupont Circle Conservancy, and the Dupont Circle Citizens Association into the overall policy language governing future planning and development for the Dupont Circle neighborhood within the Near Northwest Element of Plan ,

Whereas said document calls for the Comprehensive Plan to be updated at two year intervals beginning in 2009 and the Office of Planning has recently begun a public process for gathering input for help in formulating amendments,

Whereas Chapter 25 of the Plan entitled Implementation Element contains 112 pages identifying planning issues that will form the basis for an overhaul of the District's zoning regulations, for reconciling competing concepts and uses within existing land use categories, and for incorporating the DC Government's plans to promote intensive development around metro stops and major transportation arteries, and

Whereas the DC Office of Planning prepares the amendments to the Plan on behalf of the DC City Council, which is the authority that approves the Plan,

Now, therefore, ANC 2B wishes to forward the following comments both to the DC Office of Planning and to the DC City Council:

Given the potential for significant changes emanating from this amendment process, we urge the Office of Planning to circulate a draft of the proposed amendments to the public for comment, prior to submission to the City Council, as was done during the two-year revision process so that the Dupont Circle community will have a chance to assess the impact of proposed changes and to assess if the proposed changes support the vision for Dupont Circle as contained in the Plan, namely:

"Policy NNW-2.2.2 Dupont Circle Area Policies
a. Require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk
b. Ensure a general compatibility in the scale of new buildings with older low-scale buildings by restricting the maximum permitted height and floor area ratio of the new buildings to that of the underlying zone;
c. Preclude demolitions or partial demolitions that would lead to an increase in height and floor area ration inappropriate to the area
d. Enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location, and density of commercial and residential development; and
e. Ensure compatibility of development with the Comprehensive Plan."

We are particularly interested in how the Office of Planning will respond to Land Use issue 2.3.A: Zoning changes to reduce land use conflicts in residential zones. We want to see procedures that will slow down the conversion of residential properties under matter of right uses for non-profits et al.

We are hopeful that the Office of Planning, in response to Land Use issue 2.4.B Zoning changes to reduce land use conflicts n commercial zones, will come up with a viable alternative to ABC

Moratoria as a way to avoid the over concentration of ABC licenses in neighborhood commercial districts.

4. Should the Office of Planning submit its draft to the City Council prior to soliciting comments on its draft from the public, and in particular from ANC 2B, we urge the Chair of the City Council to table the draft and to request the Office of Planning to circulate the draft to the ANCs and to the public at large, and to defer scheduling City Council hearings until the Office of Planning has prepared a supplementary document compiling and analyzing the major comments received from the public and has submitted such document to the City Council.

Commissioner Estrada made a friendly amendment to add "and enforceable" to the following language:

"We are hopeful that the Office of Planning, in response to Land Use issue 2.4.B Zoning changes to reduce land use conflicts n commercial zones, will come up with a viable ***and enforceable*** *alternative to ABC Moratoria as a way to avoid the over concentration of ABC licenses in neighborhood commercial districts."*

He expressed concern over guidelines on 14th Street not being enforced.

Commissioner Silverstein suggested that Dupont Circle has reached its full density and that no additional buildings should be added to the area. Commissioner Meehan is suggesting the Commission preserve Dupont Circle in its current state. Commissioner Silverstein noted that the deadline for the ANC's position is June 22. Rick Busch, DCCA, noted that DCCA supports the ANC's motion.

Commissioner Carney seconded the motion. The motion carried (5-0-2) with Commissioners Jacobson and Stephens abstaining.

Regulatory
Discussion of two-part application by Jack's Restaurant: one: to construct a Summer Garden facing Stead Park and, two: to expand laterally (vertically) to include second floor seating (2B05)

Commissioner Wexler made the following motion:

Whereas, Jack's Restaurant, 1527, 17th St. N.W. has applied to the Alcohol Control Board for lateral expansion of premise to include a 2nd floor with seating for 40 persons and the addition of a Roof Top Summer Garden overlooking Stead Park with seating for 42 seats and

Whereas, the ANC has encouraged 17th Street establishments to create summer gardens facing Stead Park, subject to reasonable noise protections, and

Whereas, the ANC is concerned that the possible addition of 40 seats to a second floor and 42 seats to a summer garden might negatively impact the already difficult parking situation, as well an increase in noise on residents living in close proximity to the north of the Park on Q Street, and above the bars on the east side of 17 St., as well as neighbors to the east on 16th Street facing the Park. who are already experiencing considerable noise after closing and the dumping of bottles into waste cans during early morning trash collection by various establishments facing Stead Park, as indicated in the Report of the Metropolitan Police Department, and

Whereas, any such changes to a roof deck must first be approved by the by the Office of Historic Reservation and then ratified by the Historic Preservation Review Board before the ANC may make an informed decision, and

Whereas, ANC 2B has encouraged the creation of summer gardens overlooking Stead Park in the East Dupont Moratorium so long that the Commission finds that such requests would not have an adverse impact on the peace, order and quiet and sanitation within the Moratorium,

Be it Resolved, that ANC 2B protest such an application in order to assess the impact of this application on the basis of peace, order and quiet on the surrounding area and consider the reports and recommendations of the appropriate city agencies, pending the successful negotiation of a voluntary agreement. We specifically request that ABRA allow the historic preservation process to go first, because the application requires a substantial change to an historic structure.

Commissioner Carney seconded the motion.

Commissioner Stephens and Silverstein made friendly amendments to correct minor points in the language, which are reflected above. Commissioner Feldstein seconded the friendly amendments.

The motion carried (7-0).

Commissioner Wexler made the following motion:

Because the ANC may require the advice of legal counsel regarding the process of protesting the application of Jack's Restaurant to add a summer roof garden of 42 seats as well as a lateral expansion of 40 seats into the 2nd floor of said premises, I move that the ANC engage legal counsel to advise the ANC 2B on the appropriate process of such a protest, and that a sum of not more than two thousand dollars be authorized for such counsel.

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

Discussion of possible request that ABRA carve the west side of the 1400 block of Connecticut Av out of the West Dupont Moratorium Zone. (2B02)
Commissioner Silverstein stated that carving a piece out of the West Dupont Moratorium is a serious matter. He noted that the Commission would not move on this matter this month, as there is no Commissioner filling the 2B02 vacancy yet, and that there needs to be public discussion on this matter. The owner of Circa briefly expressed interest in opening an Italian bar/bistro on the 1400 block of Connecticut Avenue. He stated that he would need to apply for a liquor license in order for the proposed business to be financially viable. Commissioner Jacobson expressed concern over carving out areas from the moratorium and amenities for the neighborhood. Commissioner Silverstein suggested the newly elected 2B02 commissioner should organize a community meeting to address this matter. Commissioner Jacobson offered his expertise in organizing this meeting.

Resolution to ask DDOT to allow metered parking on the north side of the 2100 block of M Street. (2B06)
Commissioner Silverstein made the following motion:

WHEREAS, parking was prohibited on the north side of M Street on the 2100 block to provide for an entrance to Blackie's House of Beef and Lulu's Mardi Gras, and

WHEREAS, those establishments no longer exist, having been replaced by a Starbuck's and a Walgreen's Drug Store, neither of which needs a prohibition on parking, and

WHEREAS, the coffee shop and drug store – and their customers – could benefit from metered performance parking in an area where parking is always at a premium, and

WHEREAS, a constituent request forwarded from Councilmember Jack Evans to ANC 2B has brought this issue to our attention, therefore

BE IT RESOLVED that ANC 2B supports the establishment of performance parking on the north side of the 2100 block of M Street and urges DDOT to create legal parking spaces in the area in front of the coffee shop and the drug store.

Commissioner Stephens seconded the motion. The motion carried (6-0) with Commissioner Jacobson out of the room.

Request for stipulated license (CR) for Zodiac Restaurant Group t/a Scion Restaurant, 2100 P Street NW (Joanne Liu), hoping to open July 1 with license transfer from Cafe Trope. (2B02)
Commissioner Stephens made a motion to approve the granting of the stipulated license. Commissioner Jacobson seconded the motion. The motion carried (7-0).

Commissioner Silverstein announced that the polls for the 2B02 election closed at 9:00.

Request for CT license for Barcode Corporation, t/a Barcode, 1101 17th St NW. (2B05)
The applicant requested a CT license with an outdoor cafe. Commissioner Silverstein made a motion to accept the application and urge approval by ABRA. Commissioner Estrada seconded the motion. The motion carried (6-0) with Commissioner Feldstein not present in the room.

Request for CR license for Capitello, Inc t/a Cities, 1875 I St NW. Includes summer garden and sidewalk cafe. (2B06)
Commissioner Stephens made a motion to support the request. Commissioner Estrada seconded the motion. The motion carried (7-0).

Request for CR license for Cafe Chopsticks, 1020 19th St NW. (2B06)
Commissioner Silverstein noted that the applicant did not attend the meeting.

Request for re-approval of application from Jefferson Hotel, 1200 16th N.W. to add a Cafe permit to previously approved applications for the addition of a canopy granted by ANC in December and June 2008
Commissioner Wexler made the following motion:

ANC 2B supports the application for an unenclosed sidewalk café as shown on the plans labeled "The Jefferson Hotel-Sidewalk Cafe", dated May 27, 2009. The proposed unenclosed sidewalk care is small and unobtrusive, and will have no adverse impact on the public use of the public space along 16th Street. The Commission finds that this is an appropriate use of the public space in front of the Jefferson Hotel. This support is consistent with ANC 2B's prior support of the renovations to the Jefferson Hotel before the Board of Zoning Adjustment, the Historic Preservation Review Board and the Public Space Committee.

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

Request for one day special exception to VA to allow private party at The Palm Restaurant, 1225 19th St.NW on June 13th. (2B02)
Lynda Carter requested permission to hold a private party at the Palm Restaurant. Commissioner Silverstein noted that the Commission is empowered to grant up to six exceptions per establishment per year. He noted that the Commission can give an establishment blanket approval, but that he prefers the Commission handle these types of requests one at time. Commissioner Silverstein made a motion to approve the request. Commissioner Stephens seconded the motion. The motion carried (6-0-1) with Commissioner Carney abstaining.

Commissioner Wexler left the meeting.

Update on ANC 1B Voluntary Agreement with ANC 2B
Ramon - this is the section I emailed you about for a short summary. I found this confusing at the meeting.

Administrative/Financial Matters
Commissioner Jacobson noted that the Commission received its quarterly allotment. The current checking account balance is $25,037.23. He noted that the Commission needs to purchase a new check registry. He also noted that he received an audit report from ANC 6C which received a 64.21% compliance rate, whereas ANC 2B received a 99% compliance rate under Commissioner Silverstein's tenure as Treasurer.

Commissioner Silverstein announced that Bhavna Patel was elected as the new 2B02 Commissioner with 16 votes. Kevin O'Connor received 15 votes, Ryan Ellison received 12, and Jim Dudney received 9 votes.

Commissioner Stephens noted that Voluntary Agreements were uploaded to the intranet for Commissioners to review.

Commissioner Silverstein signed a letter certifying Ms. Patel's election. The letter will be sent to BOEE.

Commissioner Stephens revisited his motion regarding the Policy & Procedures manual (version 1.1) and cross-border collaboration by the Chairman, which was tabled at the May meeting. He made a motion to add the following text to the Policy & Procedures manual:

I. <u>Cross-Border Collaboration</u>

A. Ward-Wide ANC Leadership Meetings

The Chair (or a designee) shall coordinate with the other Advisory Neighborhood Commissions within the Ward to hold quarterly meetings of the ANC Chairs (or designees) to

discuss and share information about issues or projects of mutual concern – including infrastructure projects, crime, or development issues that affect multiple ANC jurisdictions.

B. Adjacent Jurisdiction Reports

At the Commission's public meetings, Commissioners bordering on adjacent Advisory Neighborhood Commission jurisdictions (including Foggy Bottom, Shaw, Sheridan-Kalorama, Adams Morgan and others) shall report on any items of interest, note, or concern from those jurisdictions. These reports shall be included in the agenda section entitled "Commissioner Reports." These adjacent jurisdiction reports need not be formal, written reports.

Commissioner Jacobson seconded the motion. The motion carried (6-0).

Commissioner Stephens presented a revised version about the Policy & Procedures Guide (version 1.2). He suggested the Commission ruminate on these changes and address at the July meeting. He noted that he would make a motion at the July meeting to incorporate the proposed changes into the official guide.

Click here for current version of Policy & Procedures Manual (as of June 2009)

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, July 8, 2009, 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: July 8, 2009