

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION REGULAR  
MEETING MINUTES**

**Wednesday, March 11, 2009 Jewish Community Center**

The March 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), William Hewitt (2B02), Bob Meehan (2fB03), 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.

**Approval of Minutes**

Commissioner Hewitt made a motion to approve the February minutes, subject to technical corrections. Commissioner Carney seconded the motion. The motion carried unanimously (9-0).

**Public Announcements**

Commissioner Silverstein: National Marathon will be coming through ANC 2B Saturday morning (7:05 - 8:30 AM), March 21st. The route will impact Connecticut Avenue NW and 18th Street NW.

Commissioner Estrada: He recognized David Moorhead, Pepco. Any residents concerned over the recent spike in Pepco bills should contact him at [dmorehead@pepco.com](mailto:dmorehead@pepco.com).

Commissioner Stephens: Metro is updating wifi capability at the Dupont Circle Metro Station. The Chi Cha Lounge is applying for a substantial change license and will appear at the ANC's April meeting.

Commissioner Carney: Streetsweeping resumes on March 23, and ticketing of cars resumes March 30.

Commissioner Meehan: He is arranging a meeting with DDOT regarding street lighting on 1700 Corcoran Street.

Lee Granados: She announced the first annual Ross School Fundraiser on April 18th.

Commissioner Mindy Moretti, ANC 1C04: ANC 1C offered a resolution in opposition of the Council bill creating no-loitering zones. A public hearing will take place on March 18th.

Commissioner Silverstein: He introduced Gottlieb Simon, Director, Office of the ANCs.

Michael Beidler, Office of Historic Preservation: \$25,000 grants are available for fixed/low income residents. For more information contact [michael.beidler@dc.gov](mailto:michael.beidler@dc.gov)

## **Public Safety**

Commissioner Jacobson noted that a rooftop burglar has committed approximately 20 burglaries.

Rob Halligan: Street robberies by three criminals around 9:00 at night have taken place at 18th, 19th and Corcoran Streets NW. 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**

### **Report by the ad hoc Committee on the Dupont East Liquor Moratorium; consideration of proposed resolution on same**

Download the Committee's draft report presented at the meeting here:

[http://www.dupontcircleanc.net/public\\_documents/20090311\\_Dupont\\_East\\_Committee\\_Report\\_Draft.pdf](http://www.dupontcircleanc.net/public_documents/20090311_Dupont_East_Committee_Report_Draft.pdf)

Commissioner Jacobson and the Dupont East Liquor Moratorium Committee finished its report after two community input meetings and a public comment period. He also noted that the Committee received a petition from residents. Commissioner Jacobson recognized the work of Commissioners Feldstein, Wexler, Carney and Meehan. The Committee worked with Historic Dupont Circle Main Streets, Dupont Circle Merchants and Professionals, and the Dupont Circle Citizens Association. Commissioner Jacobson stated that the report and proposed resolution extends the Moratorium, allows flexibility for businesses, and allows protection for residents.

Commissioner Jacobson briefly reviewed the provisions:

1. Renew the Moratorium for five years
2. After three years, the Commission would consider petitioning ABRA for additional DR (beer or wine) or CR (full bar) licenses.
3. The Commission does allow petitioning after two years, but only if the economic conditions worsen.
4. The Commission discusses lateral expansion: JR's Bar and Grill had the opportunity to laterally expand, but have not, even though they control the building next door.
5. The Commission would allow no more than two approvals for requests for lateral expansion, with restrictions on retail diversity.
6. The Commission would allow entertainment endorsements with restrictions on hours and morphing of restaurants into bars/clubs.
7. The Commission would not allow sidewalk or outside seating along 17th Street between P and Q Streets. Summer gardens would be permitted.
8. There is no requirement that ANC approve potential moratorium modifications, including lateral expansion.

Commissioner Estrada expressed concern over lateral and vertical expansion. He noted that ABRA staff did not recommend including language regarding lateral/vertical expansion since

there is no guarantee that such expansion would be granted to parties designated by the ANC. Such expansions would be granted by ABRA on a first come-first serve basis. He also expressed concern that local businesses did not request lateral/vertical expansion or summer gardens over Stead Park in a public hearing or forum. Commissioner Jacobson noted that a number of businesses were included in the process and also were contacted during walking tours. Commissioner Stephens noted that while he shared Commissioner Estrada's general concerns about having requests made at a public ANC meeting, in this case the committee's work and meetings obviated the need for such public requests. Commissioner Estrada suggested taking out the lateral expansion language from the document. He also expressed concern over summer gardens facing Stead Park.

John Hockensmith, First Vice President of DCCA, stated that DCCA accepts the Moratorium extension for a period of five years with the current limit on the number of retail licenses, as well as lateral expansion.

Members of the audience expressed supporting and opposing opinions on the committee's position on the Moratorium extension.

Several community residents expressed concern that the committee's moratorium proposal fails to address the seat issue or the issue of over-concentration. A community resident requested the Commission go on the record about its position on lateral expansion. A community resident expressed concern over the public not having proper notice to review the documents presented at the meeting tonight. Commissioner Jacobson noted that the documents were presented to the public at the previous meeting, tonight's meeting, and on the Dupont Forum.

Commissioner Jacobson made the following resolution:

Whereas, ANC 2B recognizes the positive effects that the existing moratorium has had on 1) protecting and supporting diverse retail and service establishments serving residents within the Dupont East moratorium zone, allowing for smart growth and a walkable neighborhood; 2) promoting peace, order and quiet in the neighborhood and, and 3) helping to avoid the parking and traffic difficulties evident in nearby entertainment corridors; and

Whereas, the Dupont East liquor moratorium is set to expire on or about April 22, 2009.

1. Therefore, be it resolved, that ANC 2B requests that the Alcoholic Beverage Regulation Administration ("ABRA") renew the existing Dupont East liquor moratorium for a five (5) year period from the date of Board action;

2. Be it further resolved, that ANC 2B is prepared to consider petitioning ABRA to allow for additional Class DR (restaurant serving beer and wine) or Class CR (restaurant serving full bar) licenses after a period of three (3) years;

3. Be it further resolved, that ANC 2B recognizes that controlling moratorium legislation allows for any ANC to petition for a review of any moratorium after two (2) years, and that

ANC 2B would consider this option only in the event that the current economic crisis or other unforeseen occurrence has a devastating impact on the corridor;

4. Be it further resolved, that ANC 2B recognizes that JR's Bar and Grill, located at 1519 17th Street, NW, successfully applied for and maintains the right to participate in lateral expansion to the property at 1521 17th Street, NW, separate and apart from any ABRA Board action on the Dupont East moratorium renewal; furthermore, the Commission notes that JR's has had the ability to execute lateral expansion for a number of years and has made a business decision not to, independent of any action or inaction by the Commission;

5. Be it further resolved, that a renewed and extended Dupont East moratorium shall allow ANC 2B and ABRA to approve no more than two (2) requests for lateral expansion of existing licenses, between or within historic row houses, subject to strict review of such expansion on the impact of retail and service diversity within the moratorium zone and the impact of such expansion on the peace, order and quiet of the neighborhood. Furthermore, any establishment which is granted lateral expansion shall have no more than one (1) entrance to such establishment, though additional fire exits may be established to bring any expanded establishment into compliance with applicable fire and/or safety codes;

6. Be it further resolved, that any entertainment endorsements granted during the established moratorium period shall not include a dance floor for any Class CR (restaurant serving full bar) establishments with less than 1,000 square feet of indoor space allocated for food and beverage service for customers. Furthermore, no entertainment endorsements shall be granted for Class CR (restaurant serving full bar) license holders which would allow for live music, including DJ's, after the establishment's kitchen has closed. Furthermore, license holders of entertainment endorsements issued during the moratorium may not hold entertainment after 11:00 pm for any night of the week, unless the entrances and exists of the establishments are equipped with double door systems designed to minimize sound heard on the street when patrons or staff enter or leave those establishments. The ANC shall support applications for the necessary DCRA, DPW and historic preservation permits to construct such door systems. License holders of any new Class CR (restaurant serving full bar) license(s) granted during the moratorium period shall not be allowed to apply for an entertainment endorsement which allows for more than six (6) promoter's special events within a twelve (12) month period;

7. Be it further resolved, that no additional sidewalk café seats or rooftop seats facing 17th Street for establishments along 17th Street between P and Q Streets, NW, will be authorized during the moratorium, including for any new ABC establishments that might be approved during the moratorium period;

8. Be it further resolved, that ANC 2B encourages existing licensees with establishments adjacent to Stead Park to construct summer gardens overlooking the newly-renovated park and athletic facility. The Commission finds that this would likely result in an immediate improvement in the ambiance and sanitation of the area behind these establishments, particularly if trash compactors are employed. ANC 2B requests that a renewed and extended moratorium not prohibit the ANC from considering and granting requests for additional seats in summer garden(s) overlooking or adjacent to Stead Park from businesses operating licensed establishments within the moratorium zone, so long as the Commission finds that

such requests would not have an adverse impact on the peace, order and quiet and sanitation within the moratorium zone; and

9. Be it further resolved, that nothing in a renewed and extended moratorium shall require the ANC to approve moratorium modifications including, but not limited to, lateral expansion(s), additional seats in summer garden(s) overlooking Stead Park, or additional Class CR (restaurant serving full bar) or Class DR (restaurant serving beer and wine) licenses following the two (2) year moratorium modification petition period established by city law, should the ANC find approval of such modifications would be adverse to retail and service diversity or peace, order and quiet of the neighborhood; furthermore, that the approval of any modifications that qualify as a substantial change shall be subject to the approval process established by ABRA.

Commissioner Meehan requested the Commission include language on over-concentration. Commissioner Jacobson stated he would be happy to work on language regarding this issue. Commissioner Meehan also requested clarification on the possibility of two establishments consolidating into one entity, and the fate of the remaining ABC license from the previous establishment.

Commissioner Silverstein noted that the meeting with ABRA would take place on April 15th.

Commissioner Wexler expressed desire for inclusion of language addressing the seating and lateral expansion issue.

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

Commissioner Estrada suggested inclusion of language preserving the current moratorium seating, subject to a substantial change request.

Commissioner Stephens made a point of order, and requested clarification on the motion. He asked if Commissioner Jacobson's motion requested the Commission to accept the Committee's report and approve the resolution. Commissioners Jacobson and Silverstein responded in the affirmative. Commissioner Stephens made a friendly amendment to accept the Committee's report, subject to the additions the Commission discussed tonight. Commissioner Silverstein called the question. Commissioner Estrada requested the Commission comply with Robert's Rules of Order, and take a vote to close the debate (two thirds required). The Commission agreed to close the debate.

The Commission voted on accepting the Committee's report and accepting the resolution. The motion carried (9-0).

## **General**

### **Presentation by Thanh-Thuy Nguyen, DCRA Vacant Property Manager**

Ms. Nguyen briefly explained her role regarding vacant properties and their effect on the neighborhood.

**Presentation by DDOT on 18th Street Reconstruction project and announcement on 15th Street decision.**

Download DDOT's presentation here: [http://www.dupontcircleanc.net/public\\_documents/18thSt\\_Presentation\\_03-11-09.pdf](http://www.dupontcircleanc.net/public_documents/18thSt_Presentation_03-11-09.pdf)

DDOT representatives stated that the project depends on stimulus funds. DDOT representatives did not present any information on the 15th Street decision.

**Presentation by Greater DC Cares on May 1-2, 2009 Serve-a-thon**

Residents have until April 27th to sign up as a team for the Serve-a-thon.

Commissioner Stephens made the following motion:

**Whereas** Greater DC Cares has organized a Servathon for the weekend of May 1-2, 2009 in order to connect willing volunteers to needed service projects around the City and the metro area; and

**Whereas** ANC 2B supports community service and has the capacity to reach out to the neighborhood to mobilize volunteers;

**Therefore be it resolved** that ANC 2B create a Dupont Circle neighborhood "team" for the Servathon, with the goal of recruiting at least 100 volunteers for the weekend's service projects; and

**Be it further resolved** that a link for joining the Servathon team be posted on the Commission's website; and

**Be it further resolved** that each Commissioner is encouraged to publicize the Servathon team through e-mail lists, websites, blogs, word of mouth, and newsletters, and that each Commissioner dedicated to recruiting at least 10 volunteers for the team.

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

**Regulatory**

### **Single Sales Ban Exemptions**

Commissioner Silverstein noted that the following applicants have clean records, except for minor violations by Ben Moll Liquors and S&R Liquors. Commissioner Stephens noted that he would be finalizing a voluntary agreement with Ben Moll Liquors. Commissioner Jacobson inquired whether additional violations by Ben Moll Liquors and S&R Liquors would revoke their single sales band exemptions. Commissioner Silverstein stated that he consulted ABRA regarding this issue. ABRA stated that another violation would not revoke the exemption, unless a pattern is established.

### **Request for Exception from Single Sales Ban, Ben Moll Liquors, 1700 U Street NW (2B08)**

Commissioner Silverstein made a motion to approve the granting of a single sales waiver, pending the successful negotiation of a voluntary agreement. Commissioner Estrada seconded the motion. The motion carried (9-0).

### **Request for Exception from Single Sales Ban, UMA Inc. t/a Downtown Spirits and Deli, 1552 K St.N.W. Mr. Arun Nair, President, UMA Inc. (2B05)**

Commissioner Silverstein made a motion to approve the granting of a single sales waiver, pending the successful negotiation of a voluntary agreement. Commissioner Jacobson seconded the motion. The motion carried (9-0).

### **Request for Exception from Singles Sales Ban, HYK, t/a Marbi's, 1730 Rhode Island Ave. N.W. Hna Yang Knack, President, HYK Inc. (2B05)**

Commissioner Silverstein made a motion to approve the granting of a single sales waiver, pending the successful negotiation of a voluntary agreement. Commissioner Carney seconded the motion. The motion carried (9-0).

### **Request for Exception from Single Sales Ban, Universal Daruwala LLC t/a Universal Liquors, 2018 Florida Av NW. (2B01)**

Commissioner Silverstein made a motion to approve the granting of a single sales waiver, pending the successful negotiation of a voluntary agreement. Commissioner Estrada seconded the motion. The motion carried (9-0).

### **Request for Exception from Single Sales Ban, S.R. Brothers, Inc.(Virender Manocha, President) T/A S&R Liquors, 1800 I Street, N.W., (2B06)**

Commissioner Silverstein made a motion to approve the granting of a single sales waiver, pending the successful negotiation of a voluntary agreement. Commissioner Feldstein seconded the motion. The motion carried (9-0).

### **Request for Exception from Single Sales Ban,Venus Indo Service, Inc.(Baljeet Chatwal, President) T/A Pan Mar Liquors, 1926 I Street NW. (2B06)**

Commissioner Silverstein made a motion to approve the granting of a single sales waiver, pending the successful negotiation of a voluntary agreement. Commissioner Jacobson seconded the motion. The motion carried (9-0).

**Consideration of resolution re: proposed regulations on establishment of historic districts**

The Commission did not consider this matter as the public comment period has not started.

**Approval of letter to DPW acknowledging to objection to curb cut already approved for new garage addition to Blaine Mansion, 2000 Mass AV NW. (2B02)**

Commissioner Silverstein made a motion to support the curbcut. Commissioner Estrada seconded the motion. The motion carried (8-0-1) with Commissioner Jacobson abstaining. Commissioner Silverstein noted that the letter would state that the Commission does not object to the curbcut at this location.

**Request for new Class “A” liquor license for full service liquor store with tasting endorsement, ACS Liquor Holding Company LLC, t/a 18th Street Wine & Spirits, 1917 18th Street NW (2B08)**

Commissioner Stephens requested the Commission take no action. The Commission took no action.

**Presentation by Jeffrey Johnson, (Holland and Knight) of an application seeking special exception and variance relief for the Capital Hilton Hotel at 1001 16th St. (2B05)**

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

**Presentation of proposed sidewalk cafe revisions for Sette Osteria, 1666 Connecticut Ave by architect Rich Markus. (2B02)**

The applicant presented plans requesting an enclosed sidewalk cafe. Commissioners Meehan, Estrada and Stephens expressed their concern over the precedent set by approving an enclosed sidewalk cafe on public space.

Commissioner Stephens made a motion to oppose the application. Commissioner Feldstein seconded the motion. The motion carried (9-0).

**Request for Substantial Change for Marriott Residence Suites/Stars’ Restaurant and Bistro, including request to operate sidewalk cafe until 2am on weeknights, 3am on weekends. 2120 P Street. (2B02)**

Commissioner Hewitt made a motion to protest the application, subject to the negotiation of a voluntary agreement. Commissioner Estrada seconded the motion. The motion carried (9-0).



### **Administrative/Financial Matters**

Commissioner Jacobson presented his financial report. He noted that the ANC's account balance was currently \$22,348.65. He also noted that the ANC's budget would not be cut this year, despite budgetary issues this year. ANC 2B will receive approximately \$26,000 in four allotments of \$6,636.40.

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

The next regular meeting of ANC 2B will be held on Wednesday, April 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: April 7, 2009