

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

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

The November 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), Bob Meehan (2B03), Jack Jacobson (2B04), Victor Wexler (2B05), Mike Silverstein (2B06), Phil Carney (2B07), Will Stephens (2B08) and Ramon Estrada (2B09). Commissioner Bhavna Patel (2B02) was not present. The Chairman noted the presence of a quorum.

### **Approval of Minutes**

The Commission did not approve the October minutes, due to time constraints.

### **Public Announcements**

The Commission presented a check to the Dupont Circle Village in the amount of \$25,000.

Commissioner Silverstein announced Charlie's Place Walkathon to help the homeless. More info can be found at their website: [charliesplacedc.org](http://charliesplacedc.org).

A representative of [drivetosurvive.org](http://drivetosurvive.org) made a brief presentation.

Paul Williams, Executive Director, HDCMS, announced the Taste of Dupont on Tuesday, November 17th.

### **Councilman Jack Evans, remarks**

Councilman Evans spoke briefly regarding problems arising from the Council's rejection of Mayor Fenty's nomination of Ximena Hartsock as Director of DPR, and its negative effect on Dupont Circle dog parks. Commissioner Meehan had requested a DPR representative to attend tonight's meeting, but most of them had resigned. Councilman Evans also spoke about Ward 2 representation on the ABC Board. Commissioner Carney pointed out that Dupont Circle has the highest concentration of ABC licenses in the District. Commissioner Stephens noted that the Commission would be considering a motion requesting a Ward 2 resident be included on the ABC Board. Councilman Evans requested the ANC to give him a name of a person to nominate for the ABC Board. Some residents expressed concern over bike lanes and cones on 15th Street. Commissioner Wexler noted that he had opposed this initiative and made this known to DDOT. Commissioner Silverstein expressed concern regarding an inordinate amount of MPD resources needed to manage patrons of ABC licensed establishments two blocks South of Massachusetts Avenue NW. He noted the Commission plans to work with ABRA on creating community guidelines to address this over-saturation.

## **Public Safety**

Commissioner Jacobson introduced Sgt. John MacDonald, MPD, PSA 208. He noted that crime rates are down across the board. He announced that MPD arrested the Rooftop Burglar on November 6th.

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.

## **S Street Dog Park**

The Commission heard public comments on the S Street Dog Park. A number of residents expressed concern, including long-time residents, regarding the noise and lack of management and compliance with District regulations of the dog park. Residents asked the Commission for help and answers on how the dog park complies with District regulations. Commissioner Meehan noted that DPR and Circle Dogs had planned to create a memorandum of understanding regarding management of the park. DPR and Circle Dogs have not created a memorandum of understanding during the last three months. Commissioner Meehan noted that the Commission had explicitly agree to support the park, but that if no memorandum of understanding was agreed on, the park would be converted back to a children's park. DPR had the right to close the park, and Councilman Evans noted that the park would be closed. Commissioner Meehan announced a public meeting regarding rules for the dog park at Hotel Dupont on Sunday, November 14th at 12:00 PM with DPR, Circle Dogs and residents. He stated that if the community and DPR cannot manage the park, DPR will have to shut down the park. Residents expressed concern over dogs and their owners. One resident noted that a fight broke out between two dog owners. Residents requested rules and consequences for dog owners using the park. Sgt. MacDonald noted that self-policing typically does not work.

Commissioner Silverstein made a motion to spend \$200 on dog park signs for the fences, addressing hours of operation and barking. Commissioner Jacobson seconded the motion. Commissioner Meehan made a friendly amendment that this motion be approved, subject to the DC Auditor agreeing that this expenditure is not a supplemental appropriation action. The motion carried (8-0).

## **Committee Reports**

### **17th Street Working Group**

Commissioner Jacobson noted that he scheduled a meeting with DDOT regarding the 17th Street Streetscape Project on November 18th at 6:00 PM. The location will be determined soon. Commissioner Jacobson made a motion requesting funds up to \$200 for this meeting space. Commissioner Feldstein seconded the motion. The motion carried (8-0).

Commissioner Stephens announced that the Commission is seeking community volunteers to serve on the following committees:

ABRA Policy Committee

Zoning, Preservation & Development Committee

Community Involvement Committee

Commissioner Stephens stated that he would table his motion regarding Support for Ward 2 representation on the ABC Board, due to Councilman Evans' request that ANC recommend to him an individual for nomination to the ABC Board by Monday, November 16th.

### **Commissioner Reports**

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

None.

### **General**

#### **Held over from October meeting: Consideration of petition for speedbump in the 1700 block of Riggs Place. Presentation by Jonas Morris. (2B03)**

Commissioner Stephens made the following motion:

**Whereas** the regulations of DDOT permit speedhumps in residential areas so long as the streets in question are not major traffic streets; and

**Whereas** DDOT requires a minimum of 75 percent of the residences on the street to sign a petition requesting a study of the appropriateness of speedhumps on the street; and

**Whereas** the residents of the 1700 block of Riggs Place NW have submitted to ANC 2B a petition with the required percentage of residences;

**Whereas** this is the first request for speedhumps in the Dupont Circle neighborhood;

**Therefore be it resolved** that ANC 2B supports the application for a study only, and reserves judgment on whether the speedhumps should actually be installed until the study is complete and shared with the community;

**Be it further resolved** that ANC 2B requests that DDOT share the study with ANC as soon as it is finalized, within 90 days, so that the ANC may share the study with the community and have better information to decide whether to support the installation of any speedhumps;

**Be it further resolved** that ANC 2B requests DDOT to also research and provide — within 180 days — a comprehensive, holistic, neighborhood-wide study on speedhumps, including potential street and alley locations and impact on traffic flow, speed, and diversion.

Commissioner Feldstein made a friendly amendment to add the language clarifying street and alley studies, and also request a timeline for receiving DDOT's response. These changes are reflected in the motion above. Commissioner Silverstein seconded the motion. The motion carried (8-0).

**Presentation of RFP proposal for Square 37 (West End Library and Fire Station) by Toll Brothers. Tony Barros. (ANC 2A, but library and fire station serve 2B as well)**

Commissioner Silverstein noted that while the property in question is located in ANC 2A, the nearby West End Library and fire station also serve ANC 2B. He also noted that ANC 2B would defer to ANC 2A on anything regarding land use. Representatives appeared before the Commission for informational presentation.

Representatives of Toll Brothers noted that they were reaching out to local groups and are currently in the early stages of this project. They stated that the Square 37 proposal would include the following:

- meeting rooms for community events/meetings
- movie screening room
- bistro, cleaner and Whole Foods
- handicap accessibility
- 20% affordable housing

**Presentation by David Burd of EarthAid re: home energy benefits program**

A representative of earthaid.net spoke briefly about using their website to help residents save money on their utility bills.

**Discussion of the conditions on the 1300 block of 18th Street NW and announcement of creation of neighborhood working group to promote retail development. (2B05)**

Commissioner Silverstein announced positive news regarding the Palladium and Mad Hatter. Both parties reached a tentative voluntary agreement. There will not be a sidewalk cafe, applications for a sidewalk cafe before next Fall, and the applicant will participate in reimbursable detail if their neighbors also join in, and there will be no presence on 18th Street

NW. Mad Hatter will place a sign on the 18th Street NW side stating that its door will be on Connecticut Avenue NW. Commissioner Silverstein noted problems with over-saturation regarding two establishments. He stressed the importance of ensuring these establishments voluntary agreements are followed:

- 1) Midtown - ANC 2B is considering a request to reopen the VA with Midtown, but only after progress is made regarding security, and peace, order and quiet.
- 2) Bread and Brew - The applicant is seeking an entertainment endorsement for karaoke in their basement, which they've been doing for a number of years. ANC 2B would ask for guarantees that karaoke would not be heard outside the building. The ANC will consider this item at the December meeting.

## **Regulatory**

### **Motion to support construction of an elevator at the rear of 1910 S Street NW, to comply with ADA requirements to allow disabled resident to live and recover in his own home. (2B02)**

Commissioner Silverstein made the following motion:

WHEREAS, Gil Hill, an active and highly respected member of our community suffered a terrible fall several months ago and was hospitalized, and

WHEREAS, his injuries were so severe that a portion of his skull had to be removed to relieve the swelling and save his life, and

WHEREAS, the insurance covering his hospitalization is about to run out and his wife, Carol Galaty seeks to care for him at their home, and

WHEREAS, Gil is clearly unable to safely walk steps, and the bathroom facilities in their home at 1910 S Street NW are on the second floor, and

WHEREAS, Carol Galaty is seeking approval, under the Americans with Disabilities Act to install an elevator at the rear of the property, and

WHEREAS, this request has been approved by the L'Enfant Trust, the Dupont Conservancy, the

Office of Historic Preservation and was approved by several departments within DCRA, therefore

BE IT RESOLVED that ANC 2B joins in urging approval of the elevator, to allow Mr Hill to recuperate in the safety and comfort of his own home and

BE IT FURTHER RESOLVED that ANC 2B commends those agencies, organizations, and civil servants who have responded to Ms Galaty's requests in record time, and

BE IT FURTHER RESOLVED that ANC 2B urges the DCRA Office of Reasonable Accommodation to follow the lead of other agencies and complete its approval as quickly as humanly possible to assist Mr Hill and Ms Galaty in what is indeed a matter of life and death.

Commissioner Feldstein seconded the motion. The motion carried (7-0) with Commissioner Stephens having briefly stepped outside.

**Application for zoning relief to allow expansion of Hanks at 1622 Q St. N.W. George Mallios. (2B05)**

Commissioner Wexler introduced Ed Grandis who presented to the Commission. The applicant requested zoning relief to allow expansion of Hanks at 1622 Q Street NW. Mr. Grandis noted that the property currently has an R5B zoning classification, limiting Mr. Mallios to residential zoning classification throughout. Mr. Grandis stated Mr. Mallios seeks a map change to have the property be functional and to match the line along Church Street and the North side of Q Street.

Commissioner Meehan confirmed that the zoning for the buildings along Church Street and the North side of Q Street have C2B zoning classification, but the Comprehensive Plan calls for mixed use. He inquired whether Mr. Grandis would accept mixed zoning so that the third floor in the building in question remains residential. Mr. Grandis responded that it would remain residential. Commissioner Meehan stated that 1622 Q Street is a zoning anomaly, and that the main concern is whether we could maintain residential space as mixed use.

Commissioner Wexler made a motion to support the application and amendments to the zoning map as requested by Mr. Mallios. Commissioner Feldstein seconded the motion. The motion carried (7-0-1) with Commissioner Stephens abstaining.

### **Application for zoning relief for 1612 U Street project (2B08)**

The applicant noted that he had made minor changes since his last presentation before the Commission. He noted that they eliminated the stair tower and redesigned the central penthouse block on the roof structure, which shifted eastward.

Commissioner Stephens made the following motion:

**Whereas** ANC 2B at its August and September 2009 public meetings voted unanimously to support the concept design application before the Historic Preservation Review Board for an addition and renovation to 1612 U Street NW;

**Whereas** ANC 2B in those resolutions requested the applicant to return to ANC 2B with regard to any zoning relief sought;

**Whereas** the owners now seek zoning relief in accordance with the application filed September 28, 2009 before the Board of Zoning Adjustment;

**Whereas** the owners' representatives presented the zoning relief proposal to ANC 2B at its November 11, 2009 public meeting;

**Whereas** the zoning relief proposal seeks the following: (1) an area variance from the prohibition on extending or increasing a nonconformity (from 3.0 to 3.58 FAR) per Section 2001.3 of the zoning regulations, (2) an area variance from the floor area ratio (again, from 3.0 to 3.58 FAR) per Section 771.2 of the zoning regulations; (3) an area variance from the prohibition on reducing parking spaces (from 6 to 3 spaces) per Section 2100.10(a) of the zoning regulations; and (4) a special exception to allow two roof structures of different heights that are set back less than the required distance per Section 411.11 of the zoning regulations;

**Therefore be it resolved** that ANC 2B does not object to the zoning relief requested in the application and thanks the applicant for proactively communicating with the ANC with regard to this zoning relief request.

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

### **Application for BZA variance for 2142 O Street NW. Martin Sullivan, Atty. (2B02)**

The applicant requested approval for their application for a third story addition and complete rehabilitation resulting in eight two story loft style condominiums. The BZA hearing will take place December 8th. The applicant already met with Dupont Circle Conservancy, which approved the plans as presented. Some nearby residents expressed concern over the project.

Commissioner Silverstein made a motion to support the application for the BZA variance and before HPRB, but that the Commission expresses concern that there be adequate space for trash storage and removal. Commissioner Meehan seconded the motion. The motion carried (8-0).

**Presentation and request for support for public art project for Farragut West Metro stop by Golden Triangle Business Improvement District. David Suls (2B05)**

The applicant proposed an illuminated industrial organic light sculpture at the Farragut West Metro Station. He requested support from the ANC for this project.

Commissioner Wexler made a motion to support the application with no objection to the design. Commissioner Stephens seconded the motion. The motion carried (8-0).

**Presentation and request for letter of support for bond application for Mayfield Gentry Realty Administrators LLC, for renovation of 1522 K Street NW and conversion for office building to mixed-use office building and condominiums. (2B05)**

The applicant did not attend the meeting. The Commission tabled the matter.

**Presentation and request for letter of support before HPRB for sound buffering wall extensions on the rear roof terrace of Policy, 1904 14th St NW. Rich Markus, architect. (2B09)**

A representative of Policy requested support from ANC 2B regarding sound buffering wall extensions the rear roof terrace at 1904 14th Street NW. Residents complained about being routinely disturbed by music and noise violations.

Commissioner Estrada made a motion that *ANC 2B supports the application, up to at least the height of the window, so long as it does not exceed eight feet. (We ask an eight foot limitation for safety reasons.)*

Commissioner Wexler seconded the motion. Commissioner Meehan made a friendly amendment that the wall be higher than eight feet. Commissioner Stephens made a friendly amendment that the Commission encourages the wall to be even higher, so while it's technically feasible. Commissioner Estrada did not accept the friendly amendments. The motion carried (8-0).

**Administrative/Financial Matters**



## **Treasurer's Report**

Commissioner Jacobson stated that the Commission had not received two allotments from the District.

In the previous quarter, the Commission spent \$3,000.05 leaving \$16,699.05 in its checking account. The Commission's savings account balance is \$19,885.58. Commissioner Jacobson offered the report to the Commission for approval. Commissioner Stephens seconded the Treasurer's report. No motion is required to approve the report.

Commissioner Jacobson noted the following for the current quarter:

Checking: The Commission has available \$13,515.94 after expenditures of \$3,055.12.

He noted that the Commission received notice that the next two allotments from the DC government are scheduled to be released shortly.

Commissioner Silverstein also noted that the Commission would receive a reimbursement from DCCA for the Commission's portion of \$15,000 of \$23,000 spent in legal and appraisal expenses from the 1616 Rhode Island PUD matter. Commissioner Jacobson suggested depositing this amount to the Commission's savings account.

## **Establishment of Desi Deschaine Memorial award for public policy intern**

Commissioner Stephens had tabled this matter before the meeting, due to time constraints.

## **Updates to ANC 2B Policy & Procedures Manual re: Committees**

Commissioner Stephens passed out a revised version of the Policy & Procedures manual for consideration at the December meeting. The changes reflect items regarding Committees and Working Groups.

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, December 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: December 9, 2009