

ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION REGULAR MEETING MINUTES

Wednesday, April 14, 2010 Brookings Institution

The April 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). Bhavna Patel (2B02) arrived later in the meeting. The Chair noted the presence of a quorum.

Approval of Minutes

Commissioner Stephens made a motion to approve February and March 2010 minutes, subject to technical corrections. Commissioner Jacobson seconded the motion. The motion carried (8-0).

Public Announcements

Commissioner Estrada noted that BZA issued an advisory that DCRA would no longer issue any building permits or certificates of occupancy for applicants seeking a license in both eating and drinking establishments in the uptown Arts Overlay. Applicants would need to apply for a special exception through BZA. Commissioner Meehan commented that the ruling was not enforced in an intelligent way, and that the issue would likely be addressed in the future.

Commissioner Feldstein announced the Green in the Circle festival event will take place on April 17 at Dupont Circle. The event is sponsored by NASA, Pepco, PNC Bank, Living Green, Ben & Jerrys and the National Zoo.

Commissioner Stephens noted that the pay by cell phone parking system pilot will be launched in Dupont Circle. He also noted that a number of Commissioners testified on behalf of Chairman Silverstein's nomination to the ABC Board. Commissioner Silverstein thanked the Commissioners who testified at Councilmember Jim Graham's hearing.

Commissioner Meehan noted that six Ginko trees would be planted at 17th and Corcoran Streets. Tree boxes will also be expanded on this street.

Commissioner Carney announced Ross School Elementary's silent auction on April 24 (rosselementary.org). The Concert for Life will take place on April 30 at the Foundry Methodist Church.

Discussion with At-Large Council Member Kwame Brown

Councilmember Brown spoke briefly before the Commission and community. He addressed budget issues in the District. He noted that the Council received the budget back from the mayor, and that the District must address a \$500 million budget gap. He expressed concern over decreases in commercial property taxes collected and a sales tax net increase of \$15,000, which will negatively affect local businesses. Commissioner Meehan inquired why the District government was pushing a capital intensive trolley system at the same time the District is concerned about the success of the Circulator bus system. Councilmember Brown noted that the District had already purchased trolley street cars before he came into office. Commissioner Silverstein expressed concern about an increase in parking meter fees and its effect on residents and people who work in Dupont Circle. Commissioner Stephens expressed concern about metro service cuts and how they will affect economic development.

Commissioner Patel joined the meeting.

Presentation by Neighborhood Organization – International Student House (<http://www.ishdc.org>). Ann Peterson

Ann Peterson spoke briefly and noted that ISH's goal is to promote global understanding and tolerance. ISH is one of Dupont Circle's oldest neighbors.

Public Safety

Includes report on Dupont Area Tactical Team

Sgt. MacDonald, MPD, noted that MPD has experienced nightlife issues on 19th and M Streets. He noted that Pasha Lounge on P Street had violated its voluntary agreement by using promoters. He also noted that neighbors reported gun shots in the area of 17th, R, Q and Riggs Streets. MPD investigated and discovered an individual had used fireworks. MPD Bike and Foot patrols will focus on the 14th and U Street area. He also noted that the area near Penang and Rumours has experienced assaults, and that there is no reimbursable detail patrolling the area.

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

17th Street Working Group

Includes report from DDOT on Streetscape progress.

A DDOT representative did not attend the meeting. Commissioner Jacobson noted that he raised issues with DDOT regarding cooling water and concrete on 17th Street and disabled entrances.

Commissioner Jacobson noted that DDOT committed to work with the Pride Parade Committee to make sure that 17th Street is safe for viewers and participants.

ABRA Policy Committee

– Proposed ANC action to address public safety issues related to “Club Central” (18th & M and surrounding area)

Commissioner Stephens introduced Kevin O’Connor who reported on the recommendations of the ABRA Policy Committee. Mr. O’Connor reported that the Committee will recommend that the ANC protest applications for new CT and CN licensing in the Dupont Circle area, provided that the ANC can ensure that establishments close on time and are not disruptive. The ANC will also recommend a greater police presence, TAC unit and a reimbursable detail.

Commissioner Silverstein made the following motion, recommended by the ABRA Policy Committee.

Dupont Circle ANC 2B, acting in concert with DC Metropolitan Police, neighbors, and businesses, wishes to advise the Alcoholic Beverage Regulatory Administration of a problem of oversaturation of late night licensed establishments and a growing problem of peace, order, quiet, and public safety in the following area:

FROM Dupont Circle east along the north side of Massachusetts Avenue NW to

The east side of 17th Street NW to

The south side of L Street NW to

The west side of 20th Street NW to

The west side of New Hampshire Avenue NW to Dupont Circle.

This advisory began with a communication from the DC Metropolitan Police that establishments with a capacity of more than 6200 patrons within a two block radius of 19th and M all let out at the same time...2am on weekdays and 3am on weekends, leading to a situation where there are often too many people and not enough sidewalk space, and too many cars, taxis, and valet operators and not enough street space.

Police provided a breakdown of crime statistics for the M Street focus area, showing the total number of assaults and ADW's rose from 17 to 60 during the period 2006-2009, with the Saturday figures rising from 2 to 21, and the Sunday numbers from 8 to 17.

Police tell us the area – which is well-suited for restaurants and is an outstanding entertainment area – has reached a tipping point and the Department is already dedicating an inordinate amount of resources to the area at closing time. They say any additional late night clubs would make their work even more difficult and dangerous.

Neighbors at the Jefferson Place Condominiums and the Palladium on 18th Street echo police concerns about peace, order, and quiet, and at least one major late night licensee has added his concerns about the safety of his patrons.

Therefore, ANC 2B advises ABRA that the ANC is considering a proposal to presumptively protest any applications for new licenses, entertainment endorsements, substantial changes, or increased occupancy at CT- and CN- licensed establishments allowing patrons to enter after midnight. The purpose of this is to encourage new restaurants and allow them flexibility, but to curb the growth in additional late-night capacity. This would not affect existing establishments, nor would it affect license renewals or transfers of ownership, so long as occupancy numbers remain the same.

ANC 2B is working with business groups, nightlife groups, and neighbors to put together a package of proposals to help mitigate the existing problem, including establishment of taxi stands in the area, a possible short-term test of soft closings, and urging that potential renters and buyers of property within all entertainment districts be advised of the existence of nearby late night venues.

The ANC believes the Club Central and 19th Street areas are particularly well-suited for nightlife, with ample lighting, parking, and public transportation, and a limited number of residents. But it must address the growing issues of peace, order, quiet, and public safety to allow existing establishments to continue to thrive, and patrons to safely enjoy the area.

Commissioner Jacobson noted that the resolution deals with oversaturation and volume of people. He requested clarification on how the Committee thinks that including entertainment endorsements and substantial changes increase the volume of people, if the Committee's recommendation deals with increased occupancy as a separate line item. Commissioner Silverstein noted that the resolution deals with establishments open past midnight. Commissioner Stephens commented that entertainment draws more people.

Commissioner Stephens seconded the motion. The motion carried (7-1-1) with Commissioner Jacobson voting in opposition, and Commissioner Patel abstaining.

– Proposed ANC announcement regarding changes to Voluntary Agreements and hours to allow licensees to petition the ANC and ABRA to open and begin serving early on specific dates of World Cup 2010 soccer matches. The tournament will be held in South Africa, and the six hour time difference means a few matches begin at 730am DC time, and many others begin at 10am.

Commissioner Silverstein made a motion to notify ABRA that ANC 2B is open to amending VAs on a per case basis to allow early openings to allow serving of foods and beverages during the upcoming World Cup competition. Commissioner Stephens seconded the motion. The motion carried (9-0).

Zoning, Preservation & Development Committee

None.

Community Involvement Committee

– Nomination of Michael Lipin to committee

Commissioner Stephens made a motion to confirm Michael Lipin as a committee member. Commissioner Feldstein seconded the motion. The motion carried (9-0).

– Resolution to engage community involvement intern

Commissioner Stephens made the following motion:

Resolution to Engage Community Involvement Intern

Resolution on Engagement of a Community Involvement Intern

Whereas ANC 2B works with other community organizations to plan, organize, and manage events and service opportunities that enrich our neighborhood; and

Whereas ANC 2B, through the Community Involvement Committee, is currently working to plan several “in the Circle” events with other organizations; and

Whereas the Committee has recommended that ANC 2B create a community involvement intern position dedicated to assisting the Committee and the Commission in facilitating this enrichment;

Therefore be it resolved that ANC 2B engage an unpaid intern to assist the Commission as set forth in the attached “ANC 2B Community Involvement Internship – Job Description”; and

Be it further resolved that the intern may be reimbursed for reasonable expenses related to the intern’s job description—subject to the approval of the Chair and Treasurer; and

Be it further resolved that Commissioner Feldstein serve as the “Intern Coordinator” as described in the job description.

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*Job Description – Dupont Circle Advisory Neighborhood Commission (ANC 2B)
Community Involvement Intern*

Job Title – Dupont Circle Advisory Neighborhood Commission Community Involvement Intern

Overview – The Dupont Circle Advisory Neighborhood Commission Community Involvement Intern (Intern), is an unpaid position dedicated to assisting the Dupont Circle Advisory Neighborhood Commission in enriching the neighborhood by working with other community organizations, non-profits, businesses, residents, and other stakeholders to conceive, plan, organize, and implement neighborhood events and activities.

Reporting Relationships – The Intern will work directly with the Community Involvement Committee (Committee). One Commissioner will be named Intern Coordinator and will be responsible for the overall coordination of the Intern’s work. Commissioners wanting the assistance of the Intern should first contact the Intern Coordinator.

Responsibilities

Assist in conceiving, planning, organizing, and implementing neighborhood events, activities, and service opportunities, including the following tasks:

- *Creating, developing, and maintaining ANC 2B's relationships with other key community organizations, non-profits, businesses, residents, and stakeholders;*
- *Actively participating in meetings, as assigned, including Committee meetings;*
- *Keeping accurate records of event planning, organization, and implementation — including contact lists, tasks implemented, action timelines, permitting requirements and other approvals, etc;*
- *Creating post-event reports to assist ANC 2B in the future in planning and implementing similar events and activities;*
- *Helping to maintain and keep up-to-date ANC 2B's Community Involvement Committee website(s).*

Commissioner Silverstein seconded the motion. The motion carried (8-0) with Commissioner Jacobson having briefly stepped outside the room.

Nomination of Rick Busch for the Mayor's Award for Historic Preservation Advocacy and Community Involvement

Commissioner Silverstein made the following motion:

Resolution on support of Rick Busch for Mayor's Historic Preservation Award

WHEREAS, Richard Busch served with great skill, integrity, and dedication for three years as President of the Dupont Circle Conservancy, completing his tenure in December, 2009, and

WHEREAS, Mr. Busch worked closely with Dupont Circle ANC 2B on a regular basis on a wide range of historic preservation issues, including review and comment on dozens of different proposed projects in the Dupont Circle Historic District and portions of the U Street and Strivers historic districts in the ANC2B boundaries, serving as a trusted partner in preserving the historic fabric of the community, and .

WHEREAS, Mr. Busch's diligent efforts and unquestioned integrity helped establish a spirit of working together and mutual trust between the Conservancy and ANC 2B, and has served as a mentor to ANC Commissioners seeking to learn more about preservation issues, and

WHEREAS, Mr. Busch personally intervened in a successful effort to save one of the community's important historic homes, at 1841 16th Street NW, from demolition by neglect and/or razing due to public safety concerns. He called together key city department heads and administrators to discuss alternatives to razing, and organized a highly successful community rally to protest demolition. Even more important, Mr Busch carefully monitored and helped in the follow-up to ensure that city and developer plans to save and restore the building actually came to fruition, and

WHEREAS, Mr. Busch personally intervened to stop potential demolition by neglect of the important historic home at 1800 New Hampshire Avenue NW, owned by the Embassy of the Democratic Republic of Congo. He contacted the Embassy, U. S. State Department officials and DC government officials about the problem and provided Conservancy commendation on subsequent renovation, and

WHEREAS, Mr. Busch has represented the Conservancy frequently on historic preservation issues before the city council and council committees and review boards. He has developed working relationships, and enjoys widespread personal respect, with organizations throughout the community and the city even when other groups had differing positions on historic preservation various issues,

THEREFORE, Dupont Circle ANC 2B is pleased to cosponsor the nomination of Richard Busch for the 2010 DC Historic Preservation Office/Office of Planning Award for Excellence in Historic Preservation Advocacy and Community Involvement.

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

Commissioner Reports

Neighboring Jurisdiction Reports: West End/Foggy Bottom (Mike S.), Adams Morgan (Will, Mike F.), Kalorama (Mike F., Bhavna), Logan Circle (Ramon, Jack, Victor), Georgetown (Mike S.), Columbia Heights/Shaw (Ramon)

Commissioner Estrada thanked all of the Committee members from the general public and neighborhood organizations.

General

Request by FRESHFARM Markets for support of DDOT public space application to occupy the 800 block of Vermont Avenue NW on Thursdays, May 6th through November 18th, 1pm through 8pm, for the purpose of setting up a farmers' market.

Commissioner Stephens made a motion to support the request for Fresh Farm Markets' DDOT public space application to occupy the 800 block of Vermont Avenue NW on Thursdays, May 6th through November 18th, 1pm through 8pm, for the purpose of setting up a farmers' market. Commissioner Patel seconded the motion. The motion carried (9-0).

Presentation by Steve Dobberowsky and the Capitol Pride Committee for approval of the 2010 Pride Parade route.

Commissioner Jacobson made a motion to support the request and send a letter of support. Commissioner Stephens seconded the motion. The motion carried (9-0).

Commissioner Stephens made a motion to rent a car for the Pride Parade. Commissioner Feldstein seconded the motion. The motion carried (8-0) with Commissioner Jacobson outside of the meeting.

DDOT Report on 17th Street Streetscape progress

Victor Egu, DDOT arrived late to the meeting and spoke briefly before the Commission. He noted that there was no resolution between DDOT and WASA regarding the burst water main on 17th Street. WASA instructed DDOT not to touch the catch basins. Commissioner Meehan noted that the Commission should send a letter to WASA because such a request could hold up the Streetscape project.

Commissioner Meehan made a motion to send a letter to WASA. Commissioner Stephens seconded the motion. The motion carried (9-0).

Presentation by Molly Gascione to announce the route of the Avon Walk for Breast Cancer, to be held on May 1 and May 2. The event, which will pass through ANC 2B, will not result in the closure of any streets, as walkers use sidewalks and cross at crosswalks.

Commissioner Silverstein noted that the event would not close any streets. Commissioner Stephens made a motion to send a letter of support to the Mayor's Special Events Task Force. Commissioner Jacobson seconded the motion. The motion carried (9-0).

Regulatory

Applications for license renewals for the following establishments:

Best Hunan Inc t/a Banana Leaves, 2020 Florida Av NW, CR01, 2B01 (ABRA-025217)
Alero Inc t/a Alero Restaurant-1, 1724 Connecticut Av NW CR02, 2B02 (ABRA-060134)
Yami LLC t/a Bistro du Coin, 1738 Connecticut Av NW CR02, 2B02 (ABRA-076495)
Tabard Corp t/a Hotel Tabard Inn, 1739 N Street NW CH01, 2B05 (ABRA-001445)
Guerra LLC t/a The Meeting Place, 1100 17th Street NW CR02, 2B05 (ABRA-074661)
Cafe Japone Ltd Partnership t/a Cafe Japone, 2032 P Street NW CR01, 2B06 (ABRA-010581)
C T Chaing of Washington Inc t/a Charlie Chaing's, 1912 I Street NW CR01, 2B06

(ABRA-001845)

CSM Inx t/a Otello, 1329 Connecticut Av NW CR02, 2B07 (ABRA-020177)

The Commission considered the above license renewals and had no objections. The Commission took no action.

Request to revise voluntary agreement for Mezza Luna Restaurant, 1140 19th Street NW. (2B06)

Commissioner Silverstein noted that the establishment next door to Mezza Luna will play music. The applicant requested the Commission to revise its Voluntary Agreement. Commissioner Jacobson commented that it was irreconcilable to support this request, but oppose entertainment endorsements in a previous matter in tonight's meeting.

Commissioner Silverstein made a motion to request the authority to open up discussions to reopen the voluntary agreements with both establishments to allow for music. Commissioner Jacobson requested the Commission provide both establishments a copy of the ANC's resolution passed tonight regarding oversaturation and entertainment endorsements. Commissioner Silverstein agreed. Commissioner Estrada made a friendly amendment to bring back revised voluntary agreements to the full Commission.

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

Application for D class license for Baja Fresh, an existing restaurant with existing sidewalk cafe at 1333 New Hampshire Avenue (restaurant and cafe face on 19th Street). Hours of operation and sale and consumption of alcoholic beverages for restaurant are Sun-Thurs 10am-2am, Fri-Sat 10a-3am. Sidewalk cafe with 20 seats: Sun-Thurs 10am-2am, Fri-Sat 10am-3am. (2B02)

Commissioner Patel made a motion to protest the application on the basis of peace, order, and quiet, subject to the successful negotiation of a voluntary agreement. Commissioner Patel noted problems with the the sidewalk cafe hours.

Commissioner Jacobson seconded the motion. Commissioner Jacobson requested the Commission provide a copy of the previous motion passed in tonight's meeting regarding oversaturation and entertainment endorsements. He commented that the last two items the Commission voted on has the effect of expanding liquor sales in an area in which the Commission voted earlier tonight to restrict liquor sales. Community participant Robin Diener, President of DCCA, commented that this action was consistent with the prior resolution because

the Commission was protesting a late-night application in this area, subject to a voluntary agreement. The motion carried (8-0-1) with Commissioner Jacobson abstaining.

Application before BZA (Case #18062) by the American Society for Microbiology to connect two buildings known as 1750 N Street and 1752 N Street and consolidate the lots into a single lot of record. Kim Shankle. (2B05)

Commissioner Wexler noted that DCC unanimously approved of the application. Commissioner Wexler made a motion to support BZA Application No. 18062 for special exemption and variance relief to allow The American Society Of Microbiology to join its two properties at 1750 and 1752 N St N.W. in order to use both properties for the conduct of business. Commissioner Stephens seconded the motion. The motion carried (9-0).

Application for HPRB approval for three story rear addition to property at 2023 N Street NW owned by Carrie Bernard. SGA architects: Armstrong Kassa and Sassan Gharai, 2B06

The applicant briefly presented information about the building. She noted that their plans were approved by the DCC. Commissioner Silverstein made a motion to support the request. Commissioner Patel seconded the motion. The motion carried (9-0).

Public space application by Raku Restaurant, 1900 Q Street NW, to increase outdoor seating in existing space from 38 to 64. Owner says there are two permits with two different numbers for sidewalk cafe capacity, and seeks to clarify the issue. Marcel The.(2B02)

Representatives of Raku stated that they have approximately 65 seats outside. Raku has two different permits. One permit states Raku can have 38 seats, but the applicant is not aware how many seats the second permit allows. Commissioner Patel suggested modifying the request for outdoor seating to move the outside area away from the grating on the adjacent sidewalk. Commissioner Silverstein suggested reconsidering this matter at the May meeting after further discussions with the owner.

Commissioner Stephens made a motion to oppose the application, with the understanding that the Commission will work together with Raku to revise the application. Commissioner Estrada seconded the motion. The motion carried (9-0).

Resolution encouraging further study and discussion on the advisability of allowing overhead trolley wires in portions of the District of Columbia.

Commissioner Silverstein noted that David Alpert was not at the meeting, but that he helped the Commission craft the following resolution, with friendly amendments from Commissioner Meehan. Commissioner Silverstein moved the following motion:

RESOLUTION ON OVERHEAD WIRES

Whereas, the District of Columbia is considering a 37-mile system of streetcars, and

Whereas, streetcars in DC prior to 1962 provided valuable mobility to residents, and

Whereas, almost all systems around the world use unobtrusive, thin overhead wires for power, and

Whereas, the District of Columbia has an 1889 law prohibiting wires in certain areas which the Council may be able to overturn, and

Whereas, there is concern from the National Capital Planning Commission about streetcar wires affecting important monumental viewsheds, and

Whereas, hybrid systems exist to operate in sensitive areas using batteries while operating on wires in other areas, and

Whereas, other power systems that allow for complete wire-free operation may be possible but are currently untested, much more expensive than standard wires, and/or require locking into a single vendor for the life of the system, therefore be it

Resolved, that ANC 2B requests that DDOT provide information to residents about the costs and feasibility of trolley systems and various power system alternatives.

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

Resolution encouraging DDOT to establish dedicated bus lanes.

Commissioner Silverstein noted that David Alpert helped craft the following motion.
Commissioner Silverstein moved the following motion:

Resolution on Priority Bus Lanes

RESOLUTION ON BUS LANES

Whereas, downtown DC (including the Golden Triangle area) represents the most important employment center in the Washington region, and

Whereas, roadways and the Metrorail system are both at or near capacity to move workers to and from jobs in the area, and

Whereas, large numbers of workers use Metrobuses and the DC Circulator to get in and out of downtown, and

Whereas, these buses are often delayed by traffic congestion, and

Whereas, congestion imposes large costs on the District and WMATA as well as inconvenience to riders, and

Whereas, providing dedicated lanes, queue jumpers, and signal priority can reduce bus delay, rider wait times, and bus operating costs, and

Whereas, bicycling represents a sustainable, energy-efficient and healthy mode of transportation, and

Whereas, moving more people by bus and bicycle can increase the overall capacity of the roadways as riders on buses or bicycles consume less space than those in private cars,

Resolved, that ANC 2B endorses adding bus priority lanes, queue jumpers, and/or signal priority to downtown roadways with high bus volumes, and

Resolved, that ANC 2B also endorses adding safe, convenient bicycle lanes or cycle tracks to downtown roadways, and

Resolved, that ANC 2B requests that DDOT formulate a multimodal strategy for improving downtown mobility including both bus priority treatments and bicycle lanes, and

Resolved, that ANC 2B asks DDOT to share this strategy with the ANC and solicit comments from the surrounding neighborhoods.

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

Administrative/Financial Matters

Treasurer's Report

Commissioner Jacobson noted that the Commission has not been audited and that all funds have been released by the District.

Proposed By-Law Amendment

Commissioner Stephens made a motion to amend the bylaws so that "Unless otherwise directed by the Commission," the Chairman shall coordinate ANC employees. Commissioner Patel seconded the motion. The motion carried (9-0).

ANC 2B Policy & Procedures Manual

Commissioner Stephens distributed a revised Policy & Procedures Manual that included only the formatting changes and the additional language related to ANC employees/interns that was circulated at the March 2010 meeting. Commissioner Estrada asked if there were any changes from the March 2010 draft circulation, and Commissioner Stephens responded there were none. Commissioner Stephens moved to approve these revisions and updates to the manual, with the Commission having had a month to review the edits. The Commission approved the new manual (version 1.5) by a vote of 9-0.

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, May 12, 2010, 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: May 12, 2010