

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION REGULAR
MEETING MINUTES
Wednesday, December 8, 2010 Brookings Institution**

The December Regular Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chairman Stephens 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 Chair noted the presence of a quorum.

Approval of October 2010 Minutes & Circulation of Monthly Work Calendar

Commissioner Wexler made a motion to approve the October and November minutes. Commissioner Feldstein seconded the motion. The motion carried (8-0).

Special Guest At-Large Council Member Michael Brown

Council Member Brown was unable to attend the meeting.

Public Announcements

1. Next PSA 208 Public Safety Meeting Tues. 7pm @ District 3 HQ (17th & V)

Commissioner Stephens announced the next public safety meeting.

2. Other Announcements

Commissioner Estrada noted an increase in stolen packages during the holiday season. Commissioner Meehan noted that Ross School had begun using its trash compactor. Commissioner Estrada noted that Chidago opened on 14th Street. Commissioner Stephens noted that 18th Street foot traffic to local businesses has decreased since DDOT's work on resurfacing 18th St. began. He urged residents to visit local businesses on 18th Street.

Regulatory

Public Space (10 mins total)

Valet Parking Application for new restaurant. Cities Restaurant Lounge, 919 19th Street NW (between I and K) Two parking spaces needed M-Th 630pm – 1030pm. Fr-Sa 630pm – 130am. Seyhan Duru presenting.

Ms. Duru requested approval of Cities' valet parking application for two parking spaces. Commissioner Silverstein made a motion to support the application. Commissioner Feldstein seconded the motion. The motion carried (8-0).

HPRB & Zoning Applications (15 mins total)

Application to BZA for Zoning Relief to allow expansion at 1461 S Street NW. (2B09)

Mr. Lawlor appeared before the Commission and made a presentation on his BZA application for zoning relief to allow expansion at 1461 S St. He noted that ANC 2B and DCC had previously approved the application. He noted that the Office of Historic Preservation approved the application with the exception of the third floor expansion. He noted that the application before the Commission today involves modifications to the existing footprint of the structure, increasing the lot coverage of 67%, and waiving of a required parking space.

Commissioner Estrada made a motion to approve the following requests:

- 1) Special Exception (sect. 403+2001.1) for exceeding allowable lot coverage. Proposed project would have a lot coverage of 67%; and
- 2) Area Variance for parking relief (sect. 2101.1) to waive required parking for 1 car.

Commissioner Carney seconded the motion. The motion carried (7-0) with Commissioner Silverstein outside of the meeting.

ABC Applications

Application by Restaurant Assoc's of NY for new CR (restaurant) license at 1225 Conn Ave NW with seating capacity 224 & occupancy 391, hours of sales/service M-F 11am-5pm, and hours of operation M-F 7am-5pm (closed Sat/Sun). Petition due 12/20/2010; Hearing 1/3/2011. (2B05)

A representative appeared before the Commission and explained that the World Bank had leased a building on 1225 Connecticut Avenue NW. Cafeteria service in the building would include beer and wine. The representative requested support for its application for a CR restaurant license.

Commissioner Jacobson noted that he had previously worked at the World Bank and that he thought the applicant was very responsible in handling serving of beer and wine in the cafeteria. He noted his support for the application. Commissioner Wexler made a motion to support the

application. Commissioner Feldstein seconded the motion. The motion carried (7-0) with Commissioner Silverstein not participating due to his position on the ABC Board.

Application by the Washington Post Company Class CX New Multi-Purpose Facility at 1150 15 St. Request a summer garden with a seating capacity for 75 persons. Hours of Operation: Sunday through Saturday 24 hours Hours of Alcoholic Beverage Sun 10 to 2am M_TH 8am 2-am and Fri and Sat 8am to 3am. Hours of Operation for Summer Garden: Sun-Sat 24 hours Hours of Alcoholic Beverage/summer garden: Sun. 10-2am Mon-Thur 8am-2am and Fri and Sat 8am-3am. Petition date: December 20, 2010 Hearing Date: January 3, 2011 (2B05)

A representative appeared before the Commission and requested support for its application. Commissioner Stephens noted this request was similar to the World Bank request. The applicant requested support for a CX license for catering events at 1150 15th Street. They also requested a summer garden for 75 people.

Commissioner Wexler made a motion to support the application. Commissioner Jacobson seconded the motion. Commissioner Meehan noted that application specifically called for 24 hours of ABC service. He expressed some concern that the application was not accurate. Commissioner Wexler and Stephens noted that the application was intended to cover internal events starting at various times, and would obviate the need for the applicant requesting multiple licenses for multiple events. The motion carried (7-0) with Commissioner Silverstein not participating due to his position on the ABC Board.

Application to ABRA by Kabab-Ji DC One, LLC, Class C Restaurant at 1351 Connecticut Avenue, NW for a substantial change to the nature of the operations: Entertainment Endorsement to include a DJ, international music, cover charge dancing and karaoke with endorsement hours: Sunday through Thursday 6 pm-2am, Friday through Saturday 6pm-3am. Petition date: January 10, 2011; Hearing Date: January 24, 2011 (2B07)

The applicant did not attend the meeting. Commissioner Carney noted that the Commission had previously voted to protest the application. He noted that the applicant originally opened as a CR licensed restaurant and then applied for a substantial change less than a year later. He noted that he attempted to meet with the applicant, but the manager did not attend that meeting.

Commissioner Carney provided the following context on this application:

“At our August 2009 ANC meeting, we passed unanimously a motion to support Kabab-Ji’s application for a CR license for 125 seats. Less than a year later, this CR licensee applied for the

above substantial change. ANC 2B voted to protest that application because it would essentially permit a restaurant to morph into a nightclub. The applicant did not appear on their hearing date, and the application was dismissed by the Board. This is the applicant's repeat, identical substantial change application."

Commissioner Carney made the following motion:

ANC 2B protests Kabab-Ji Restaurant, 1351 Connecticut Avenue NW, application for substantial change to their CR restaurant license ABRA-008082446 for entertainment endorsement to include a DJ, music, cover charge, dancing and karaoke — based on peace, order, and quiet and over-concentration with over 6,000 plus ABC seats in the immediate "club central" area, pending successful negotiations of a voluntary agreement.

Commissioner Meehan seconded the motion. The motion carried (7-0) with Commissioner Silverstein not participating due to his position on the ABC Board.

Tavern & Nightclub (CT/CN) Renewals

Group 1: Petitions due 12/13/2010; Hearing 12/27/2010

1. Blackfinn (CT02) 1620 I Street NW (2B05)
2. Midtown (CN03) 1219 Conn Ave NW (2B05)
3. Fly (CN02) 1216 18th St NW (2B06)
4. Science Club (CT02) 1136 19th St NW (2B06)
5. The Mighty Pint (CT02) 1831 M St NW (2B06)

Group 2: Petitions due 12/20/2010; Hearing 1/3/2011

1. Barcode (CT02) 1101 17th St. N.W. (2B05)
2. 1819 Club (CN01) 1819 M Street NW (2B06)
3. Steve's Bar Room (CN01) 1337 Conn Ave NW (2B07) - Commissioner Carney objected to the renewal.

Group 3 Petitions due 1/10/2011; Hearing 1/24/2011

1. Dirty Martini Inn Bar (CN 04) 1223 Conn. Ave. N.W. (2B05)

The Commission took no action on the above renewals, with the exception of Steve's Bar Room.

Commissioner Carney made a motion to protest the renewal application for a lack of placarding, and requests the Board to order the applicant to re-placard. Commissioner Jacobson seconded the

motion. The motion carried (7-0) with Commissioner Silverstein not participating due to his position on the ABC Board.

Commissioner Estrada made a recommendation to Commissioner Stephens to submit a letter to ABRA's Director and General Counsel about proper noticing of Commissioners. Commissioner Jacobson inquired if this letter would be on behalf of the Commission on ANC letterhead. Commissioner Stephens stated that he would put the letter on ANC letterhead, but make it very clear that the letter is only from the Chair.

General

No agenda items

Committee Reports

ABRA Policy Committee

1. Public Space Sidewalk Cafe guidelines - Commissioner Estrada noted that the Committee revised language regarding Section 6 "Other Issues". He requested the posting of the guidelines on the website, and asked for public comments to be sent to Commissioner Estrada. Commissioner Estrada suggested the Commission disperse its public guidelines to DDOT, since sidewalk cafes are within public space.
2. Dupont West Moratorium - Commissioner Estrada requested Kevin O'Connor (Committee Member) to read his proposed motion. Kevin proposed the following motion:

Whereas the West Dupont Circle Moratorium is set to expire March 23, 2011; and

Whereas Advisory Neighborhood Commission 2B ("the ANC") must weigh the appropriate action to take on the West Dupont Circle Moratorium ("the Moratorium");

Therefore be it resolved that the Commission hereby establishes the West Dupont Circle Moratorium Committee ("Committee");

Be it further resolved that the Committee be charged with the following:

- Engaging the residents and businesses of ANC 2B to gather input on the Moratorium; and
- Reporting to the ANC and

- Drafting a Resolution with suggested action for ANC2B for the February 2011 meeting of the ANC.

Be it further resolved that the Committee shall consist of five members as follows:

- The Commissioner from ANC2B02, who shall act as Committee Chairperson;
- The Commissioner from ANC2B06 (or a delegate on their behalf);
- The Commissioner from ANC2B01;
- A representative, who shall act as a representative of the Dupont Circle Citizen's Association; and
- A representative, who shall act as a representative of the Dupont Circle Merchants and Professionals Association.

Commissioner Estrada moved the motion. Commissioner Feldstein seconded the motion. The motion carried (7-0) with Commissioner Silverstein not participating due to his position on the ABC Board. Commissioner Estrada thanked Commissioners Jacobson and Carney for participating in the Committee's meeting.

3. Other Business - Commissioner Estrada noted the Committee would provide guidance on VAs for the ANC website.
4. Next Committee Meeting - To be determined.

Zoning, Preservation & Development Committee

Commissioner Feldstein made a motion to focus on zoning issues on the first Tuesday of the month to identify key issues and bring a coherent proposal to the monthly meeting.

Commissioner Meehan seconded the motion. Commissioner Jacobson commended Commissioner Feldstein for pursuing public Committee meetings. Commissioner Jacobson also expressed concern over the additional cost to applicants for attending Committee meetings. The motion carried (7-0).

Next Meeting - First Tuesday of the month (regularly),

Community Involvement Committee

1. Other Business - Commissioner Feldstein noted that the ANC's intern Justin Queirolo would conduct research into how other ANC's handle grants. Commissioner Feldstein noted that the Committee explored the possibility of presenting awards to local businesses in addition to individuals. The Committee also discussed using the Commission's website to help other neighborhood organizations gain exposure to the broader community.
2. Next Meeting - January 6, 2011

Commissioner Feldstein made a motion to focus on zoning issues on the first Tuesday of the month to identify key issues and bring a coherent proposal to the monthly meeting. Commissioner Meehan seconded the motion. Commissioner Jacobson commended Commissioner Feldstein for pursuing public Committee meetings. Commissioner Jacobson also expressed concern over the additional cost to applicants for attending Committee meetings. The motion carried (7-0).

Zoning Rewrite

Commissioner Meehan noted that the Office of Planning is conducting a complete rewrite of zoning code of medium and high density areas, especially R5B.

Commissioner Meehan made two motions:

[Final motion text to be inserted here].

Commissioner Estrada seconded the motions. The motions carried (7-0).

Commissioner Jacobson requested Commissioner Meehan to submit any proposed language ahead of time to the Commission.

Commissioner Meehan stated that he would draft a letter with a public comment to the Office of Planning.

Commissioner Reports

Neighboring Jurisdiction Reports: West End/Foggy Bottom (2B06), Adams Morgan (2B01, 2B08), Kalorama (2B01, 2B02), Logan Circle (2B04, 2B05, 2B09), Georgetown (2B06), Columbia Heights/Shaw (2B09)

Commissioner Jacobson noted that he attended an ANC 2F meeting and provided guidance on their Public Safety Committee.

Reports on Old Business

1. Open Meetings Legislation – Legislation was amended to provide exception to ANCs.
2. Hatch Act exception for ANC Commissioners – The Act is still being considered.
3. Freshfarm Market: public space – No update.
4. Mid-City Arts District: public space – The applicant experienced an issue with an ANC. The use of permanent fixtures was at issue.
5. Hank's (2B05) – Commissioner Wexler noted that the Commission had communicated its revised language to ABRA.
6. Ozio: sub. change summer garden (2B06) – Kevin O'Connor noted that this application would be revisited in June 2011.
7. Mezza Luna: sub. change CR to CT (2B06) – Kevin O'Connor noted that a VA is close to being completed.
8. Mad Hatter: sub. change summer garden (2B07) – Commissioner Carney noted that Andrew Huff helped the Commission on questions regarding this matter.
9. Marrakesh: renewal (2B02) – Kevin O'Connor noted he was working on this matter with Commissioner Patel. He noted that Councilmember Evans' office agreed to join the ANC's protest against the license renewal.
10. Policy: amendment to VA (2B09) – Commissioner Estrada has scheduled a meeting with the owner/manager.
11. Scion: sub. change 2:00am (2B02):

Commissioner Stephens noted that the Commission was dismissed because no one from the Commission attended the hearing.

Commissioner Jacobson stated that there were no repercussions for the Commissioner at fault for the dismissal. He expressed his view that the Commission has no teeth to ensure a Commissioner follows the motions passed by the Commission. Commissioner Jacobson stated that he objects to the Commission's policy of not ensuring a Commissioner attends hearings regarding applications in their SMD.

Commissioner Jacobson stated that he did not want to continue to serve on the leadership team as Treasurer next year due to this issue. Commissioner Stephens stated that the electoral process has already corrected the issue. He noted that he does not believe that the Commission should punish individual Commissioners.

Commissioner Stephens read the following statement into the record:

My disagreement is not about whether a problem exists. I agree that commissioner misrepresentation or absenteeism can be a serious problem that can hinder our good work for the community. Rather, my disagreement is about what solution is best to address this problem. I do not believe investigating or punishing fellow commissioners is the most effective or most wise. I think this would bring much more disrepute to the Dupont ANC, and to ANCs generally, than the occasional mis-step by a commissioner in carrying out his or her duties. I believe such action would be viewed as silly at best, as if we don't appreciate our limited role in the D.C. Government, and distasteful at worst, as some manifestation of petty personal politics. In the long run, this would serve to alienate community members, lessen our credibility, and dissuade good people from running for ANC in the future. If the goal is truly to preserve and protect the institution of the ANC now and in the future, I don't believe this does it.

We are neighborhood commissioners. We are neighbors first, and we should be able to resolve our differences as neighbors. We live just blocks from each other. We see each other at the store and in the sushi bar, at the café and in the park, on our walks to work and on our walks home. If we, at this very modest level of local government, cannot work together collegially to resolve issues that may arise, and to help each other be the best and most honorable neighborhood servants we can be, then I don't think there is much hope for the City Council, or the Congress.

And if, despite our best efforts, some commissioners are not following through with their commitments, then I believe the appropriate solution is not to launch investigations or punish each other, but rather to help recruit the best possible candidates for the commission during election time. That is, after all, the purpose of elections – to find the candidates who will best carry out the duties of the office honorably and diligently.

Moreover, we are a commission made of nine imperfect individuals who are dedicating our time to the neighborhood and city as volunteers, and doing the best we can. I certainly have made my share of mistakes on the commission, including letting issues fall through the cracks from time to time under the sheer weight of all the work we do. These should be learning experiences that improve our work in the future, not grounds for investigations or punishment.

Commissioner Estrada recommended designating a second person as a backup for the responsible Commissioner, in order to attend hearings. Commissioner Stephens noted that the agenda now includes the petition and hearing dates to help solve these issues, and that all ABRA letters designate at least the SMD Commissioner, the Chair, and the Vice Chair, to provide for extra coverage.

Administrative/Financial Matters (10 mins)

1. Finances/Treasurer's Report – Commissioner Jacobson noted that the Q4 Report was late, but Commissioner Jacobson noted that he took responsibility and fixed this matter.
2. ANC 2B FY 2010 Annual Report – Draft will be distributed in January.
3. Policy & Procedures Manual – Draft will be distributed in January.
4. Other Admin Items – None.

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

The next regular meeting of ANC 2B will be held on Wednesday, January 12, 2011, 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: February 9, 2011