

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION REGULAR
MEETING MINUTES
Wednesday, May 12, 2010 Brookings Institution**

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

Commissioner Silverstein announced his resignation from the position of Chair of the Commission. He was nominated to the ABC Board and would have had to recuse himself as Chair on future ABRA matters considered by ANC 2B. Commissioner Silverstein thanked the Commission and public for 16 months of service. Commissioner Stephens presented Commissioner Silverstein with a gavel commemorating his service to Dupont Circle ANC 2B.

Election to Fill Chair Vacancy

Commissioner Jacobson nominated Commissioner Stephens for the position of Chair of the Commission. Commissioner Carney seconded the motion. The motion carried (8-0) with Commissioner Wexler voting by proxy.

Commissioner Silverstein recommended deferring the Vice Chair election until the June meeting. The Commission deferred the election.

Approval of Minutes

Commissioner Silverstein made a motion to approve April 2010 minutes, subject to technical corrections. Commissioner Meehan seconded the motion. Commissioner Jacobson requested the Executive Director to update the minutes with the Treasurer's report numbers. The motion carried (7-0).

Public Announcements

Presentation by Neighborhood Organization – postponed

Commissioner Carney announced that the Ross School book drive collected \$23,000.

Commissioner Meehan expressed concern that the Zoning Commission had not down-zoned the North East section of Dupont Circle. He requested the Commission send out a letter to the Zoning Commission. Commissioner Stephens requested the ANC's Zoning Committee to review and come up with a recommendation.

Public Safety

A representative of MPD briefly discussed crime statistics for PSA 208. In the previous month, the following crimes occurred:

- 16 robberies excluding guns
- 4 robberies with guns
- 4 assaults with dangerous weapons
- 11 burglaries
- 70 thefts from autos

Committee Reports

17th Street Working Group

A representative of DDOT directed the community to visit 17thstreetstreetscape.com for regular updates on the status of the Streetscape project. He noted that DDOT installed new lights and signal lights on 17th Street. DDOT's contractor completed all concrete work on the East side of 17th Street between S and R Streets. DDOT estimates a July 2010 timeframe for completion of the project. DDOT plans to remove all Streetscape project machinery for the Capitol Pride Parade.

ABRA Policy Committee

Commissioner Stephens noted that he would step down as Co-Chair of this Committee. Commissioner Stephens recommended addressing these issues when Commissioner Estrada arrives.

- Action on "Club Central" Concentration of Night-Life (postponed until below)

Zoning, Preservation & Development Committee

Commissioner Stephens recommended addressing these issues when Commissioner Estrada arrives to the meeting.

- Report on 14th & U ARTS Overlay (postponed until below)

Community Involvement Committee

- Report on Dupont Festival

Commissioner Feldstein reported on the Dupont Festival. He noted that the festival was a success. He stated that the Committee would plan Soccer in the Circle for June. Commissioner Stephens noted that residents can now make donations to the Dupont Festival through the Dupont Circle Main Streets.

General

Presentation by Office of the People's Counsel's Consumer Services Division on Pepco rates, the revised Utility Consumer Bill of Rights, and Verizon's Disconnection for Non-Payment policy.

Cheryl L. Morse, DC Office of the People's Counsel, Consumer Services Division spoke briefly regarding Pepco rates and Verizon disconnection issues. Concerned residents can contact Ms. Morse at 202-727-3071 or cmorse@opc-dc.gov, or go to dcpsc.org for more information.

Resolution to propose honorary naming of a street after Dr Franklin Kameny.

Commissioner Silverstein made the following motion:

MIKE S. - PLEASE ENTER TEXT OF YOUR MOTION. IT ISN'T ON BACKPACK.

Commissioner Meehan seconded the motion. The motion carried (8-0) with Commissioner Wexler voting by proxy.

Consideration of a Resolution for Mayor Adrian Fenty to rescind a Certificate of Appreciation to Parents and Friends of Ex-Gays

Commissioner Jacobson made the following motion, reflecting friendly amendments by Commissioners Silverstein, Patel:

Whereas, Mayor Adrian Fenty issued a Certificate of Appreciation to Regina Griggs, Executive Director of Parents and Friends of Ex-Gays, on November 16, 2009; and

Whereas, the Mayor has indicated that this Certificate had been issued in error, but has not invalidated nor rescinded the Certificate; and

Whereas, Parents and Friends of Ex-Gays is an anti-gay organization which believes that one's sexual orientation is a mental disorder that needs to be cured by "reparative therapy", in direct contrast to every major medical, psychological, and educational association in America which conclude that reparative therapy to "cure" one's sexual orientation is wrong, ineffective, and dangerous; and

Whereas, Parents and Friends of Ex-Gays is currently distributing literature reflecting its view to public school students in Maryland; and

Whereas, Parents and Friends of Ex-Gays has been empowered by the Mayor's Certificate of Appreciation to increase its fundraising and legitimize itself in ways it would not have otherwise been able to without such a Certificate; and

Whereas, Mayor Fenty has a strong record of support for the LGBT community, including his support for marriage equality, which was made evident by his signing marriage equality legislation.

Therefore, be it Resolved, that ANC 2B requests that Mayor Fenty invalidate and rescind his Certificate of Appreciation and distance himself from Parents and Friends of Ex-Gays for its policies that undermine the dignity of LGBT people and threaten the mental and physical health of the most vulnerable of our community.

Commissioner Carney seconded the motion. The motion carried (6-0-1) with Commissioner Patel abstaining.

Regulatory

DDOT proposal to enact regular summertime closures of 800 block of Vermont Av NW

(same location as White House Farmers' Market) for daytime band concerts and other events. (2B05)

Commissioner Stephens made a motion on behalf of Commissioner Wexler to support the request. Commissioner Wexler submitted a signed proxy of his vote on this matter. Commissioner Patel seconded the motion. Commissioners Jacobson and Silverstein made a friendly amendment to support the request, so long as accommodations are made for handicapped access and parking in front of the Department of Veterans Affairs. The motion carried (8-0-1) with Commissioner Estrada abstaining and Commissioner Wexler voting by proxy.

Commissioner Estrada joined the meeting during the consideration of the previous item.

Approval of Exception to Single-Sales Ban for Virginia Market, 1776 U Street NW (2B08)

Commissioner Stephens made a motion to support the exception to the Single-Sales Ban for Virginia Market. Commissioner Silverstein seconded the motion. The motion carried (8-0).

Renewal applications for the following ABRA licensed establishments:

1. 1737 Connecticut Av LLC t/a Anna Maria's, 1737 Connecticut Av. (2B01)
2. Tupp Inc t/a Thai Phoon, 2011 S Street NW (2B01)
3. Louyans Inc t/a City Lights of China, 1729 Connecticut Av. (2B01)
4. R Street Restaurant Inc t/a LaTomate, 1703 Connecticut Av. (2B01)
5. RCSH Operations LLC t/a Ruth's Chris Steak House, 2017 S Street (2B01)
6. Ezme Inc t/a Ezme, 2016 P Street NW (2B02)
7. Ben Inc. t/a Odeon Cafe, 1714 Connecticut Av. (2B02)
8. Maddy's LLC t/a Maddy's Bar and Grill, 1726 Connecticut Av. (2B02)
9. D-P Inc t/a Pesce, 2016 P Street NW (2B02)
10. MHG Cafe Dupont LLC t/a Circa at Dupont, 1601 Connecticut Av (2B02)
11. Bertucci's Restaurant Inc t/a Bertucci's, 1218 Connecticut Av (2B02)
12. European Restaurant Group LLC t/a One, 1606 20th Street NW (2B02)
13. Cosi Inc t/a Cosi, 1350 Connecticut Av NW (2B02)
14. Cosi Inc t/a Cosi, 1647 Connecticut Av NW (2B02)
15. Mourayo LLC t/a Mourayo, 1732 Connecticut Av NW (2B02)
16. Paradise Inc t/a Pizzeria Paradiso, 2029 P Street NW (2B02)
17. DG Holdings Inc t/a Raku, 1900 Q Street NW (2B02)
18. Style Inc, t/a Sette, 1666 Connecticut Av NW (2B02)
19. Bionda LLC t/a Trattu Restaurant, 1823 Thomas Jefferson Place (2B02)
20. Obelisk Inc t/a Obelisk, 2029 P Street NW (2B02)
21. Thai Chef Inc t/a Thai Chef, 1712 Connecticut Av NW (2B02)

22. DC Grill Inc t/a DC Cafe, 2035 P Street NW (2B02)
23. Levante Corp t/a Levante's, 1320 19th Street NW (2B02)
24. Thyme Inc t/a Restaurant Nora, 2130 Florida Av NW (2B02)
25. MPK Inc t/a Floriana, 1602 17th St NW (2B03)
26. Trentuno LLP t/a Carlyle Suites Hotel, 1731 New Hampshire Av (2B03)
27. HLS Inc t/a Dupont Italian Kitchen, 1637 17th St NW (2B04)
28. Steaks Unlimited Inc t/a Annie's Paramount Steak House, 1609 17th St (2B04)
29. CSBT Inc t/a Town House Tavern, 1637 R Street NW (2B04)
30. Aha Corp t/a Java House, 1645 Q Street NW (2B04)
31. 1615 LLL LLC t/a Beacon Hotel, 1615 Rhode Island Av (2B05)
32. IA Urban Hotels Wash DC t/a Doubletree Hotel, 1515 RI Av (2B05)
33. BLT Steak DC LLC t/a BLT Steak, 1625 I Street NW (2B05)
34. Cafe Europa t/a Panache, 1725 DeSales St NW (2B05)
35. Millbank Partners t/a Courtyard by Marriot, 1600 RI Av (2B05)
36. Hilton Hotels Corp t/a Capitol Hilton Hotel, 1001 16th St NW (2B05)
37. Kusam Intl t/a "I" The Indian Experience, 1050 17th St NW (2B05)
38. VA Assoc I LP t/a Cafe Soleil, 839 17th St NW (2B05)
39. Jefferson Beverage Svcs LLC t/a Jefferson Hotel, 1200 16th St NW (2B05)
40. McCormick & Schmick Seafood Restaurant, 1652 K Street Nw (2B05)
41. Jidapa Corp t/a Phasa Thai DC, 1219 Connecticut Av NW (2B05)
42. Rockwood Mayflower Inc t/a Mayflower Hotel, 1127 Connecticut Av (2B05)
43. RALA LLC t/a Skewers Restaurant & Cafe Luna, 1633 P Street (2B05)
44. 16th & K Hotel sublessee LLP t/a St Regis Hotel, 923 16th Street (2B05)
45. The University Club of Washington DC, 1135 16th Street (2B05)
46. Glad LLC t/a Agora, 1527 17th Street (2B05)
47. I Ricci Inc t/a I Ricci, 1220 19th St NW (2B05)
48. DC Three Lessee LLC t/a Hotel Rouge, 1315 16th Street (2B05)
49. DC Jewish Community Center t/a DCJCC, 1529 16th Street (2B05)
50. Mirror, Mirror Inc t/a Iron Gate Inn, 1734 N Street NW (2B05)
51. Mezza Luna Inc t/a Mezza Luna, 1140 19th Street NW (2B06)
52. Nirvana Inc t/a Nirvana, 1810 K Street NW (2B06)
53. Mai Thai LLC t/a Mai Thai, 1200 19th St NW (2B06)
54. Magic Meals Inc t/a Nooshi, 1120 19th St NW (2B06)
55. Kallari Washington LLC t/a Kellari, 1700 K Street NW (2B06)
56. Lignum Vitae Group t/a Eola, 2020 P Street NW (2B06)
57. Penang DC LLC t/a Penang, 1837 M Street NW (2B06)
58. The Metropolitan Club of DC, 1700 H Street NW (2B06)
59. Ku-Washington Corp t/a Sichuan Pavillion, 1814 K Street NW (2B06)
60. Morton's of Chicago, 1050 Connecticut Av NW (2B06)
61. Taberna Del Alabardero, 1776 I St NW (2B06)
62. United Asia Inc t/a Singapore Bistro, 1134 19th St NW (2B06)
63. Half-Baked Inc t/a Vidalia, 1990 M Street NW (2B06)
64. Kaz LLC t/a Kas Sushi Bistro, 1915 I St NW (2B06)

65. DC Two Lessee t/a Hotel Madera, 1310 New Hampshire Av (2B06)
66. DC Born & Bread LLC t/a DC Bread & Brew, 1247 20th St NW (2B06)
67. Cosi Inc t/a Cosi, 1919 M Street NW (2B06)
68. The Washington Club, 15 Dupont Circle NW (2B07)
69. The Sulgrave Club, 1801 Massachusetts Av NW (2B07)
70. Tan Inc t/a Straits of Malaya, 1836 18th Street NW (2B08)
71. 1600 U Inc t/a Local 16, 1600 U Street NW (2B08)
72. Simply Home Cuisine LLC t/a Noodles, 1410 U Street NW (2B09)
73. JoJo Development Inc t/a JoJo Restaurant & Bar, 1518 U St NW (2B09)
74. The Griffin Group LLC t/a Policy, 1904 14th Street NW (2B09)

The Commission reviewed all single member district renewal requests.

Commissioners expressed concern over applications 28, 29 and 74. Commissioner Stephens recommended taking no action on the remainder of applications. The Commission took no action.

29.CSBT Inc t/a Town House Tavern, 1637 R Street NW (2B04)

Commissioner Jacobson made a motion to protest the application, based on peace, order, quiet and the illegal construction of an awning, subject to the successful negotiation of a voluntary agreement. Commissioner Estrada seconded the motion. Commissioner Silverstein made a friendly amendment. Commissioner Meehan noted that JR's also has an illegal awning construction. The motion carried (7-0) with eight members of the Commission present and Commissioner Silverstein not participating due to his position on the ABC Board.

28. Steaks Unlimited Inc t/a Annie's Paramount Steak House, 1609 17th St (2B04)

Commissioner Meehan expressed concern that Annie's does not provide handicap access. Commissioner Jacobson noted that Commissioner Meehan did not bring this matter to his attention previously, but would welcome discussing the matter offline. The Commission took no action on this matter.

74. The Griffin Group LLC t/a Policy, 1904 14th Street NW (2B09)

Commissioner Estrada noted that Policy has nine ABRA violations, an issue with its rear deck and it wants to vacate its voluntary agreement. Commissioner Estrada noted he would attend ABRA's future discussions in June regarding the violations. He also noted he would not

recommend the Commission to protest the renewal, but he would follow up on the violations with ABRA. The Commission took no action.

The Commission revisited the following items from the beginning of the meeting, now that Commissioner Estrada was present:

ABRA Policy Committee

-Action on “Club Central” Concentration of Night-Life

Commissioners Silverstein and Stephens moved the following motion:

Whereas, ANC 2B at its April 2010 meeting passed a resolution providing notice that the Commission would be considering a proposal to mitigate the effects of concentration of late-night activity in the area in and around 19th & M Streets NW on peace, order, and quiet; and

Whereas, ANC 2B’s ABRA Policy Committee has considered these issues carefully and provided a recommendation to the Commission;

Therefore be it resolved:

(1) Taxi Stands: That ANC 2B support the DC Nightlife Association’s request for taxi stands; that ANC 2B assist in determining the most appropriate location for taxi stands; and that ANC 2B designate **Commissioner Silverstein** as ANC liaison to work with the DC Nightlife Association, DDOT, and any other relevant entities to accomplish these goals.

(2) Guidance: That a guideline be included in the Commission’s Policy & Procedures Manual as follows:

“ANC 2B reviews all ABC applications on a case-by-case basis, and ANC 2B reserves to change its guidelines to reflect changes in circumstances in the future. However, the current presumption for applicants in the area defined below (“Area”) should be that ANC 2B will protest any of the following, subject to the successful negotiation of a voluntary agreement or other accommodation(s) to mitigate peace, order, and quiet issues:

new CN, CT, CR, and DR licenses that allow patrons to enter after midnight;

new entertainment endorsements for any additional entertainment hours after midnight;

additional seating capacity or occupancy at any existing CT, CN, CR, or DR licenses that operate after midnight;

The “Area” is bordered by L Street on the South (1700 through 1900 blocks), 20th Street on the West (1100 through 1300 blocks), 17th Street on the East (1100 through 1300 blocks), and (listed from Northwest to Northeast) New Hampshire Avenue (1300 block), Dupont Circle, and Massachusetts Avenue (1700 and 1800 blocks).

(3) Soft Closings: That ANC 2B is not ready to commit to soft closings, but that the Commission would like to hear more from ABRA on when, where, and how ABRA recommends implementing a test case (or test cases) for soft closings in the Area described above.

(4) Enforcement against Over-Serving: That ANC 2B urge ABRA to strongly enforce the over-serving of alcohol to individuals at ABC-license establishments.

(5) Continuation of Reimbursable Detail: That ANC 2B urge the Council and MPD to continue to budget a sufficient amount of funding for reimbursable detail officers at ABC-licensed establishments.

(6) Parking Enforcement: That ANC 2B urge MPD and DPW to strongly enforce street and alley parking restrictions in the Area, as well as the new valet parking regulations.

(7) Special Police Presence: That ANC 2B urge MPD to detail a TAC unit to the Area for a designated period of time to address the peace, order, and quiet issues and obtain more data on the problems related to the concentration of late-night establishments.

(8) Continued Work: That ANC 2B continue to look at the effect of promoters and illegal vendors on peace, order, and quiet issues.

(9) Notice to Existing Establishments: That ANC 2B provide a copy of this resolution to all licensed establishments in the Area.

Commissioner Estrada seconded the motion. Commissioner Stephens accepted several friendly amendments, which are reflected above. The motion carried (6-1) with eight members of the Commission present, Commissioner Jacobson opposing, and Commissioner Silverstein not participating due to his position on the ABC Board.

Application for CR license for existing restaurant, Sizzling Express, 1150 Connecticut Av NW. Background music only. No dancing. Hours of operation: M-Th 630am-2am, Fr

630am-3am, Sat 11am-3am. Hours for sales/ service/consumption of alcoholic beverages: M-Th 11am-2am, Fr-Sat 11am-3am. Closed Sunday. (2B06)

Commissioner Patel made a motion to protest the application, based on peace, order and quiet, subject to the successful negotiation of a voluntary agreement. The Commission designates Commissioner Mike Feldstein to speak with the applicant to negotiate the voluntary agreement.

Commissioner Estrada seconded the motion. Commissioner Stephens made a friendly amendment to designate Commissioner Feldstein to negotiate a voluntary agreement with the applicant. The motion carried (7-0) with eight members of the Commission present and Commissioner Silverstein not participating due to his position on the ABC Board.

Request by JR's, 1519 17th St NW, for beer tent for Capital Pride Parade. (2B05)

Commissioner Stephens made a motion on behalf of Commissioner Wexler to support the request. Commissioner Wexler submitted a signed proxy of his vote on this matter. Commissioner Feldstein seconded the motion. The motion carried (8-0) with eight members of the Commission present, Commissioner Wexler voting by proxy, and Commissioner Silverstein not participating due to his position on the ABC Board.

Request for letter of support to DDOT public space for existing sidewalk cafe for One Lounge, 1606 20th Street NW. (2B02)

Commissioner Patel made two motions:

1. RESOLVED, that Advisory Neighborhood Commission 2B does not object to the granting of a Public Space Permit authorizing operation of an unenclosed sidewalk café at 1606 20th Street, NW, consisting of 10 tables and 35 chairs within an existing fenced patio, to be operated during the hours of 11am to 11pm Sundays through Thursdays and 11am to 12am Fridays and Saturdays during the months of April – October.

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

2. RESOLVED, that in consideration of the existence of two other ABC-licensed sidewalk cafes on the West side of the 1600 block of 20th Street, NW, and the applicant's commitment to close its sidewalk café at 11pm Sundays – Thursdays and 12am Fridays and Saturdays, Advisory Neighborhood Commission 2B respectfully advises the District of Columbia Alcoholic Beverage Control Board that the ANC does not have concerns regarding peace,

order and quiet, with the establishment of an unenclosed sidewalk café at 1606 20th Street, NW.

Commissioner Feldstein seconded the motion. The motion carried (7-0) with eight members of the Commission present and Commissioner Silverstein not participating due to his position on the ABC Board.

Request for letter of support to DDOT public space for clarification of seat number for existing sidewalk cafe at Raku Asian Diner, 1900 Q St NW (2B02)

Commissioner Patel made a motion to support the request. Commissioner Feldstein seconded the motion. The motion carried (8-0).

Request for letter of approval to HPRB and BZA for proposed third story rear addition at 1820-22 Jefferson Place. Changes requested by ANC 2B and Dupont Conservancy have been made. (2B06)

Commissioner Silverstein made a motion to support the request. Commissioner Feldstein seconded the motion. The motion carried (8-0).

Request for letter of support to HPRB for a third story rear addition to 1605 S Street NW. (2B03)

Commissioner Meehan made a motion to support the request and incorporate DCC's resolution.

BOB - PLEASE ENTER DCC'S RESOLUTION YOU REFERENCED

Commissioner Estrada seconded the motion. The motion carried (5-0-1) with Commissioners Jacobson and Silverstein not participating, and Commissioner Feldstein abstaining.

Request for letter of support to BZA for School for Friends, which seeks to move its classes from the Friends Meeting (2121 Decatur Place) into its other location at the Church of the Pilgrims (2201 P Street) which is directly across the street from ANC 2B02. Jim Clay

Commissioner Patel made a motion to support the request for a special exception, pending the support of the applicants ANC. Commissioner Estrada seconded the motion. The motion carried (7-0-1) with Commissioner Meehan abstaining.

Administrative/Financial Matters

Treasurer's Report

- Money Market account balance: \$34,902.65
- Checking: \$18,272.45
- Has been four months since ANC 2B received any District allotments

Commissioner Jacobson submitted the Q2 financial report for approval:

Ending balances

- Money Market: \$34,905.92
- Checking: \$20,224.61

There were no objections to the report, and the report was approved.

Policy & Procedures Manual

Commissioner Stephens passed out the manual version approved at last month's meeting.

Zoning, Preservation & Development Committee

- Report on 14th & U ARTS Overlay

Commissioner Estrada made the following motion:

Whereas the goals for the Uptown Arts Overlay District include the promotion of arts uses and encouragement of the development and preservation of arts-related businesses and organizations,

Whereas the OP staff has made a proposal to the ZC to increase the number of eating and drinking establishments to a maximum of 50% without studying the impact on arts-related activities and determining a reasonable number for eating and drinking establishments,

Whereas the Logan Circle Arts Overlay Committee report recommended that the definition of arts uses be modified to remove bars and restaurants,

Whereas, new residential developments in the 14th and U neighborhood are increasing the residential density, the ZC needs to establish and enforce a limit to protect the area from over concentration of eating and drinking establishments and the attendant nuisances that impact residents such as late night noise, rats, and blockages of their alleys,

Therefore, be it resolved that ANC2B urges the OP to withdraw its proposal and recommends that the ZC return the proposal to OP and directs the OP staff to study the impacts on arts-related businesses, as originally conceived and modified in the regulations governing the Arts Overlay District, and to reformulate the proposal.

Commissioner Carney seconded the motion. Commissioner Jacobson expressed concern that the motion does not reflect the Logan's Circle report. Commissioner Stephens called the question. Commissioners Jacobson, Meehan and Silverstein objected to calling the question. The question was not called and the Commission continued the discussion. Commissioner Estrada revised the motion to remove mention of 35% for eating and drinking establishments (reflected in resolution above). The question was called, with Commissioners Jacobson and Silverstein objecting. The motion carried (6-2) with Commissioners Silverstein and Jacobson opposing. **[NOTE: THIS MOTION WAS RESCINDED BY UNANIMOUS VOTE OF THE COMMISSION IN JUNE 2010]**

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, June 9, 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: July 14, 2010