

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION REGULAR  
MEETING MINUTES  
Tuesday, November 10, 2010 Brookings Institution**

The November 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**

The Commission tabled consideration of October minutes. Commissioner Meehan apologized for not making his requested additions to the July, August, and September minutes as described at the Commission's October 2010 meeting.

**Public Announcements**

Announcement of new ANC 2B public website: Commissioner Stephens announced that a new ANC website and blog can be viewed at [dupontcircleanc.net](http://dupontcircleanc.net) and encouraged community members to provide feedback on what would make the new site more informative and useful for the community.

Introduction of Simoun Banu, Urban Forestry Administration (UFA) Ward 2 rep: Mr. Banu was not present.

Next PSA 208 Public Safety Meeting Tues. 11/16/2010 7pm @ District 3 HQ (17th & V): Commissioner Stephens announced the next PSA meeting.

Commissioner Stephens noted that everyone from the Commission except Bhavna Patel was reelected. Bhavna retired and Kevin O'Connor was voted in as Commissioner of 2B02. Chairman Stephens requested that Mr. O'Connor be added the Backpack internal system. There was no objection.

Chairman Meehan noted that the Ross School trash compactor would move forward.

The Dupont Circle Village announced the sale of calendars, whose proceeds will help benefit members of the DCV.

Commissioner Feldstein announced a Thanksgiving benefit outside Rosemary's Thyme from 12-1:30 on 11/25.

## **Special Items**

### **Consideration of ANC comments to Deputy Mayor for Planning & Economic Development for proposal for “Dupont Underground” (former trolley station) (20 mins)**

Commissioner Feldstein made the following motion, which complements the Deputy Mayor’s Office. He noted that any final plan should finance itself and not drain the city’s funds:

Whereas an open and competitive bidding process was put in place and implemented by the government of the District of Columbia for the use of the space under Dupont Circle, herein referred to as Dupont Underground.

Whereas the Deputy Mayor’s Office, and especially Neil Goradia, undertook an extensive community outreach effort to incorporate community priorities in putting together the request for proposals.

Whereas the Deputy Mayor’s Office, and especially Neil Goradia, undertook an extensive efforts to fully brief the community on the leading bid received to use Dupont Underground as a showcase for art in the District.

Whereas it is anticipated that in the near future a final decision will be made regarding whether to move ahead and undertake a contract with the arts group for the use of Dupont Underground.

Therefore it be resolved that:

- The Dupont ANC compliments the open competitive process undertaken by the Deputy Mayor’s Office and especially the extensive efforts of Neil Goradia to promote community involvement in this process.
- Final approval by the District of any plans to use Dupont Underground should assure that 1) the use is not a drain on scarce City resources and fully self-financing, 2) the long-term plans remain flexible for potential future use, in whole or in part, as a transit 3) the plans complement community efforts to enliven Dupont Circle through a range of above-ground activities such as music, arts, and entertainment 4) the public space triangle park east of Dupont Circle should be fully encouraged to continue the garden beautification efforts and not abridged in anyway.

Commissioner Stephens seconded the motion. The motion carried 7-0-1 with Commissioner Jacobson abstaining.

Commissioner Patel arrived.

## **RESOLUTION ON THE TRIANGLE GARDEN AT MASS AVE & P STREET**

Commissioner Carney made the following motion:

Whereas: The public space triangle park east of Dupont Circle and bordered by Massachusetts Avenue NW, P Street NW and Dupont Circle park is a central location to our Dupont neighborhood with thousands walking and driving by each day;

Whereas: The triangle park for many years was in a legal limbo dispute between the bankrupt Dupont Down Under and the DC government and had become a visual blight on our neighborhood with trash and weeds;

Whereas: Neighborhood resident and volunteer Phil Carney began cleaning up the neglected triangle park by removing trash and weeds and was later joined by landscape company owner Steve Aupperle who brought his professional expertise and recycled plants to begin the transformation into a welcoming year around garden;

Whereas: Steve and Phil's garden is beautiful and attractive throughout all the seasons and is a valued green and blooming treasure that impresses both residents and visitors and improves the quality of life in our neighborhood;

Whereas: The Deputy Mayor for Planning and Development hopes to develop the Dupont underground old trolley space which has one of its entrances in the middle of Steve and Phil's garden;

Be It Resolved that ANC2B urges all parties involved with the eventual development of the Dupont underground old trolley space to publicly commit to preserve Steve and Phil's garden as a valued neighborhood resource and to help them maintain our neighborhood garden for everyone to enjoy.

Commissioner Jacobson made a friendly amendment (accepted) that the ANC not include language regarding funding without a specific amount in the motion, which is incorporated in the text above. Commissioner Meehan seconded the motion. The motion carried (8-0-1) with Commissioner Jacobson abstaining.

## **Regulatory**

### **Public Space**

#### **Consideration of Letter of Support for Freshfarm Market's Dupont Circle Sunday Market (5 mins)**

Commissioner Feldstein made a motion to support the request:

ANC 2B supports the use of 20th Street between Connecticut and Massachusetts Avenues, and permission to park Freshfarm Market vehicles next to three parking meters along the Massachusetts Avenue side of PNC Bank. Q Street will remain open. The market will extend North of Q Street.

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

#### **Consideration of Letter of Support for Mid-City Arts District Pole Banners in 2B04, 2B05, and 2B09 (5 mins)**

Commissioner Jacobson made a motion to support the request.

ANC 2B supports the request to hang three to six banners at each location on 16th Street NW , 15th Street NW, Massachusetts Avenue NW, Rhode Island Avenue NW, P Street NW, and U Street NW.

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

### **HPRB & Zoning Applications**

No applications

## **ABC Applications**

### **Consideration of ANC 2B action related to Hank's (Leeds the Way) sidewalk cafe hours based on ABC Board's termination of Voluntary Agreement (2B05) (10 mins)**

Commissioner Wexler read the following statement and motion:

It is not my purpose tonight to re-create the multi-year effort of the ANC to nurture and expedite the expansion of Hank's restaurant to the space adjacent to its present Q Street location, but to explain why on Nov 8, 2010 five commissioners sent to the ABC Board an urgent letter requesting that the November 3, 2010 action of the Board to determinate a 2005 Voluntary Agreement does not mean any change in the previously agreed to hours of the outside café of 11 pm and 12pm. Moreover, the view expressed by the applicant's representative that the termination of that VA allows Hank' at its discretion, to revert to original hours of 1 and 2 am as contained in the original pre voluntary agreement application shocks the ANC. This previously-undisclosed position has forced the ANC to ask the Board to allow the ANC to withdraw its support of the expansion and become instead a protestant to it.

This abrupt change of position is as sad, surprising as it is disappointing to your ANC. From the time we began revising the East Dupont Moratorium to permit lateral expansion in the moratorium zone to the time we approved the rezoning of the space that would accommodate an expanded Hanks, to the time we approved its ABRA license renewal earlier this year with outside café hours of 11pm and 12 pm, we sought to encourage Hanks to prosper and even expand, provided it adhered to the earlier hours. The agreement to and understanding of the hours of operation, in accordance with our own ANC Guidelines, meant to us that we could accommodate growth of successful and law abiding establishment, one that did not need a new voluntary agreement because it assured us in its license renewal application as well as in many well documented and attended meetings that it sought nothing else. Beyond that, ABRA itself assured us that the hours of the newly expanded Hank's outside café would conform to those very same hours.

Imagine then, if you can, the impact upon us by the Nov. 3 statement that at its option Hanks could now ignore all that and seek the expanded hours and possibly seek additional substantial changes never previously mentioned, or even now contemplated! It is clear to us that the restraint to growth particularly as expressed by the ANC approved hours of operation cannot be left as discretionary items to be implemented by Hanks. Given this flagrant change in positions, the ANC is impelled to seek the assurance of the ABC Board that the previously accepted, widely discussed and ABRA endorsed earlier hours will bear the force of law. Ours is a mission to encourage the rational growth of good local businesses, but we are equally obliged and committed to protect the peace, order and quiet of our residents which would indeed be threatened by the later hours, so lately asked for and/or implied.

Thank you for your attention.

Non-Attorney Representative Andrew Kline interrupted Commissioner Wexler's reading of the motion, and was deemed out of order.

### **Resolution on Hank's Oyster Bar Sidewalk Cafe Hours**

Whereas Hank's Oyster Bar recently submitted three Alcoholic Beverage Control ("ABC") applications: (1) an application for renewal of the existing license; (2) an application to amend or terminate the Voluntary Agreement ("VA"); and (3) an application for substantial change to expand into the adjacent space with 80 additional interior seats and 20 additional exterior sidewalk cafe seats;

Whereas ANC 2B considered the first two applications at the ANC's duly-noticed public meeting of June 2010, and ANC 2B considered the third application at the ANC's duly-noticed public meeting of July 2010;

Whereas ANC 2B took no action on any of these three applications, based on representations from the applicant and assurances from the Alcoholic Beverage Regulatory Administration ("ABRA") that the sidewalk cafe hours would remain the same: closing at 11:00pm Sunday through Thursday nights and 12:00am Friday and Saturday nights ("11pm/12am");

Whereas the ANC 2B Public Space Guidelines call for sidewalk cafes near to residences to close no later than 11pm/12am;

Whereas the application for license renewal, as noticed and placarded to the community, included sidewalk cafe hours that ended at 11pm/12am;

Whereas representatives of ANC 2B conducted telephonic and face-to-face meetings with the applicant and the applicant's non-attorney representative, both of whom were also in attendance and spoke at the July 2010 ANC meeting – and at these discussions, the applicant and the applicant's non-attorney representative represented to the ANC and community members that the applicant was not seeking additional, later sidewalk cafe hours, and that the hours in the renewal placard (11pm/12am) would continue to apply to both the current and new sidewalk cafe spaces;

Whereas in response to a query, ABRA staff in July 2010 provided written assurance to the ANC that the sidewalk cafe hours would remain the same as in the renewal placard(11pm/12am) for both the current and new outdoor spaces if Hank's application for substantial change were granted by the Board;

Whereas the ABC Board's November 3, 2010 order approving the termination of the VA does not explicitly limit the hours of the sidewalk cafe;

Whereas the applicant's non-attorney representative has now stated a position before the ABC Board on November 3, 2010 that the VA termination means the license hours revert to the applicant's original ABC application of 2005, and not the renewal placard hours (11pm/12am);

Therefore be it resolved that ANC 2B requests that the ABC Board explicitly limit any sidewalk cafe hours at Hank's to be no later than 11pm/12am, the hours listed on the renewal placard;

Be it further resolved that alternatively, in light of the hours listed on the renewal placard, the representations by the applicant, and the assurance by ABRA staff – and ANC 2B's reliance thereon in taking no action – ANC 2B requests that the ABC Board now grant leave to ANC 2B to protest the Hank's substantial change application for expansion, on the basis of peace, order, and quiet, subject to the successful negotiation of a VA to incorporate 11pm/12am sidewalk cafe hours;

Be it further resolved that in accordance with ANC 2B's report and recommendations on the most recent renewal of the East Dupont Moratorium, ANC 2B would consider any new summer garden at Hank's as requiring a new substantial change application;

Be it further resolved that ANC 2B opposes any application by Hank's to the District Department of Transportation (DDOT) for use of public space past 11pm/12am and urges DDOT Public Space to deny any such request.

Commissioner Meehan seconded the motion.

Non-Attorney Representative Andrew Kline submitted the following letter:

HANK'S OYSTER BAR  
JAMIE LEEDS, CHEF/OWNER  
1624 Q STREET, NW  
WASHINGTON, DC 20036

ANC 2B  
9 Dupont Circle, NW  
Washington, DC 200036

Dear ANC 2B:

I learned yesterday, from a reporter, that Hank's Oyster Bar is on your agenda for this evening's meeting. I am in California, at the Women's Chefs and Restaurateurs 2010 National Conference, and cannot attend. I am President of WCR. I have asked Andrew Kline to attend your meeting as my representative, and to read and deliver this letter.

Andrew shared with me your letter to the ABC Board dated November 8, 2010. I am extremely disappointed that you sent this letter questioning my integrity before contacting me to talk about this. As I have told you all along, and I will tell you again:

**I HAVE NO INTENTION OF CHANGING THE HOURS OF MY SIDEWALK CAFÉ.**

The sidewalk café will continue to close at 11:00 p.m. Sunday-Thursday and midnight, Friday and Saturday.

It seems the more things change, the more they stay the same. I just went through two hearings and spent thousands and thousands of dollars getting rid of the Voluntary Agreement I had. Since I opened my restaurant, I have tried my best to be responsive to community concerns and believe I have always followed through on what I said I would do. In 10 hours, over two hearings and about a dozen witnesses, I do not believe anyone testified differently. I do not believe that any of the witnesses testified that I was anything other than a responsible and responsive business operator. There was little or no credible evidence that Hank's ever created a disturbance or a disruption in the neighborhood. Yet, I suspect you will now ask that I sign another Voluntary Agreement restricting my sidewalk hours.

I have spent hundreds of thousands of dollars developing and opening Hank's in your neighborhood and I honestly believe that it has been a positive addition and helped maintain Dupont Circle as an attractive and desirable place to live. In return, I ask only that you patronize my restaurant if you like our food, and that you work with me, just as I am willing to work with you, in addressing any issues or concerns that arise from my business.

Sincerely,

Jamie Leeds

cc: Charles Brodsky, ABC Board Chair  
Fred Moosally, Director, ABRA  
Martha Jenkins, General Counsel, ABC Board  
Andrew J. Kline, Veritas Licensing and Legislative Affairs

Commissioner Jacobson inquired whether the Chair had contacted the business owner or Non-Attorney Representative before sending a letter to ABRA. Commissioner Jacobson stated that he was disappointed this was not done. Commissioner Meehan noted that a letter had to be submitted by yesterday, to get on the record. He noted that the five Commissioners sending the letter did not represent the Commission. He expressed concern over the language used by Non-Attorney Representative Kline before the ABC Board on hours of operation. He noted that the applicant appeared to imply that she could change her hours of operation, without a VA. Commissioner Wexler noted his sorrow that Ms. Leeds was unhappy with the Commission. He



expressed his concern about the language introduced before the ABC Board on November 3rd, suggesting that hours of operation may change. He stated that the ANC does not want to risk allowing any business to have longer hours of operation at night. He noted that the ANC requested the ABC Board to request the license to stipulate the hours of operation requested by the ANC, as a point of law and permanent limitation on any potential future license holders.

Commissioner Jacobson requested clarification on the comments made by Ms. Leeds and Non-Attorney Representative Kline before the ABC Board. A transcript was not available. He also inquired if Non-Attorney Representative Kline represented this specific stance regarding a license reverting to its original hours after the vacating of a VA; and whether Mr. Kline was attempting to set a precedent for his other clients. Mr. Kline denied this.

Commissioner Meehan noted that the applicant did not share the full extent of their expansion when they originally came before the ANC – in particularly requesting a summer garden. Mr. Kline stated that they did not discuss hours of operation from 1-2AM before the ABC Board.

Commissioner Stephens noted that he felt misled by the applicant regarding what limitation would exist at the end and the applicant's intentions. He noted that the ANC is not only concerned about the applicant's intentions, but also future operators who may take over the license. Commissioner Stephens inquired if the applicant would be willing to stipulate to the hours stipulated by the VA, without necessarily having a VA. The representative noted that if the letter from the five Commissioners is withdrawn, the applicant may be willing to agree to stipulate to the hours proposed by the ANC. Commissioner Stephens stated that it was his intention to suggest withdrawing the letter submitted by five Commissioners to ABRA, once the Commission had a formal action of some kind. He pointed out that the five Commissioners only attempted to be noted on record of their concerns, before tonight's meeting could occur.

Commissioner Jacobson inquired if the applicant had amended its renewal application for hours other than 11-12. Mr. Kline responded that they did not. Commissioner Jacobson inquired if ABRA has indicated if they would amend the requested hours to anything but 11-12. Mr. Kline stated that ABRA has not indicated they would change the hours. He noted that the application pending lists hours of operation of 11-12. Mr. Kline expressed his opinion that the ANC has taken the ABC Board meeting out of context.

DCCA President Robin Diener testified that she was at the ABC Board hearing on November 3rd, and that in her recollection, the reversion to the applicant's original application hours (once the VA was terminated) was suggested to the ABC Board in the Non-Attorney Representatives opening statement before the Board. Mr. Kline admitted this was part of his opening statement before the board.

The motion carried (7-1) with Commissioner Jacobson opposing and Commissioner Silverstein not participating due to his position on the ABC Board.

**Application by Sam & Harry's (ABRA License No. 071768) for substantial change to CR license for new sidewalk cafe with 28 seats, hours M-F 11:30am-1am; Sat-Sun 5:30pm-1am. Petition due 11/22/2010; Hearing 12/6/2010. (2B06) (10 mins)**

No action was taken.

**Application by Guerra, LLC, "The Meeting Place," (ABRA License No.074661) for substantial change to Class "C" Restaurant, 1100 17th St N.W. to extend Hours of Operation Mon-Thur. 11am to 2am, Consumption of Alcoholic Beverages, Mon-Thur. 11am-1:30 am and Hours of Entertainment, Mon 7pm-1:30 am and Tues-Thurs 7:30 pm-1:30 am. Petition date: 11/22/2010; Hearing 12/6/2010 (2B05) (10 mins)**

The applicant appeared before the Commission and noted its concern with parking in the area. The applicant requested an extension in hours to alleviate its burden and operate more competitively. Commissioner Wexler recommend the Commission take no action. No action was taken.

#### **Tavern & Nightclub (CT/CN) Renewal Applications (35 mins)**

Commissioner Silverstein left the room during consideration of application renewals.

Group 1: Petition due 11/15/2010; Hearing 11/29/2010  
Bistro Bistro Lounge (CT03) 1727 Conn Ave NW. (2B01)  
Black Fox (CT01) 1723 Conn Ave NW. (2B01)  
Apex (CT02) 1415 22nd St NW. (2B02)  
The Fireplace (CT02) 2161 P St NW. (2B02)  
Gazuza (CN02) 1629 Conn Ave NW. (2B02)  
Omega (CT02) 2123 Twining Ct. NW (2B02)  
The Brickskeller (CT03) 1523 22nd St NW (2B02)  
Sesto Senso (CT03) 1214 18th St NW (2B06)  
Mackey's (CT01) 1823 L St NW (2B06)  
Black Rooster Pub (CT02) 1919 L St NW (2B06)  
The Bottom Line (CT01) 1716 I St NW (2B06)  
The Camelot (CN02) 1823 M St NW (2B06)  
The Improv (CT03) 1140 Conn Ave NW (2B06)  
The Big Hunt (CT03) 1345 Conn Ave NW (2B07)  
Larry's Lounge (CT01) 1840 18th St NW (2B08)  
Chi Cha Lounge (CT01) 1624 U St NW (2B08)

Group 2: Petition due 11/22/2010; Hearing 12/6/2010  
Current Sushi (CT03) 1215 Conn. Ave. N.W. (2B05)  
18th Street Lounge (CT01) 1212 18th St NW (2B06)

Group 3: Petition due 12/6/2010; Hearing 12/20/2010

Marrakesh Palace (CT03) 2147 P Street NW (2B02)  
Cobalt/30 Degrees/Level One (CT03) 1639 R St NW (2B04)  
JR's Bar and Grill (CT 01) 1519 17th St N.W. (2B05)  
Archibald's/Fast Eddies Billiards Cafe (CT03) 1520 K St.N.W. (2B05)  
Lucky Bar (CT02) 1221 Conn Ave NW (2B05) flagged by bob  
Eye Bar/Garden of Eden (CT03) 1716 I Street NW (2B06)  
Sesto Senso (CT03) 1214 18th St NW (2B06)  
Public Bar (CT03) 1214 18th St NW (2B06)  
Rumors (CN 02) 1900 M St NW (2B06)  
Malaysia Kopitam (CT01) 1827 M St NW (2B06)  
Sweet Spot (CN02) 1140 19th St NW (2B06)  
Sign of the Whale (CT01) 1825 M St NW (2B06)  
Stetson's (CT01) 1610 U St NW (2B08)  
Utopia (CT02) 1416-1418 U St NW (2B09)

The Commission took no action on application renewals, unless otherwise noted below.

**Cobalt/30 Degrees/Level One (CT03) 1639 R St NW (2B04)**

Commissioner Jacobson noted that he received a noise complaint and has since been in contact with management at the establishment. He noted that the establishment installed new windows and soundproofing to address the noise complaints. No action was taken.

**Marrakesh Palace (CT03) 2147 P Street NW (2B02)**

Commissioner Patel made a motion to protest the renewal application based on peace, order, and quiet, pending the successful negotiation of a voluntary agreement. Commissioner Meehan seconded the motion. The motion carried (8-0) with Commissioner Silverstein not participating due to his position on the ABC Board.

**Bistro Bistro Lounge (CT03) 1727 Conn Ave NW. (2B01)**

Commissioner Feldstein made a motion to protest the renewal application based on peace, order, and quiet, pending the successful negotiation of a voluntary agreement. Commissioner Carney seconded the motion. The motion carried (8-0) with Commissioner Silverstein not participating due to his position on the ABC Board.

## **Rumors (CN 02) 1900 M St NW (2B06)**

Kevin O'Connor noted that the Jefferson Homeowners Association had a number of complaints. The establishment also did not allow an ABRA investigator to enter the premises. Mr. O'Connor recommend protesting the renewal. Commissioner Silverstein noted that the matter came before ABRA, and the establishment had paid a fine as a result. Chairman Stephens suggested that in light of this additional information, the Commission not protest the renewal, since the owner settled the fines. No action was taken.

## **General**

### **Consideration of resolution urging the Board of Elections and Ethics (BoEE) to either move precinct 141 (Reeves Center, 14th & U St NW) or to by-pass the building security check-point as an inappropriate barrier to the right to vote (5 mins)**

Commissioner Stephens made the following motion:

Whereas voters in Precinct 141, the Reeves Center and 14th & U Streets NW, were required on election day to pass through the building's security gates, including showing identification, placing bags on a scanned conveyor belt, removing items from pockets, removing belts, and other procedures;

Whereas such procedures deter voters, due to both the invasiveness and the length of time of the procedures;

Whereas while ANC 2B understands that D.C. Government buildings like the Reeves Center may require some additional security, this security is not appropriate as applied to voters exercising their right to vote;

Whereas, as a counter-example, the early voting precinct at 441 4th Street NW does not require voters to go through the security checkpoint of that D.C. Government building, but rather allows voters to enter directly into the voting room through the building's side door;

Therefore be it resolved that ANC 2B finds the Reeves Center security checkpoint to be an inappropriate barrier to voting;

Be it further resolved that ANC 2B urges the Board of Elections and Ethics to either (1) make accommodations for Precinct 141 voters to bypass this inappropriate additional security; or (2) move Precinct 141 to an alternative location.

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

## **Committee Reports (8:55-9:30pm)**

### **17th Street Working Group (5 mins)**

Proposal to wrap up committee

Commissioner Jacobson made a motion to dissolve the committee. Commissioner Stephens seconded the motion. The motion carried (9-0).

### **ABRA Policy Committee**

1. Public Space Sidewalk Cafe guidelines
2. Dupont West Moratorium
3. Other Business

Next Meeting: The next meeting will take place at the Reeves Center on 11/18. The Committee will focus on the aforementioned items. He noted that Kevin O'Connor will likely serve as Chair of the Dupont West effort. Commissioner Stephens requested the Committee craft a proposed statement for the ANC on the Commission's opinion on what happens when a VA is terminated or vacated. He noted the confusion caused by the desire by applicants to revert back to original hours vs. the placarded hours for renewal.

### **Zoning, Preservation & Development Committee**

Commissioner Feldstein had nothing to report. He noted that he would hold a meeting in the near future.

### **Community Involvement Committee (10 mins)**

Commissioner Feldstein had nothing to report. He noted that he would hold a meeting in the near future.

### **Commissioner Reports (9:30-9:40pm)**

#### **Neighboring Jurisdiction Reports:**

Commissioner Stephens reported that 18th Street project work is set to begin north of U Street/ Florida Ave soon.

## **Reports on Old Business (5 mins)**

1. Open Meetings Legislation – Commissioner Stephens reported that the matter has not come up in a hearing yet. Several Councilmembers expressed appreciation for the ANC’s comment.
2. Hatch Act exception for ANC Commissioners – No update.
3. Scion: sub. change 2:00am (2B02) – Commissioner Patel provided no update.
4. Pasha Bistro: sub. change DR to CR (2B05) – Commissioner Wexler reported that the protest was withdrawn, after the owner agreed to redesign its menu, de-emphasizing hard liquor.
5. Ozio: sub. change summer garden (2B06) – Kevin O’Connor noted a VA is likely to be agreed upon.
6. Cafe Japone: sub. change summer garden (2B06) – Commissioner Carney reported that the applicant resubmitted their application with the requested hours from the Commission.
7. Mezza Luna: sub. change CR to CT (2B06) – Kevin O’Connor submitted a VA to the owner.
8. St. Thomas: HPRB application (2B07) – No update.
9. Kabab-ji: sub. change ent. end. (2B07) – Commissioner Carney reported that the applicant did not show up at their hearing, so the matter was dismissed by the Board.
10. Mad Hatter: sub. change summer garden (2B07) – No update.
11. Policy: amendment to VA (2B09) – Commissioner Estrada reported that the applicant was meeting with the VA signatories.

Commissioner Meehan expressed concern over the possibility of Voluntary Agreements being phased out by the Council. He requested the Commission to send a letter to the Chair of the Council, protesting any language eliminating VAs. Commissioner Silverstein noted that this would likely not happen. He suggested sending a list of items ANC 2B believes should specifically be included in the VA process. Commissioner Stephens requested the ABRA Committee to address this. Commissioner Silverstein suggested having draft language ready for passage at the December 2010 meeting.

## **Administrative/Financial Matters**

### **Engagement of Justin Queirolo as Deschaine Public Policy Intern**

Commissioner Feldstein introduced Justin Queirolo. Commissioner Feldstein made a motion to approve Justin as the ANC’s Deschaine Public Policy Intern. Commissioner Stephens seconded the motion. Commissioner Jacobson noted that the stipend for Mr. Queirolo will be classified as a salary to the District’s Auditor. The motion carried (9-0). The Commissioner welcomed and congratulated Justin.

## **Finances/Treasurer's Report**

Commissioner Jacobson noted that a DC Auditor employee had likely been added to the ANC's signature card at PNC Bank.

Quarterly Reporting:

Money Market: \$34,871.15

Checking: \$40,880.01

Disbursements: \$4,001.82

Ending Balance: \$36,378.19

Commissioner Jacobson made a motion to approve the report. The motion carried (9-0).

## **ANC 2B FY 2010 Annual Report**

Commissioner Stephens noted he would distribute at the December meeting.

## **Policy & Procedures Manual**

Commissioner Stephens noted he would distribute at the December meeting.

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

The next regular meeting of ANC 2B will be held on Wednesday, December 8, 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: December 8, 2010