

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION REGULAR
MEETING MINUTES
Wednesday, February 9, 2011 Brookings Institution**

The February 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), Will Stephens (2B08) and Ramon Estrada (2B09). Commissioner Phil Carney (2B07) was not present. The Chair noted the presence of a quorum.

Call to Order and Introduction of Commissioners (7:00pm) (5 mins)

Special Guest: At-Large Councilmember Michael A. Brown (7:05pm) (20 mins)

The Commission recognized the passing of Jeff Coudriet, longtime aide to **Councilmember Jack Evans**. A public memorial will take place on Wednesday, February 16th at Foundry Church.

Special Guest: At-Large Councilmember Michael A. Brown (7:05pm)

Councilmember Brown spoke briefly before the Commission. He noted that the DC Government would need to create a redistricting proposal by July 14th to include 70,000 people in each district, to bring Wards into alignment with recent census data. He noted that an SMD redistricting proposal would need to take place by the end of the year. He stated that the budget shortfall for 2012 is approximately \$600 million and noted that city services for DC residents would be impacted, with income tax increases. He also noted that unemployment ranges from 12-19% in Southeast DC and 35-50% in Ward 8. There is also a 35,000 person waitlist for public housing. He stated that non-DC residents should not use DC Unemployment services.

Residents can contact Councilmember Brown at 202-724-8105 or at mbrown@dccouncil.us.

Minutes/Agenda/Calendar (7:25pm) (5 mins)

1. Approval of December 2010 Minutes
2. Approval of January 2011 Minutes
3. Circulation of Monthly Work Calendar

Commissioner Stephens made a motion to approve the December and January minutes. Commissioner Estrada seconded the motion. The motion carried (8-0).

Public Announcements (7:30pm) (15 mins)

1. Introduction of Ra Williams, Mayor's Community Relations Liaison for Ward 2
Ra Williams, Ward 2 Liaison for Mayor Vincent Gray spoke briefly. She asked residents to contact her with any concerns at raeisha.williams@dc.gov or at 202-297-6566.

2. Upcoming West Dupont Moratorium Public Meeting: 2/17/11 7pm

Commissioner O'Connor noted that he held a meeting at Church of Pilgrims on 2/8 and will hold a second meeting on 2/17.

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

4. 6th Annual National Marathon and Half Marathon, March 26, 2011

Chris Brown spoke briefly about the marathon. The marathon course can be found online at <http://www.nationalmarathon.com>. The race route boundaries in ANC 2B will be and entry Northbound at 18th Street from Pennsylvania Avenue and exit on Florida Avenue. The race will enter ANC 2B at 7:15am and exit one hour later. Commissioner Stephens made a motion to support the SunTrust National Marathon scheduled to run Saturday, March 26, 2010. Commissioner Feldstein seconded the motion. The motion carried (8-0).

5. Bike DC: May 22, 2011

Commissioner Stephens made a motion to support the Bike DC event on May 22, 2011. Commissioner Feldstein seconded the motion. The motion carried (8-0). More information can be found at bikedc.net.

6. DC Water's Rock Creek Regulator Adjustments Project

Representatives of DC Water noted plans to replace storm drain pipes and sewer overflows.

7. Announcement of Urban Neighborhood Alliance

UNA announced a special election candidates forum. More information can be found at <http://www.unadc.org>. Commissioner Jacobson noted that he serves as secretary of the organization.

8. Other Announcements

Josh Lopez announced his candidacy for DC Council. More information can be found at www.joshualopez2011.com.

Regulatory (7:45pm) (65 mins total)

ABC Applications (30 mins subtotal)

Application by Komi, 1509 17th St NW, for substantial changes to CR (Restaurant) license: (1) Expansion to 1511 17th Street NW (lower and street levels) with 6 seats above and 26 below (for new total of 74 interior seats); (2) Addition of sidewalk cafe with no more than 10 seats, w/hours of operation daily 7am-12am, hours of sales/service Sun 10am-12am, Mon-Sat 8am-12am. Petition due 2/21/11; Roll Call Hearing 3/7/11. (2B05) (15 mins)

Commissioner Wexler noted that the establishment requested lateral expansion with two entrances. He noted he reached out to the community and possible protestants regarding the request. Commissioner Meehan expressed concern that Komi's request does not adhere to the statement in the Commission's Dupont East Moratorium report preferring single entrances to laterally expanded establishments.

Motion 1: Motion to Support

Commissioner Wexler made a motion to support the application and, in light of the circumstances, provide an exception to ANC 2B's moratorium report language. Commissioner Meehan noted that Komi had agreed to the Commission's policies and that Commissioner Wexler should make a motion to override the Commission's single entrance policy. Mr. Kline noted that this policy was not part of the law or Moratorium. Commissioner Feldstein seconded the motion. Commissioner Jacobson noted that the Commission in approving the moratorium report had agreed it would not support applications with two entrances. He noted that the ABC Board did not incorporate the Commission's full report and policies on this matter. Commissioner Estrada expressed concern on overturning a Commission policy. Commissioner Meehan noted that if the Commission makes an exception for Komi, the Commission must also make an exception for Hanks. Commissioner Estrada suggested protesting the application for additional time to meet with the owner of Komi. Mr. Kline responded negatively to this proposal. He noted that the ANC's policy is not law. Commissioner O'Connor suggested that requesting the applicant to redo its plans would be unfair.

The Commission took a roll call vote on Commissioner Wexler's motion, which did not pass (3-3-1). Commissioners Wexler, Feldstein, Stephens voted in support, Commissioners Estrada, Jacobson, Meehan voted in opposition and Commissioner O'Connor abstained. The motion did

not pass, which is the equivalent of taking no action. Commissioner Mike Silverstein did not participate due to his position on the ABC Board.

Motion 2: Motion to Protest

Commissioner Meehan made a motion to protest Komi's substantial change application on the basis of peace, order and quiet, subject to a voluntary agreement. Commissioner Estrada seconded the motion. Commissioner Jacobson offered the friendly amendment that the Commission set the condition of a single entrance. Commissioners Meehan and Estrada accepted the friendly amendment. Commissioners Meehan, Estrada, Jacobson, O'Connor supported the motion. Commissioners Stephens, Feldstein, Wexler opposed the motion. The motion carried (4-3). Commissioner Mike Silverstein did not participate due to his position on the ABC Board.

Motion 3: Motion to Reconsider

Commissioner O'Connor made a point of personal privilege. He expressed concern on his vote on Komi. He requested to change both his votes on Komi to be abstain. Commissioner O'Connor made a motion to reconsider the vote to protest Komi. Commissioner Feldstein seconded the motion. Commissioners Jacobson, Stephens, Feldstein, O'Connor, Wexler supported the reconsideration. Commissioners Meehan and Estrada opposed the reconsideration. The motion to reconsider carried (5-2). Commissioner Mike Silverstein did not participate due to his position on the ABC Board.

Reconsideration of Motion 2 (Motion to Protest)

The Commission reconsidered the application. Commissioner Stephens restated the motion again: Protest Komi's substantial change application on the basis of peace, order and quiet, subject to a voluntary agreement, with the condition that the Commission requests a single entrance.

Commissioner Estrada requested a roll call vote. Commissioners Meehan, Jacobson, Estrada supported the motion. Commissioners Stephens, Feldstein, Wexler opposed the motion. Commissioner O'Connor abstained. The motion did not pass by a vote of (3-3-1). Both the motion to support and the motion to protest failed, resulting in the Commission taking no action on the application. Commissioner Mike Silverstein did not participate due to his position on the ABC Board.

Application by Upper Crust Pizzeria, 1747 Penn. Ave. NW, for new DR license (restaurant, beer & wine only) serving gourmet pizza for dine-in, take-out, delivery with occupancy load 34; Hours of operation Sun 11am-10pm, Mon-Sat 11am-11pm; Hours of sales/service Sun 12pm-10pm, Mon-Sat 12pm-11pm. Petition Due 2/28/11; Roll Call Hearing 3/22/11 (2B06) (15 mins)

Commissioner O'Connor recommended taking no action. He noted that the requested hours were reasonable.

Public Space (5 minutes)

Public Space Application (DDOT Tracking Number 58414) for unenclosed Sidewalk Cafe at 1625 I Street N.W. in front of Brown Bag Restaurant. 18 seats, six tables (423 sq feet) and 3 umbrellas in commercial area. Hours of operation 7:30 am to 5 pm Mon-Sun. To be presented by Joe Spinelli of Restaurant Consultants. Hearing Feb. 24, 2011. (2B05) (5 mins)

Commissioner Wexler made a motion to approve. Commissioner O'Connor seconded the motion. The motion carried (8-0).

HPRB & Zoning Applications (30 mins total)

Presentation of proposal for a two story addition to rear of 1440 T Street. (15 mins)(2B09)

Commissioner Estrada made a motion to approve application as presented. Commissioner Jacobson seconded the motion. The motion carried (7-0) with Feldstein outside of the room.

Presentation of proposal for a four story addition to rear of 2017 N Street, along with full restoration of front. No zoning issues (matter of right), but requires HPRB approval. Michael Beidler presenting. (15 mins) (2B06)

Application was withdrawn.

General Items (8:50pm) (10 mins total)

Consideration of a resolution requesting a more equitable distribution of polling places in Ward 2 for the upcoming special election for At-Large City Council (5 mins)

Commissioner Jacobson made the following motion:

Resolution on Special Election Voting Centers
Offered by Commissioner Jack Jacobson
February 9, 2011

Whereas, due to a vacancy, DC will hold an election for At-Large City Council on Tuesday, April 26;

Whereas, due to constrained budgets, the Board of Elections and Ethics has proposed severely limiting the available polling places for voters, with only 16 such polling places available citywide, as opposed to the 143 polling places normally available; and

Whereas, according to BOEE, as of August 31, 2010, the most recent month for which numbers are available on BOEE's web site, there were 444,786 registered voters in the District which would need to be funneled to this limited number of polling places, including 48,053 registered voters in Ward 2.

Therefore, be it Resolved, that ANC 2B urges the BOEE to keep all Ward 2 polling places open for the special election, as any impediment to voting disenfranchises DC residents, which are already disenfranchised on the federal level; and

Be it Further Resolved, that -- in the absence of opening all polling places on April 26 -- the Board assign at least one more polling place in Ward 2 to serve the residents of Dupont Circle, Logan Circle and Shaw; and

Be it Further Resolved, that should limited Voting Centers be available on April 26, that BOEE conduct a thorough public education campaign to notify all registered voters of the change in their polling places, their options for early voting, and their ability to vote at any of the Voting Centers of their choosing citywide.

That copies of this resolution shall be submitted to the Board of Elections and Ethics, the Mayor, the Council Chairman, Councilmember Jack Evans and all At-Large Councilmembers.

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

Consideration of a resolution opposing recruitment on DCPS property by organizations that discriminate against individuals based on race, color, religion, sex, national origin, age, disability status, sexual orientation, gender identity, or any other class protected by law. (5 mins)

Commissioner Jacobson made the following resolution:

Resolution on DCPS on Campus Recruiting Policies
Offered by Commissioner Jack Jacobson
February 9, 2011

Whereas, District of Columbia Public Schools (DCPS) hiring practices is governed by an anti-discriminatory Equal Employment Opportunity (EEO) policy, “which is a body of laws and practices designed to ensure that employees and job applicants are not discriminated against on the basis of actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an interfamily offense, or place of residence or business”;

Whereas, ANC 2B fully supports these anti-discrimination policies and supports their extension to protect DCPS students whenever possible; and

Whereas, ANC 2B understands that organizations that do discriminate have been on campus at DCPS, attempting to recruit students that do not violate the organizations’ discriminatory policies.

Therefore, be it Resolved, that ANC 2B requests that DCPS establish a rule excluding on-campus recruiting for any organization that discriminates based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an interfamily offense, or place of residence or business, or any other class protected by law.

That a copy of this resolution be submitted to DCPS, to the State Board of Education, the Mayor, Council Chairman, Councilmember Jack Evans and all At-Large Councilmembers.

Commissioner O’Connor seconded the motion. The motion carried (8-0).

Committee Reports (9:00pm) (30 mins total)

Dupont West Moratorium Ad Hoc Cmte (15 mins)

Draft report & resolution for month-long public comment
Upcoming Public Meetings

Commissioner O'Connor noted that a public meeting regarding the Moratorium would take place on February 17 at the Church of Pilgrims.

Commissioner O'Connor briefed the Commission on the following, including a draft motion to be presented at the March 2011 meeting:

- Exemption from the Dupont West Moratorium of New Hampshire Avenue, O Street NW and 20th Street NW.
- Allowance of new tavern licenses in the Moratorium area. MPD foot patrols are interested in seeing less vacant property in the area.
- Development of a "restaurant row" and allowing an increase in CR licenses, while still holding restrictions on C and CT licenses.
- Engagement of new businesses with voluntary agreements earlier.
- Proposal to review the West Dupont Moratorium renewal every three years instead of five.
- Gauging the effectiveness of the Moratorium.

Commissioner Jacobson inquired if Commissioner O'Connor would lift restrictions on retail sales for Class A and B. Commissioner O'Connor noted that this issue has not yet been addressed.

Commissioner Meehan made a motion to request no more than 60 days extension of the Dupont West Moratorium, with the understanding that the Commission will submit its final proposal after its March 9, 2011 meeting.

Commissioner Estrada seconded the motion. The motion carried (6-0-1) with Commissioner O'Connor abstaining. Commissioner Mike Silverstein did not participate due to his position on the ABC Board.

ABRA Policy Committee (5 mins)

1. Public Space Sidewalk Cafe guidelines - Guidelines have been posted on the website and made available for 60 days. A resident requested the ANC to craft language disallowing any music to be played. Commissioner Estrada suggested deferring passing the guidelines to allow for additional comments.
2. Draft model VA - Commissioner Estrada noted the model would include a checklist of issues to review, but wouldn't be required for each VA. The Commission will review the VA at the March meeting.

3. Other Business - Committee is open to new nominations of potential committee members.
4. Next Meeting: Wed. 3/16/11 7pm

Zoning, Preservation & Development Committee (5 mins)

1. Zoning Re-write - DC Government is currently in the process of the rewrite.
2. Conn Ave underpass greening - DC Government has notified the ANC that the feasibility study would cost \$350,000.
3. Conn Ave (South/North) median & landscaping
4. Farragut virtual Metro tunnel - WMATA has announced this as a priority.
5. Speed hump study - DDOT has not completed a study.
6. New Business: Capital Bikeshare proposal - The Committee will consider at its March 1 meeting.
7. Next Meeting: Tues. 3/1/11 7pm

Community Involvement Committee (5 mins)

1. Community Grants
2. Neighborhood Org Meetings

Commissioner Reports (9:30pm) (10 mins total)

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) (5 mins)

Reports on Old Business (5 mins)

1. Royal Palace: renewal of CN license (2B01) - ABRA will give the Commission an opportunity to comment.
2. Freshfarm Market: public space application (2B02) - Permit was approved for the extended block on 20th Street.
3. 2025 Mass Ave: HPRB & BZA application for renovations (2B02) - No update.
4. Marrakesh: CT tavern renewal (2B02) - An extension was granted to continue the discussions with the protestant group and the owner. The new hearing date is February 3 at 9:30am. A VA has been circulated, but Commissioner O'Connor does not support the

idea. He supports objecting the renewal of the applicant's license. Commissioner Jacobson suggested using the full force of the ANC's resources to go after bad actors in the neighborhood at the appropriate time.

5. Soho: VA amended hours (2B02) - Commissioner O'Connor submitted a draft VA to the applicant. The applicant is currently reviewing the document.
6. Republic of Congo: HPRB & BZA application for chancery (2B04)

Commissioner Jacobson made a motion to write a letter and submit by March 4 deadline, outlining the concerns of the Commission regarding demolition of the rear garden wall, maintenance of the property, valet parking and the use of the existing garage.

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

7. Mad Hatter: sub. change sidewalk cafe (2B05 & 2B07) – Group of protestants have registered with ABRA to attend the protest hearing. Commissioner Wexler reported that the parties are close to signing off on a voluntary agreement. Commissioner Meehan expressed concern about the VA. Commissioner Estrada expressed his concerns over the applicant's tavern license. He expressed concern over patrons drinking outside in a sidewalk cafe in public space.
8. Cities Rest./Lounge: valet parking (2B06) - Public space application approved.
9. Nooshi: public space sidewalk cafe (2B06) - Public space application approved.
10. Arts grant for Sunderland Place mural (2B06) - Arts grant was granted.
11. Shake Shack: DR restaurant license (2B06) - No action taken.
12. Kabab-ji: sub. change for entertainment, cvr charge (2B07) - The request was denied.
13. Kabab-ji: valet parking application (2B07) - The request was denied.
14. Steve's Bar Room: CN renewal w/o placard (2B07) - ABC Board determined the applicant does not need to re-placard.
15. Cajun Experience: new CR restaurant (2B08) - No protest and the applicant received their stipulated and full licenses.

Administrative/Financial Matters (9:40pm) (10 mins total)

1. Finances/Treasurer's Report - Commissioner Silverstein noted the following from the Q1 2011 report:
 - Ending checking balance: \$32,451.01
 - Ending savings balance: \$34,849

Commissioner Estrada requested the Commission to return to discussion on the Mad Hatter.

Commissioner Silverstein made a motion to accept the quarterly report. Commissioner Jacobson seconded the motion. The motion carried (8-0).

2. ANC 2B FY 2010 Annual Report: Draft - Draft report was distributed. Commissioner Stephens requested any comments by the March meeting.
3. Policy & Procedures Manual: Draft
4. Other Admin Items

Adjournment (9:50pm)

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, March 9, 2011, 7:00 PM at the Brookings Institution, 1775 Massachusetts Avenue, NW – 1st Floor, Falk Auditorium .

Respectfully submitted,

Freddie Blicher
Executive Director
Dupont Circle Advisory Neighborhood Commission 2B
ADOPTED: March 9, 2011