

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

The March 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), Jack Jacobson (2B04), Victor Wexler (2B05), Mike Silverstein (2B06), Phil Carney (2B07), Will Stephens (2B08) and Ramon Estrada (2B09). Commissioner Bob Meehan (2B03) was not present. The Chair noted the presence of a quorum.

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

**Special Guest: Ward 2 Councilmember Jack Evans (7:05pm)**

Councilmember Jack Evans spoke before the Commission and residents. He discussed the recent scandal regarding Mayor Vincent Gray and the Council's Chairman. He stated that he supports the idea of the US Attorney conducting an inquiry into the activity by the Mayor and Chairman. He noted that the DC Inspector General would not participate and recused himself. Councilmember Evans noted that the budget from the Mayor is due on April 1st, and that he hopes the scandal does not affect work on the budget.

He expressed concern about the budget shortfall and the burn rate of the District's savings account. He expressed concern that Bond Agencies expressed concern about the District's level of savings. He noted that for the first time in 20 years, he had voted against Mayor Fenty's budget.

Councilmember Evans expressed concern about the District's debt. He noted that the majority of District expenditures are:

Human & Social Services: \$3.5 billion

Education: \$1.6 billion

Public Safety: \$1 billion

Government expenditures have grown 65% in the last eight years.

Councilmember Evans briefly spoke about redistricting. Redistricting will affect the ANC, as the city has grown in population. When the Council receives the exact figures in April, the Council will begin hearings on redistricting. He noted that each ward must have approximately 75,000 people (+ or - 5%). The redistricting process must be finished by July 14th, passed by the Council, and then signed off by the Mayor. After this occurs, ANCs boundaries will be redrawn

if necessary. Each ANC will need to evaluate single member districts. Each SMD will need to have 2,000 people (+ or - 5%). This process must be finished by December 31st.

Commissioner Jacobson expressed concern that the Council does not have an independent ethics commission. Councilmember Evans acknowledged that there is currently no ethics commission.

### **Minutes/Calendar**

1. Approval of February 2011 Minutes
2. Circulation of Monthly Work Calendar

The minutes were tabled for consideration at the April meeting.

### **Public Announcements (7:30pm) (5 mins)**

1. Next Public Safety Meeting for PSA 208: Tues. 7pm @ District 3 HQ (17th & V)
2. Announcement of Adams Morgan 18th Street Project (Tom Pipkin)

Mr. Pipkin provided an update on the Adam's Morgan Streetscape Project. He noted that the project is scheduled to take 15 months and would end May 2012. 18th Street will be repaved, a water-main will be replaced and new teardrop lamps installed. More info can be found at [adamsmorganstreetscapeproject.com](http://adamsmorganstreetscapeproject.com).

3. Other Announcements (if any)

A resident expressed concern over WMATA's proposal to close the metro at 12am. Congress has cut \$130 million from WMATA's budget.

Commissioner Jacobson noted he had worked on behalf of ANC 2B and UNA to organize an At-Large Candidates Forum. Six candidates will be in attendance.

Dupont-Logan-Foggy Bottom City Council Candidate Forum  
Tuesday, March 29; 6:00 pm Candidate Forum; 7:30 pm  
Where: Church of the Holy City, 16th & Corcoran St., NW

Commissioner O'Connor noted that he attended Councilmember Barry's Ward 2 ANC meeting. He noted that Gottlieb Simon stated there would likely be 15 new ANC SMD's. He also noted that Councilmember Barry intends to introduce legislation allowing ANC's to appear before a court to challenge government agency rulings.

### **General Items (7:35pm)**

#### **Request for letter of support for the 2011 Capital Pride Parade**

Commissioner Jacobson made a motion to approve the request for a letter of support and urges that any fees and overtime MPD costs be waived. Commissioner O'Connor seconded the motion. The motion carried (7-0) with Commissioner Estrada outside the room at the time of voting.

#### **Request for letter of support for the 2011 17th Street Festival**

Lee Granados, President of UNA, requested support for the 17th Street Festival on September 24th.

Commissioner Jacobson made a motion to support the request for a letter of support and urges that any fees and MPD costs be waived. Commissioner Feldstein seconded the motion. The motion carried (8-0).

### **Regulatory**

#### ***Public Space Applications***

**Application by Freshfarm Markets for Public Space permit for use of 800 block of Vermont Ave NW (5 mins) (2B05)**

Representatives of Freshfarm Markets requested use of public space for the market.

Commissioner Wexler made a motion to support the application for use of public space. Commissioner Stephens seconded the motion. The motion carried (8-0).

**Application for public space sidewalk cafe by Tandoori Time (CR Restaurant), 1140 19th St NW, with 3 tables & 6 chairs, hours of operation Sun-Th 11am-10:30pm, Fri-Sat 11am-11:30pm (2B06)**

Commissioner Silverstein noted that the hours of operation are not an issue. He made a motion to support the application. Commissioner Stephens seconded the motion. The motion carried (8-0). Commissioner Stephens noted that he would sign the form from DDOT and submit, in lieu of an official letter.

**Note to Will - is there a scanned copy of the form sent in? If there is I can add to Backpack.**

**Application for public space amenities at Q St & 19th St NW by Diego D'Ambrosio (2B02)**

Diego D'Ambrosio requested support for a small Italian garden on public space. He offered to sign an agreement to maintain the public space. Commissioner O'Connor made a motion to support the request. Commissioner Feldstein seconded the motion. The motion carried (8-0).

**Application by Shake Shack, 1216 18th St NW for for sidewalk cafe. (2B06)**

The applicant appeared before the Commission and requested support for the unenclosed sidewalk cafe.

Commissioner O'Connor expressed some concern over the seating in the sidewalk cafe and its effect on pedestrian access issues. Commissioner Estrada expressed concern over the proposed inclusion of two benches.

Commissioner O'Connor made a motion to support the request for a sidewalk cafe, with the exception of two benches on Jefferson Place.

The Commission noted that those two benches do not provide sufficient clearance for pedestrians on the side street.

Commissioner Silverstein suggested the applicant also using the trash compactor with neighboring businesses.

The motion carried (8-0).

**ABC Applications** (65 mins subtotal)

***1. License Renewals:***

**CN (Nightclub) License Renewal: Royal Palace, 1805 Conn Ave NW. Petition due 3/21/11; Roll call hearing 4/4/11. (2B01)**

Commissioner O'Connor expressed concern over public safety measures regarding an incident that occurred on premises. Commissioner Jacobson noted that the Royal Palace took proactive steps in further training the security staff after the incident. Commissioner Feldstein recommended taking no action.

***2. New Licenses / Substantial Changes***

**Application by The Mighty Pint (License #ABRA-084184), 1831 M Street NW, for substantial change to CT (Tavern) license to extend hours of operation to 11:30am-5:00am (every day), with hours of sales/service Sun-Th 11:30am-1:30am, Fri-Sat 11:30am-2:30am. Current hours of operation: Sun-Th 11:30am-2:00am, Fri-Sat 11:30am-3:00am. Petition due 3/14/11; Roll-call hearing 3/28/11. (2B06)**

Commissioner O'Connor expressed concern about the use of the alley behind the building.

Commissioner O'Connor made a motion to protest the application on the basis of peace, order and quiet, subject to the negotiation of a voluntary agreement. Commissioner Estrada seconded the motion. The motion carried (7-0). Commissioner Mike Silverstein did not participate due to his position on the ABC Board.

**Application by Hello Hospitality IV LLC t/a St. Arnold's on Jefferson, 1827 Jefferson Pl NW, for substantial change to CR (Restaurant) license ABRA-085989 for extension of hours of operation, sales, and service, from current (Sun 3pm-10pm, M-Th 11am-11pm, Fr-**

**Sat 11am-1am) to new Sun-Th 11am-2am, Fr-Sat 11am-3am. Petition due 3/21/11; Roll call hearing 4/4/11. (2B02)**

Commissioner O'Connor recommended taking no action. The Commission took no action.

**Application by Luna/Skewers Restaurant, 1633 P St. N.W., for substantial change for a Sidewalk Cafe with seating capacity for 16 persons and a Summer Garden for 10 seats (ABRA License 078431). Hours of Operation for Sidewalk Cafe/Summer Garden: Sun. 10am-12am, Mon-Fri. 10am-11pm, Sat 10am-12am. Hours of Alcoholic Sales and Consumption for Sidewalk Cafe/Summer Garden: 10am-11pm daily. Petition due 3/28/11; Roll call hearing 4/11/11. (2B05)**

Commissioner Wexler recommended taking no action, as the applicant already changed its application to close the sidewalk cafe and summer garden no later than 11pm Sun-Thurs, 12am Fri-Sat. The Commission took no action.

**Application by Policy, 1904 14th St NW, for substantial change to CR (Restaurant) license for 2 sidewalk cafes: (1) T Street 16 seats and (2) 14th Street 14 seats, with hours of operations/sales/service Sun-Th 11am-11pm, Fri-Sat 11am-11:30pm. Petition due 4/4/11; Roll-call hearing 4/18/11 (2B09)**

The applicant noted that Policy would start brunch in the first week of April with lunch coming shortly after. Commissioner Estrada noted that it was odd that the applicant requested two outdoor cafes, when the applicant already has a summer garden. He also noted that there are 12 cases reported in their ABRA investigative history including a felony assault that happened near Policy. Commissioner Estrada inquired whether the applicant would be amenable to receiving only one sidewalk cafe. The applicants stated that they wanted to request both sidewalk cafes. Commissioner Estrada noted he would protest the application because of the two sidewalk cafes, but would support the application if it only included the 14th Street sidewalk cafe. Commissioner Estrada also noted that the Voluntary Signatories would also need to weigh in on the VA. Commissioner Silverstein noted that the Commission could partially approve the application.

Commissioner Estrada made a motion to support the 14th Street café as requested, but protests the T Street café, on the basis of peace, order, and quiet, subject to negotiations to include the existing signatories of the voluntary agreement. Commissioner Carney seconded the motion. The motion carried (7-0). Commissioner Mike Silverstein did not participate due to his position on the ABC Board.

**Application by Chi-Cha Lounge, 1624 U St NW, to terminate Voluntary Agreement on CT (Tavern) license with co-parties ANC 2B and Joseph Masullo. Petition due 4/11/11; Roll-call hearing 4/25/11. (2B08)**

The applicant's attorney explained that the original owner who had entered into a Voluntary Agreement with the applicant in 2006, no longer lives above the establishment. She noted that regulations allow the termination of a Voluntary Agreement. Commissioner Stephens noted that the ANC is only a signatory to the 2009 VA and deals with food requirements. The 2006 VA deals with the resident who used to live above the establishment. Commissioner Stephens recommended taking no action on the termination of the 2006 VA with the applicant. The Commission took no action.

**Application by One Lounge, 1606 20th St NW, for Entertainment Endorsement for dancing to occasional DJ for special events, ent. hours Sun-Th 6pm-2am, Fri-Sat 6pm-3am. (2B02)**

The applicant requested an entertainment endorsement to bring the establishment into compliance with ABRA regulations, and also a vote of no objection to a stipulated license. The applicant noted that the establishment had been cited for having a DJ on new year's eve. The applicant stated that they do not have any intention of establishing a nightclub. The applicant will still placard the establishment. Commissioner Stephens noted that the applicant could not request a stipulated license, since they are not a new establishment.

Commissioner O'Connor made a motion to submit a letter stating that the Commission has no objection to the entertainment endorsement. Commissioner Stephens seconded the motion. The motion carried (7-0). Commissioner Mike Silverstein did not participate due to his position on the ABC Board. Commissioner O'Connor withdrew his motion. He recommended taking no action. The Commission took no action.

***HPRB & Zoning Applications***

No applications

**Committee Reports**

***Dupont West Moratorium Ad Hoc Cmte***

1. Proposed resolutions on renewal of the moratorium - Commissioner O'Connor noted the Committee had worked hard to come to a resolution regarding the Moratorium. Commissioner O'Connor submitted the final report to the Commission: [INSERT LINK TO REPORT ON WEBSITE](#). Commissioner O'Connor made the following motions:

Commissioner O'Connor noted that the location of James Hobans was mistakenly included in the Moratorium. He made the following motion:

**Resolution to Exempt the Block of One Dupont Circle from the West Dupont Circle Liquor Moratorium**

Whereas the 1400 block of 20th Street, NW (also known as One Dupont Circle) has previously been identified as part of the West Dupont Circle Liquor Moratorium Zone; and

Whereas this block has recently been identified as possibly having been previously exempted from the current West Dupont Circle Liquor Moratorium Zone and may have accidentally been re-included due to a technical error; and

Whereas public meetings held by the ad hoc ANC2B West Dupont Circle Moratorium Committee provided comments that overwhelmingly support the exemption of this block from the West Dupont Circle Moratorium zone; and

Whereas current business owners, residents and civic organizations have expressed their interest in removing this block from the West Dupont Circle Moratorium zone; and

Whereas the Metropolitan Police Department has stated that vacant property has an adverse impact on public safety; and

Whereas the current owner of the property on this block, the American Council on Education, provides space for 15 different non-profits and requires a commercial entity to assist in paying for their use of the space; and

Whereas the American Council on Education has been unable to attract retail tenants to their ground level space;

Therefore be it resolved that ANC2B petition the Alcoholic Beverage Regulation Administration to remove the 1400 block of 20th Street, NW (also recognized as the 1900 block of P Street, NW or the 2000 Block of O Street, NW, or One Dupont Circle) from the West Dupont Circle Moratorium zone with immediate effect.

Commissioner O'Connor noted that the Committee proposes that the Commission continue the Moratorium in a modified manner, namely ending the restriction on CR and DR licenses, allowing restaurants to move into the area, but still maintaining CT and DT licenses. Furthermore, Commissioner O'Connor noted that since the Committee proposes relaxing Moratorium rules, the Commission should reconsider the Moratorium every three years, as opposed to five years, to be able to assess more quickly the impact on the community. Commissioner O'Connor thanked Commissioner Estrada for his help and expertise in ABRA matters, as well as the whole Committee and Commissioner Jacobson for his expertise on the 17th Street Moratorium.

Commissioner Feldstein seconded the motion. The motion carried (7-0). Commissioner Mike Silverstein did not participate due to his position on the ABC Board.

### **Resolution to Support the Extension of a Modified West Dupont Circle Liquor Moratorium**

Whereas, the West Dupont Circle Moratorium (the Moratorium) has been recognized as an effective tool to protect against overconcentration, enhance public safety and protect the peace, order and quiet of the West Dupont Circle neighborhood; and

Whereas, a goal of the ANC is to promote the future of its neighborhoods, advocating for smart growth and sustainable, responsible economic development; and

Whereas, the Western Dupont Circle neighborhood has seen its businesses impacted both by both the economy and by the P Street redevelopment project; and

Whereas, the ANC has weighed the opinions of the impacted community, businesses, community organizations and the Dupont Circle neighborhood at-large; and

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

Therefore, be it resolved, that ANC2B petition the Alcoholic Beverage Regulation Administration (ABRA) for the renewal of a modified West Dupont Circle Moratorium for a three-year period from the date of Board action;

Be it further resolved, that ANC2B recommends continuing the current number of licenses allowable be listed as the following:

- Class A: 2
- Class B: 3
- Class CT/DT: 6
- Class CN/DN: 0
- Class CX/DX: 2

Be it further resolved, that the restriction on the number of CR/DR licenses be lifted; and

Be it further resolved, that the western boundaries of the Moratorium now be listed as beginning at 22nd Street and Florida Avenue; North on Florida Avenue to R Street; East on R Street to 21st Street; South on 21st Street to Hillyer Place to 20th Street; South on 20th Street to N Street; West on N Street to 22nd Street; North on 22nd Street to Florida Avenue; and

Be it further resolved, that the current exemption for hotels continue; and

Be it further resolved, that the existing language pertaining to transfer of ownership be allowed to continue;

Be it further resolved, that the prohibition on the transfer of a CT/DT, CN/DN A or B license from outside the Moratorium zone to inside the Moratorium zone be prohibited; and

Be it further resolved, that the Moratorium shall prohibit the change of all CR/DR licenses to CT/DT or CN/DN licenses; and

Be it further resolved, that ANC2B recommends ABRA consider a method for blocks to “opt-in” to the Moratorium zone that would not require an extension of 600 or more feet; and

Be it further resolved that ANC 2B will track measures to determine the effectiveness of these changes. These will include: complaints registered with ABRA, complaints registered with the Commissioners of the Single-Member Districts within the Moratorium boundaries, and the number and type of new businesses in the Moratorium boundaries.

Commissioner Feldstein seconded the motion. The motion carried (6-1) with Commissioner Jacobson voting in opposition. Commissioner Mike Silverstein did not participate due to his position on the ABC Board.

### ***ABRA Policy Committee***

1. Proposed resolution on Public Space Sidewalk Cafe guidelines – Commissioner Estrada made a motion to approve the public space cafe guidelines, subject to technical corrections. Commissioner Stephens seconded the motion. The motion carried (7-0). Commissioner Mike Silverstein did not participate due to his position on the ABC Board.

Commissioner Estrada made a motion to reappoint the Committee with the addition of Ruth Horn, representing DCCA. Commissioner Jacobson seconded the motion. The motion carried (6-1) with one Commissioner Wexler abstaining. Commissioner Mike Silverstein did not participate due to his position on the ABC Board.

2. Reports on old business (if any): Draft model VA - Commissioner Estrada noted that the Committee would add additional items to the draft. The document is not yet finalized.
3. New item: Potential comments on Ward 2 Single Sales Ban - Commissioner Estrada encouraged the community to comment on the ban.
4. Next Meeting: TBD

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

1. Reports on old business (if any): Capital Bikeshare locations, Zoning Re-write, Conn Ave underpass greening, Conn Ave median & landscaping, Farragut virtual Metro tunnel, Speed hump study - The Conn. Avenue median construction will be finished soon.
2. Next Meeting: Tues. 4/5/11 7pm @ Resource Center (if needed)

### ***Community Involvement Committee***

1. Proposed resolution on Community “Grants” Policy: next month - A report will be available next month.

### **Commissioner Reports**

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

### **Short Reports on Old Business (if any)**

1. Polling locations for At-Large Special election (Stephens) - Mary Cheh announced that regular polling stations will be opened.
2. DCPS non-discrimination (Jacobson) - No update.
3. Marrakesh: CT tavern renewal (2B02) - The protestant group decided on a VA at the last minute with the applicant. The ABRA Board postponed the hearing.
4. Soho: VA with amended hours (2B02) - No update.
5. Republic of Congo: HPRB & BZA application for chancery (2B04) - FMBZA met and allowed the purchase of the property. The rear part of the garden wall will likely be demolished. Public space in the front was saved.
6. Brown Bag: Public space sidewalk cafe (2B05) - Approved.
7. Mad Hatter: sub. change sidewalk cafe (2B05/2B07) - VA reached.
8. Kabab-ji: valet parking application (2B07) - Denied.
9. 1440 T St: rear addition (2B09) - Approved.

## **Administrative/Financial Matters**

1. Finances/Treasurer's Report - No report required.
2. Approval of ANC 2B FY 2010 Annual Report - Commissioner Stephens made a motion to approve the report. Commissioner Estrada seconded the motion. Commissioner Estrada requested Commissioner Stephens to include an update language on the Arts Overlay and restaurants, and Club Central. The motion carried (7-1) with Commissioner O'Connor abstaining.

## **Adjournment**

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, April 13, 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: April 13, 2011