

December 2012 Minutes

ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION REGULAR MEETING MINUTES

Wednesday, December 12, 2012 1775 Massachusetts Ave, NW

The December Regular Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chairman Stephens at 7:00 pm. The Commissioners identified their Single Member Districts (SMDs). Present were: Mike Feldstein (2B01), Kevin O'Connor (2B02), Bob Meehan (2B03), Jack Jacobson (2B04), Victor Wexler (2B05), Mike Silverstein (2B06), Phil Carney (2B07), Will Stephens (2B08), and Ramon Estrada (2B09).

Special Presentation by Councilman Jack Evans. The D.C. Council passed a resolution honoring the 5 retiring commissioners: Bob Meehan, Ramon Estrada, Phil Carney, Victor Wexler, and Jack Jacobson.

Commissioner Estrada moved to approve October's & November's meeting minutes. Seconded by Commissioner Carney. Passed 9-0.

Public Announcements

- Commissioner Estrada announced the opening of Matchbox Restaurant at 14th & T Streets.
- Commissioner Jacobson announced that 6 months ago the DC Center applied for space in the Reeves Center but were denied. However as of yesterday they were approved for a 15 year lease.
- Commissioner O'Connor encouraged the use of #ZRR on Twitter with regard to online discussions about zoning changes.
- Commissioner Meehan added details about yesterday's Zoning meeting. Spooky theater was granted a permanent location.
- Jim from Caroline Street thanked Commissioner Estrada for 10 yrs of fantastic service (Caroline Residence Association).
- Darrow from the Third Church of Christian Scientist thanked the ANC for their work & support.
- New Hampshire Streetscape project-Mike Tucker (CSMI) briefed the ANC on the status of the project. www.newhampshireavestreetscape.com.
- A representative from the Connecticut Ave Streetscape (www.connavestreetscape.com) provided updates as well.

General

Consideration of waiver of Voluntary Agreement interior hours restrictions during Inauguration Week (Jan. 15 through Jan. 21)

Commissioner Stephens read the following resolution which was seconded by Commissioner Estrada and passed 8-0.

Resolved that ANC 2B supports a waiver of Voluntary Agreement interior hours restrictions during Inauguration Week (January 15 through January 21, 2013), for any establishment within ANC 2B that applies to ABRA for such extended hours and otherwise qualifies for the extension.

Consideration of resolution on planned school consolidations

Commissioner Jacobson read the following resolution which was seconded by Commissioner Silverstein and passed 9-0.

Whereas, on November 13, 2012, Mayor Vincent Gray and DC Public Schools (DCPS) Chancellor Kaya Henderson announced a consolidation plan for DCPS, which included proposals to close two schools that serve residents of ANC 2B: Francis-Stevens Education Campus (FSEC) and Garrison Elementary School;

Whereas, ANC 2B understands that consolidation in neighborhoods which are served by multiple schools may be necessary and prudent to provide all DCPS students a rich and full array of educational opportunities not feasible or cost-effective in under-enrolled schools;

Whereas, Ross Elementary School, serving the heart of ANC 2B, is at capacity with an annual waiting list of several hundred students and is unable to receive additional students under any consolidation plan, necessitating that any consolidation plan which contemplates the closure of FSEC and/or Garrison would force students and parents far away from their Dupont Circle area homes;

Garrison Elementary School

Whereas, the November 13 consolidation plan would consolidate Garrison into Seaton Elementary School;

Whereas, the consolidation plan for Garrison, as envisioned, would undermine DCPS's stated goals, which include meeting "the diverse needs" of students and creating "flexible" schools by "allowing for population growth and shifts and always ensuring that students have high-quality schools in their neighborhood as well as out-of-boundary options";

Whereas, with 228 students currently enrolled, Garrison is at 64% capacity, the highest utilization rate of any school scheduled for closure, and a majority of those students — 60% — are neighborhood students from wards 2 and 1;

Whereas, if all 228 students from Garrison were to enroll at Seaton, the combined school would be severely over capacity, necessitating a significant number of students be housed in modular learning units;

Whereas, DCPS anticipates the neighborhoods served by Garrison will see an increase of 125 elementary school students by 2015 and that DCPS anticipates reopening the building in the foreseeable future;

Whereas, Garrison houses an autism program, and moving those students to a new learning facility would have significant negative impacts on their continued educational growth and advancement;

Whereas, Garrison has stronger community involvement than Seaton and has higher math and reading scores than Seaton on the DC CAS;

Francis-Stevens Education Campus

Whereas, the November 13 consolidation plan would consolidate FSEC early childhood and elementary students at Marie Reed Learning Center and middle school students at Hardy Middle School, both of which are over a mile from FSEC;

Whereas, the Dupont, West End and Foggy Bottom neighborhoods have worked to plan livable, walkable communities where education, shopping, dining, entertainment and other activities can all be performed without the use of a car, and transferring students to schools over a mile from homes without any direct public transportation alternatives will set back our walkable city planning initiatives while creating a de facto "child free" zone;

Whereas, DCPS has proposed continued utilization of the building by expanding the School Without Walls campus to FSEC; School Without Walls is currently over-enrolled by approximately 100 students for the space available in its current building;

Whereas, the School Without Walls Home & School Association passed a unanimous resolution opposing the envisioned expansion to FSEC;

Whereas, the DCPS consolidation plan was created to more fully utilize campuses by increasing overall enrollment in each building; however, the 100 or so students from School Without Walls is significantly fewer than the 225 students which currently attend FSEC, which would result in an even less desirable utilization rate for the FSEC campus if current students are transferred to other schools;

Whereas, FSEC has a low vision program which serves low vision and blind students. It is extremely difficult for these students to make friends and learn to navigate new campuses/buildings. The current proposal contemplates tearing these students away from their current teachers and friends and segregating the low vision students at different campus from their peers;

Whereas, DCPS made commitments to the Dupont, West End, and Foggy Bottom communities to keep Francis-Stevens Education Campus open as a neighborhood school following closure of Stevens Elementary School during the last round of school closings;

Whereas, ANC 2A supported the use of the former Stevens campus for Ivymount only with the understanding that FSEC would remain open to serve the neighborhood; and

Whereas, FSEC's early childhood program was oversubscribed for the 2012-2013 school year and DCPS declined to provide staff for two additional preschool and pre-k classes, which would have significantly increased enrollment.

Resolution

Therefore, be it resolved, that ANC 2B opposes the closure of Garrison Elementary School based on the school's current and anticipated increased enrollment, higher DC CAS scores, and significant community involvement;

Be it further resolved, that ANC 2B urges DCPS to fully consider all alternatives to closing Garrison, including all options presented by the Garrison PTA and other individuals or groups that would increase enrollment, decrease per-pupil costs, and increase student achievement;

Be it further resolved, that ANC 2B opposes the closure of Francis-Stevens Education Campus, which would leave the Dupont West End and Foggy Bottom neighborhoods without a local elementary and middle school, and which disregards our neighborhoods' walkable living initiatives; and

Be it further resolved, that ANC 2B urges DCPS to fully consider all alternatives to closing FSEC, including all options presented by the FSEC PTA and other individuals or groups that would increase enrollment, decrease per-pupil costs, and increase student achievement.

Regulatory

Alcohol Applications (Commissioner Silverstein does not participate in any Alcohol Applications due to his position on the ABC Board.)

Request by The Bards of Washington, LLC dba James Hoban's Irish Restaurant and Bar (One Dupont Circle) to modify Voluntary Agreement allowing for hours of operation to extend to 2am Weekdays and Sundays 3am Friday and Saturdays. (2B02)

Commissioner O'Connor moved to allow for the adjustment of the voluntary agreement. Seconded by Commissioner Carney. Passed 7-0.

Request for approval of an ABC license for Federal Spirits, 1629 K St. Online retail liquor store. Sales via internet credit card transactions. No public access. Alcohol stored off-site in warehouse, until delivered directly to purchaser. Hours of Operation and sale of alcoholic beverage: 9am -9pm everyday. Closed on Monday. Petition due 1/7/13; Roll Call Hearing 1/22/13. (2B05)

Commissioner Wexler moved to support the application. Seconded by Commissioner O'Connor. Passed 8-0.

Application by The Gryphon, 1337 Conn Ave NW, for CT (tavern) license for new tavern and sports bar serving light fare; Entertainment w/dancing & DJ; Seating capacity 175; Occupancy 192; Sidewalk Cafe with 24 seats; Hours of operation Sun-Thu 10am-3am, Fri-Sat 10am-4am; Hours of service Sun-Thu 10am-2am, Fri-Sat 10am-3am; Hours of entertainment Sun-Thu 6pm-2am, Fri-Sat 6pm-3am; Sidewalk Cafe hours Sun-Thu 10am-1am, Fri-Sat 10am-2am; Petition due 12/24/12; Roll Call Hearing 1/7/13. (2B07)

High end sports bar. They will be increasing trash service to 4 times a week. Will be in the former Heritage India space. There will be no actual "dancing" at this establishment. Security plan was approved by ABC. Commissioner Carney recommended taking no action on the application. No action was taken.

Historic Preservation & Zoning Applications

Zoning variance request for 1751 18th Street to exceed allowable lot occupancy (2B01)

Commissioner Stephens read the following resolution which was seconded by Commissioner Carney and passed 9-0.

Whereas ANC2B acknowledges that the existing structure at 1751 18th Street, N.W. (Lot 0095, Square 153) is already a non-conforming structure that currently exceeds its Floor-to-Area Ratio (FAR) and its allowable lot coverage in zone DC/R-5-B; and

Whereas the neighbors at 1749 18th Street, 1753 18th Street, and 1754 S Street – which comprise all of the immediate neighbors – express no objection to the proposed rear addition that will increase the existing non-conforming FAR and lot coverage at 1751 18th Street; and

Whereas ANC 2B believes that the proposed increase in the current non-conforming lot coverage of 1751 18th Street would not adversely affect the light and air, general aesthetic, or character of this property or the adjacent properties in their context along the rear lot/alley;

Therefore be it resolved that ANC2B supports the proposed project, as presented, for an addition to the rear of 1751 18th Street, N.W. which will increase its FAR and lot coverage.

Be it further resolved that ANC2B's support of this project at 1751 18th Street, N.W. is not intended to create or imply a precedent for future applications for increases in FAR and lot coverage over what is generally allowed in the DC/R-5-B residential zone. It should also not have any bearing on previous cases considered by this ANC or the Board of Zoning and Adjustment (BZA), no matter how similar they may appear. The ANC considers each application based on its own unique characteristics.

Application for zoning variance for 1800 Eye Street NW to bring building constructed in 1915 into compliance with ADA, building, fire and life safety regulations while exceeding FAR standard. (2B06)

Commissioner Silverstein moved to support the zoning variance. Seconded by Commissioner Feldstein. Passed 9-0.

Public Space Applications

Application to add Monday, Tuesday, and Wednesday from 6pm to 10pm for use to existing Valet Staging Zone for Camelot Show Bar at 1823 M Street NW. Zone already approved and in use on Thursdays, Fridays, and Saturdays. Tracking number 10064671. Mujid Behshir presents. ANC 2B06

Commissioner Silverstein moved to support. Commissioner Stephens seconded. Passed 9-0.

Application by Ozio, 1813 M Street NW, for sidewalk cafe (2B06)

The applicant noted that this space is already set aside by fencing, and has been operated as a sidewalk cafe since before these owners began operations. Stephanie Maltz recommended not to object to the DDOT application. Commissioner Stephens moved not to object. Seconded by Commissioner O'Connor. Passed 7-0.

Application for sidewalk cafe for Boloco, 1028 19th Street NW, for 48 seats. (2B06)

Hours will be 7am-10pm. Commissioner Silverstein moved to support. Seconded by Commissioner Meehan. Passed 8-0.

Committee & Liaison Reports

***Public Safety Liaisons ***

Commissioner-Elect Noah Smith provided contact info for the Gay & Lesbian Liaison unit and confirmed that the ANC would like to set up an open meeting in early 2013 with Fire Chief.

Commissioner Feldstein excused himself from the meeting.

ABRA Policy Committee

- Commissioner Silverstein announced a change of ownership for Trios Fox & Hounds. Commissioner Silverstein also announced that a new DC Court of Appeals decision (regarding Rumors) limiting ABRA's ability to take any action unless ABRA can establish a pattern of violations with regards to eminent threats to public safety at establishments.
- Commissioner Estrada announced that the Omnibus Bill is moving forward. Final vote is next Tuesday. The 400 ft limitation was removed.

The Commissioner considered whether to weigh in on the revised Omnibus bill, in particular the section involving Voluntary Agreements entered into by the ANC. Commissioner Stephens read the following resolution on behalf of Commissioner Estrada, who made the motion. Seconded by Commissioner Meehan.

ANC 2B recommends that the Council Members strike subsection (b) of Section 25-609 of the Alcohol Omnibus Bill B19-824 which reads as follows:

(b) In the event that an affected ANC submits a voluntary agreement to the Board on a protested license application, the Board, upon its approval of the voluntary agreement, shall dismiss any protest of a group of no fewer than 5 residents or property owners meeting the requirements of § 25-601(2). The Board shall not dismiss a protest filed by another affected ANC or by a citizens association meeting the requirements of § 25-601(3) upon the Board's approval of an ANC's voluntary agreement submission."

The resolution passed 4-3. Commissioners Estrada, Meehan, Carney, and Wexler voted in favor. Commissioners Jacobson, Stephens, and O'Connor voted against. Commissioner Silverstein recused himself from the vote due to his position on the ABC Board, and Commissioner Feldstein was absent.

Zoning, Preservation & Development Committee

No additional updates. Commissioners would like the ANC to become more involved in the zoning re-write and other pressing zoning matters.

Community Involvement Committee

Commissioner Feldstein announced that the Grants Policy Paper could be considered in January.

Short Reports on Old Business

NU = No Update

1. Sette: Umbrella fixtures (2B02) approved
2. Spooky Action Theater: zoning request (2B03) approved
3. N Street Follies: HPRB (2B05) approved
4. Catch 15: new CT license (2B05) hearing on Jan 7th
5. Bean & Bite: sidewalk cafe (2B05) issues with pepco
6. ABA Building: HPRB concept design (2B05) approved
7. 1321 21st St: rear addition HPRB (2B06) approved by HPRB but want to keep close watch
8. Barr Building: Landmarking (2B06) approved
9. 1140 19th St: public space pavers (2B06) approved
10. Camelot: valet parking (2B06) approved
11. Wicked Waffle: public space sidewalk cafe (2B06) approved
12. 1729 H Street: landmark (2B06) NU
13. Neighborhood Restaurant Group: new CR license (2B07) NU
14. Tacodog: New CR license (2B09) VA signed

15. Resource Center (Stephens/Feldstein) follow up mtg on Monday @ 7pm

16. S/T Street Parks (Silverstein/Stephens) NU

Administrative/Financial Matters

1. Approval of Draft FY 2012 Annual Report – Commissioner Stephens mocked up draft, available on backpack and circulated by email

2. Finances/Treasurer Report:

- Beginning Monthly Balance: \$72,016
- Allotment: \$4,023
- Expenses: \$1,186
- Ending Balance: \$74,997

Adjournment 9:55pm