

February 2012 Minutes

ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION REGULAR MEETING MINUTES

Wednesday, February 8, 2012 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), Kevin O'Connor (2B02), Bob Meehan (2B03), Jack Jacobson (2B04), Mike Silverstein (2B06), Will Stephens (2B08), and Ramon Estrada (2B09). Commissioners Victor Wexler (2B05) and Phil Carney (2B07) were absent.

Next meeting is March 14th.

Commissioner Estrada moved to approve the January minutes. Commissioner Feldstein seconded the motion. The motion carried (7-0).

Special Guests

Introduction of new and continuing MPD representatives under new PSA structure

- Lieutenant McDonald of PSA 208; email: johnc.mcdonald@dc.gov: Theft from autos is driving crime stats up. Advised not to leave valuables in cars.
- Lieutenant Moore of PSA 207; email: alesia.wheeler-moore@dc.gov
- Lieutenant Vanessa Moore of PSA 301; email: Vanessa.moore@dc.gov

Matthew Marcou, (Deputy Project Manager for Public Space Operations, DDOT)

Per Matthew Marcou, The Public Space Permit Office and the Public Space Inspections Office have been combined to make single unit to better manage use of private space. His role is to manage 4 units within the project. He has been working with Commissioner Feldstein and the police with coordinating use of Dupont Circle. He can be reached at Matthew.marcou@dc.gov and (202)-359-6497.

- Commissioners Stephens and Feldstein commended them for their cooperation.
- Commissioner Estrada questioned DDOT's enforcement of outdoor sidewalk cafés (umbrella heights, advertisements, hours, etc.)
 - o In response, Mr. Marcou stated that notifications are mailed but would like to put information online to let businesses know that they're in violation. It has been a fragmented process. Also stated that permits are not issued to the restaurant but to the property owner. The first goal for enforcement is to get all the information so that everyone can be on the same page; getting everyone familiar with rules and codes so they can comply. This project/process is at the earliest collection stages. Elliott.Garrett@dc.gov- chief of inspections unit.
 - Commissioner Silverstein commended him for the work done towards keeping the process orderly and organized regarding the closing of Dupont Circle South exit.
 - Commissioner O'Connor asked about information on compliance history for businesses that come for public space applications.
 - o Marcou responded that they may be able to pull from the IT team and retrieve past records.
 - Commissioner Stephens recommended changing the layout of application forms to make them more reader friendly (e.g. including the name of the establishment seeking a sidewalk cafe)
 - Commissioner Meehan asked about parking cars in public parking space; what is the policy? Also interested in knowing policy for historic districts.
 - o Marcou answered that public parking is the area beyond the sidewalk to building face. A permit is required &

rent is charged. This comes before Public Space Committee and a determination is made.

- Commissioner Meehan asked about curb cuts in historic districts and who enforces them.
- Marcou replied that curb cuts represent new intersections and new safety concerns. Access to property should be by an alley. If there is no alley, then a curb cut may be permitted. If the community and/or ANC opposes a curb cut, DDOT takes that into heavy consideration when making a determination.

Public Announcements

- Commissioner Stephens announced that the backend of the ANC 2B website has been update via WordPress.
- On Sunday, May 13th, Bike DC 2012 Event will have its 5th annual community bike ride. The bike ride is expected to go through Dupont Circle between 7:30am and 8:45am.
 - o Commissioner Silverstein moved to support, Commissioner Feldstein seconded. Motion carried 7-0.
- Diane Thomas announced that the 2012 SunTrust Rock-N-Roll Marathon and Half Marathon will held on Saturday March 17th. The marathon will be going through Dupont Circle between 8:24am and 10:25am. Also announced that they are looking for entertainment and for those who have any suggestion to email mmccorck@competitorgroup.com. Seeking a letter of support.
 - o Commissioner Feldstein moved to support and Commissioner O'Connor seconded. The motion passed 7-0.
- Announcement of Public Meeting this Spring Regarding the Future of Stead Park:
 - o Commissioner Stephens, on behalf of Commissioner Wexler, moved to draw up a resolution to list a meeting in the spring for this matter. Commissioner Estrada seconded and the motion passed 7-0.

Other public announcements

- Commissioner Feldstein announced that Dupont Village will host a silent auction on March 10th from 6:30pm-9pm. He also announced that ANC 2B's Executive Director Tony Lowry will be participating in New York Fashion Week.
- Commissioner Estrada announced that Black & Orange located and 14th and U Streets had soft opening. Also announced that there will be a reception by JBG for Utopia Project. Go to www.Ramonestrada.org for more information.
- Commissioner O'Connor reminded all on Twitter to use #ANC2B.
- Commissioner Stephens announced a new Twitter account: @dupontcircleanc.
- Commissioner Jacobson was invited to participate in the "Safe Route to School Program" at Ross Elementary which is a Federal program that surveys how students are getting to and from school and how we can make these routes safer. There have been two meetings thus far. He also announced that last Tuesday at 1630 R Street, NW there was a fire a block from Ross Elementary. The fire was caused by a small methamphetamine lab. An individual has been arrested in connection with the fire.
- Commissioner Silverstein Congratulated Dupont Festival for Groundhog Day event. Aaron with Dupont Festival talked about Potomac Phil and the Groundhog Day event. He also thanked Ross elementary and Lieutenant McDonald.
- Michelle with Golden Triangle Improvement District issued a call for artist to design and creative bike racks. Entries are due by March 2nd and its open to anyone. Also concerts start in May in Farragut Square Park.
- Stephanie with Dupont Circle Business Incubator announced that they will host Dupont Green Week which will last for 4 days. The purpose is to help increase use of reusable energy. 4 days of events including a gala event. The dates are May 17th-20th.

General Items

Consideration of support for presidential debate in DC (Robin Diener)

Expired. No presentation, and no action taken.

Consideration of an amendment to the Policies and Procedures manual entitled "Ethics and Accountability"

Commissioner Jacobson consulted with Gotleib Simon and other commissioners in this process. Commissioner Jacobson moved to pass the following Ethics and Accountability Proposal and Commissioner O'Connor seconded. The motion carried 7-0, with friendly amendments by Commissioner Stephens that are incorporated below.

The "Dupont Circle Advisory Neighborhood Commission ANC 2B Policies and Procedures Manual" shall be modified by adding at the end of "Part II: Procedures" the following:

X. Ethics and Accountability

The Commission has the ability to censure a Commissioner in accordance with Roberts Rules of Order.

Commissioners who engage in demonstrable action in violation of Commission rules or bylaws, who misappropriate Commission funds, who embezzle Commission funds, who are found guilty of a felony, who are found guilty of a misdemeanor committed during the execution of his or her duties as a Commissioner, or who purposely misrepresent Commission action during the execution of his or her duties as a Commissioner may be censured.

Any Commissioner on whom censure is imposed shall be immediately removed from all Commission committees and from any officer position(s) which the censured Commissioner holds at the time of the censure. The censured Commissioner shall be ineligible to be nominated for any officer position or to serve on any Commission committee for the remainder of the calendar year during which censure is imposed. Replacement committee assignments and/or officer positions shall be filled at the next regular or special meeting of the Commission, in accordance with the law referenced above.

The Manual's Table of Contents and other requisite pages shall be updated to reflect inclusion of the new provision.

During the discussion Commissioner Estrada asked per Roberts Rules of Order what the process is for censuring an individual. Commissioner Jacobson replied that a motion, a second, and a majority of those present are needed for the vote to censure an individual. Per Gotleib Simon this process can be done under Roberts Rules of Orders.

Consideration of resolution to Oppose the Prostitution Free Zone Amendment Act of 2011

Commissioner O'Connor explained that this Act allows the Chief of Police to impose a permanent prostitution free zone anywhere in the city. Police would be allowed to stop anyone they suspect of being a prostitute. Commissioner O'Connor thinks that this may possibly target the LGBT community and specifically at ward 7. Commissioner O'Connor moved to pass the following resolution and Commissioner Jacobson seconded. The motion passed 7-0.

Whereas, the Council of the District of Columbia is currently considering passage of the Prostitution Free Zone Amendment Act of 2011 (B19-567), legislation that would modify the Prostitution Free Zone Act of 2005 to allow the Metropolitan Police Department to permanently declare any public space as a "Prostitution Free Zone;"

Whereas, the proposed legislation ambiguously defines the criteria that will be used to implement the proposed “Prostitution Free Zones” and states only that, “disproportionally high arrests for prostitution or prostitution-related offenses” be used to determine when implementation is appropriate;

Whereas, the existing legislation has done little to eradicate prostitution and has succeeded in further marginalizing sex workers, low income people of color, transgender people, lesbians and gays, and the homeless;

Whereas, both the Metropolitan Police Department and the Office of the Attorney General have acknowledged that the implementation of B19-567 would likely be unconstitutional, as was found with anti-loitering laws;

Therefore, be it resolved that, Advisory Neighborhood Commission 2B opposes the Prostitution Free Zone Amendment Act of 2011 (B19-567) and encourages the Council of the District of Columbia to reject the proposed legislation.

Consideration of resolution to Support the Implementation of the Pending Mobile Food Vendor Regulations

Commissioner O’Connor proposed to support regulations along with amendments to allow dessert trucks to be treated as regular trucks; service until 1am but would like to extend the time limit since the vendors are not serving alcohol. Commissioner O’Connor moved to pass the resolution which was seconded by Commissioner Jacobson.

Commissioner Stephens moved an amendment to remove the provision on dessert trucks and hours which was seconded by Commissioner Estrada. The motion carried 5-2 with Commissioners Jacobson and O’Connor objecting.

Commissioner Stephens called the question and the following motion as amended, also including friendly amendment by Commissioner Jacobson, was carried 7-0:

Whereas, The District of Columbia Department of Consumer and Regulatory Affairs (DCRA) has issued a Notice of Proposed Rulemaking concerning vending regulations 24 DCMR 5, which would specifically impact Mobile Food Vendors (Food Trucks);

Whereas, the lack of consistent, effective regulations has previously had a negative impact on Food Trucks and has resulted in disagreements and confusion over the enforcement of Food Trucks;

Whereas, Advisory Neighborhood Commission 2B (ANC 2B) believes that Food Trucks deserve to operate on a level playing field with clearly defined regulations;

Whereas, Food Trucks have served as incubators for small business, helping some business to earn the money to open “brick and mortar” businesses such as District Taco, Sauca and Sabor’a;

Whereas, several of the District of Columbia’s premier Chef’s such as Jose Andres and Spike Mendelsohn have embraced and opened Food Trucks;

Whereas, ANC 2B believes that Food Trucks contribute positively to creating a diverse and unique dining culture in the District of Columbia;

Therefore, be it resolved that, ANC 2B supports the regulation of the mobile vending industry;

Be it further resolved, that ANC2B request that DCRA mandate ANC approval for the establishment of any future proposed Vending Zone in the District of Columbia;

Be it further resolved that ANC 2B requests additional time to weigh in to DCRA with our comments after our March 14, 2012 public meeting.

Regulatory

No Historic Preservation & Zoning Applications

Public Space Applications

Request for letter of support for FRESHFARM Markets for public space usage of Vermont Avenue NW in front of the Department of Veterans' Affairs for 2012 White House Farmers' Market. (2B05)

Commissioner Stephens moved that offer a letter of support. Commissioner Silverstein seconded. The motion carried 7-0.

Alcohol Applications

Application #088527 by Stub's Kitchen and Wine for CR license at corner of 14th and T. Seating for 80 indoors and 40 on sidewalk cafe. Maximum hours of alcohol service with entertainment endorsement. (2B09)

Commissioner Estrada moved to protest on the basis of peace, order, and quiet subject to VA negotiations. Commissioner Meehan seconded. Carried 6-0 with Commissioner Silverstein not participating due to his position on the ABC Board.

Application for a Stipulated DX license by Art Jamz LLC, 1742 Connecticut Avenue NW. Multi-purpose facility hosting painting and artistic session for adults and children with an occupancy load of 30. Sunday 1pm-1pm; Monday-Saturday 10am-1am (2B02)

The establishment will only serve beer & wine. Commissioner O'Connor moved to offer a letter of support and Commissioner Stephens seconded. Carried 6-0 with Commissioner Silverstein not participating due to his position on the ABC Board.

Committee Reports

ABRA Policy Committee (Commissioner Estrada)

Update on Jack Evans Bill:

- Jim Graham's ABC working group will take this up at the next committee meeting.
- 100% of CNs have security plans in place and many are using reimbursable detail
- Entertainment endorsements but should be defined better (Move by Georgetown ANC).
- More details need to be developed with regard to dealing with promoters

Task Force (Jim Graham)

- Task Force meeting talked about noise and C1 & C2 zones. Jim Graham is going to propose to exempt C1 & C2 zones. That way an investigator can write up a ticket for someone who is making noise in a C1 or C2 zone.
- Discussed building codes and requiring builders to use better materials. Also about advising their clients about the type of area they'll be moving to (i.e. nightlife neighborhoods)
- Next meeting will address VAs.
- The topic of Single Sales was also begun, but postponed until a later session. Most at the meeting took the position that the Single Sales law was not being enforced or that it was strong enough.

Zoning, Preservation & Development Committee

1. Resolution to support the nomination of Rauzia Ally to the HPRB
 - Commissioner Feldstein moved to approve a resolution to support and Commissioner Estrada seconded. Carried 6-0, with Commissioner Jacobson having stepped out.
2. New issue: Enhanced Residential Permit Parking for Dupont Circle neighborhood
 - Issue tabled for a separate meeting
3. Resource Center, Food Trucks, and Public Space
 - Issues tabled for a separate meeting to be held on March 6th during the next ZPD meeting.
4. New issue: New Bikeshare location on 1900 block of NH Ave NW
 - Commissioner Estrada moved to ask DDOT for more time regarding this issue. Seconded by Commissioner Stephens. Carried 7-0.

Community Involvement Committee

- Meeting on February 27th to discuss the Grants Policy Paper. Location to be announced.

Commissioner Reports

1. Bistro Bistro: valet parking (2B01) **No valet parking approved**
2. Sette Osteria: sidewalk cafe redesign (2B02) **No alterations made**
3. Whyland Condo: temporary parking space (2B03) **Space is being used now**
4. OAS Mission: HPRB approval (2B03) **Approved by HPRB**
5. Third Church: HPRB concept design (2B05) **Delayed until March**
6. Fuel Pizza: new CR license (2B05) **Received CR License**
7. Guitar Bar: new license (2B06) **VA Agreement signed**
8. Eye Bar: substantial change (2B06) **No Update – discussions ongoing**
9. Kabab-Ji, Heritage: valet parking (2B07) **No Update**
10. St. Thomas: public space signage (2B07) **No Update**
11. El Tamarindo: sidewalk cafe (near 2B08) **They pulled back hours by 1 hour and signed VA Agreement**
12. 1841 16th Street: parking (2B09) **On hold at DDOT public space; residents are trying to plan a meeting with the owner**
13. 1438 U Street: parking (2B09) **The decision has been tabled**
14. Black & Orange: new CR license (near 2B09) **Opened without a liquor license**
15. iGaming legislation (Wexler) **Council repealed the law**
16. S/T Street Parks (Silverstein) **No Update**
17. Resource Ctr cleaning, renovation, leasing (Stephens/Feldstein) **Commissioner Stephens moved to reaffirm groups that use the Resource Center: Main Streets, DCCA, Dupont Circle Village, Dupont Festival, Freshfarm Markets. Seconded by Commissioner Feldstein. Motion passed 7-0.**
18. At-large Council Member Forum (Jacobson) **Location to be determined**

Administrative/Financial Matters

1. Goals session- Commissioner Stephens will send out notes to the Commissioners on the discussion and would like to set up a follow-up to discuss institutional issues like communications and the website.
2. FY 2011 Annual Report – Per Commissioner Stephens there is not a full draft as of yet.
3. Finances/Treasurer Report
 - Commissioner Silverstein reported \$69,278.23 in the checking account. Some checks have not cleared.
4. Approval of FY 2012 budget
 - Commissioner Silverstein reported 15% cuts in the DC allotment
 - Spending is around \$2,000 a year on cleaning, but other groups have committed to chip in a percentage.
 - The Budget projects a deficit of \$49, which is negated if the other groups follow through on their commitment

to contribute to cleaning the Resource Center.

- We spend less on staffing now than in FY 2010 because of Freddie transitioning to being an independent contractor for Web/IT matters.
- Commissioner Silverstein moved to approve the budget which was seconded by Commissioner Estrada. Carried 7-0.

Adjournment — The meeting was adjourned at 9:55pm by acclamation.