

**ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION REGULAR MEETING MINUTES**  
**Wednesday, November 14, 2012 Brookings Institution**

**November 2012 Minutes**

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), 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).

**Public Announcements**

- Commissioner Stephens announced that the ANC website now has a YouTube channel.
- Commissioner Estrada announced that the JBG project at Whitman Walker is finishing up.
- Commissioner Jacobson announced that among the 19 schools that DCPS is closing, Garrison and Francis Stevens are among them.
- Commissioner O'Connor reminded all to use #ANC2B on Twitter
- Raj from Policy Restaurant announced that they will be having a "Toys for Tots" & Holiday Party on Dec 18th.

**General**

Introduction of ANC election winners:

- 2B03-Stephanie Maltz
- 2B04-Kishan Putta
- 2B07-Leo Dwire
- 2B09-Noah Smith
- Commissioner Jack Jacobson is the new Ward 2 School Board Member

**Presentation by Deputy Mayor's Office for Planning and Economic Development regarding the temporary location of Engine 1.**

Commissioner Stephens read the following resolution. It was seconded by Commissioner Feldstein. Passed 9-0.

ANC 2B has no objection to the relocation of the firehouse within ANC 2B but respectfully requests that DMPED, FEMS, and DDOT study the current traffic patterns to consider the ongoing construction — including New Hampshire Ave. NW and Connecticut Ave. NW — so that the new location will not hinder response times.

**Consideration of resolution on bicycle lane renovations and bicycle safety.**

Commissioner O'Connor read the following resolution. It was seconded by Commissioner Estrada. Passed 9-0.

WHEREAS the Dupont Circle Advisory Neighborhood Commission (ANC 2B) held a public listening session on June 20, 2012 and heard from the community about issues broadly concerning pedestrian and bicycle safety; and

WHEREAS ANC 2B also held a public listening session on September 27, 2012 in conjunction with Logan Circle Advisory Neighborhood Commission 2F (ANC 2F) where it heard from the community about issues concerning bicycle lanes, signage, bicycling on sidewalks, and pedestrian safety; and

WHEREAS ANC 2B supports a system of traffic safety that includes enhancements to safety engineering in the neighborhood, a focus on education of safe driving, bicycling, and walking behaviors, proper enforcement of the rules of the road, and a strong emergency response system in case of a traffic incident; and

WHEREAS ANC 2B is committed to continuing this vital conversation with residents and business owners on how best to assure a safe traveling public; and

WHEREAS progress on traffic safety issues is only possible through a neighborhood-wide and city-wide approach; and

WHEREAS ANC 2B values its strong relationships with the Metropolitan Police Department, the District Department of Transportation, ANC 2F, the Executive Office of the Mayor, and the Office of Councilmember Jack Evans and the Council of the District of Columbia,

BE IT RESOLVED that ANC 2B requests the following infrastructure improvements in the Dupont Circle neighborhood in order to further encourage safe walking, biking and driving:

- 1) Modify the timing of pedestrian signals at the intersections of Dupont Circle in order to assure that pedestrians who follow the signals are not stranded on the median between two lanes of moving traffic.
- 2) Repave and repaint the 15th St Cycle Track from U St. to H St. and add additional signage for drivers, bikers, and pedestrians making it more clear who has the right of way at all times.
- 3) Better maintain the surface and visibility of all the bike lanes in the neighborhood to keep them attractive and safe options for bikers.
- 4) Paint clearly visible symbols on the ground near or on the curb ramps at intersections on the northern border of the Downtown Business District indicating that it is against city regulation to bike on sidewalks.

## **Regulatory**

### **Alcohol Applications**

**Application by Neighborhood Restaurant Group, 1323 Conn. Ave NW, for new restaurant (CR) license serving American food; No entertainment/dancing; Occupancy 150, Seating 100; Hours of Operation Sun-Thu 7am-2am, Fri-Sat 7am-3am; Hours of Sales/Service Sun-Thu 8am-2am, Fri-Sat 8am-3am; Petition due 12/10/12; Roll Call Hearing 12/24/12 (2B07)**

Will be serving Chicken & Donuts.

Commissioner Carney moved to support the stipulated license. Commissioner Stephens seconded. Passed 8-0. Commissioner Silverstein did not participate due to his position on the ABC Board. Commissioner Carney recommended taking no action on the underlying, full license application. No action was taken.

**ABC Application (ABRA Lic. No. 090597) Catch 15, Class C Tavern, 1518 K Street N.W. Entertainment with DJ, occasional Flamenco dancers, guitar player and other live music. Hours of Operation of Sales/Service/Consumption Sunday through Thursday 10am-2am, Fri.& Sat. 10am-3am. Hours of Operation of Entertainment for Inside and Sidewalk Cafe: Sun.-Thurs. 6pm-2am, Fri-Sat 6pm-3am. Petition due 11/26/12; Roll Call Hearing 12/10/12 (2B05)**

Full service restaurant & oyster bar.

Commissioner Wexler recommended taking no action. The Commission took no action.

**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; Additional Request for relief from Voluntary Agreement hours during Inaugural Week 2013. (2B02)**

Commissioner O'Connor moved to support relief from any Voluntary Agreement hour limitations for the week of the inauguration in January 2013. Seconded by Commissioner Jacobson. Passed 8-0 Commissioner Silverstein did not participated due to his position on the ABC Board.

Commissioner O'Connor asked that the request for general change in Voluntary Agreement hours be tabled until the next meeting to accommodate further community input. There was no objection to tabling the issue until the December 2012 ANC meeting. Commissioner Stephens also committed in December to include consideration of a blanket statement of relief from VA hours for all ANC 2B establishments during Inaugural Week 2013.

### **Public Space Applications**

#### **Public Space application for purpose of fixture: umbrella at Sette Osteria (1666 Connecticut Avenue NW). DDOT tracking #74755 (2B02)**

Commissioner O'Connor moved to "not object." Seconded by Commissioner Estrada. Passed 8-0.

#### **Public Space Application (DDOT Tracking #75529) Sidewalk Café for Bean and Bite, 1152 15th St. N.W. (2B05)**

Commissioner Wexler moved to support. Seconded by Commissioner Estrada. Passed 9-0

### **Historic Preservation & Zoning Applications**

#### **Application for Historic Landmark for 1729 H Street (2B06)**

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

ANC 2B does not support landmarking of the exterior. No presentation has been made by the applicant. We note the ambiguity of the application with regard to whether the interior is included. We have been assured by the applicant that there is no intent to landmark the interior. We take the D.C. Preservation League at their word on this point and would strongly oppose any such interior landmarking.

#### **Zoning request by Spooky Action Theatre for commercial theater (2B03)**

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

Whereas the peace, order and quiet of neighbors in the immediate vicinity of the UNMC were disturbed by the patrons and staff using the rear alley entrance of UNMC during performances held by Spooky Action Theater as well as by other events open to the public sponsored by UNMC, and

Whereas as a result of the disturbances resulting from these events, neighbors logged a complaint that Spooky Action Theater was operating illegally as a commercial theater in a residential zone, and

Whereas the Office of Zoning sent out an inspector who confirmed that Spooky Action Theater was operating without a valid Certificate of Occupancy and that UNMC was renting space to a separately incorporated commercial theater without a use variance permitting this activity in an R-5B residential zone, and

Whereas UNMC filed an application for such a use variance and the Office of Zoning granted a temporary variance for the duration of the play that was scheduled for performances during October with the provision that Spooky Action Theater would have to use the front entrance of the UNMC for all activities, and

Whereas the neighbors observed that once Spooky Action Theater used the front entrances for its performances, there was no longer a disturbance of peace, order and quiet in the immediate vicinity to the rear of UNMC, and

Whereas the neighbors subsequently have indicated a willingness to support UNMC's application for a use variance to permit the continued operation of Spooky Action Theater provided that patrons and staff may only use the front entrances for performances, and

Whereas research by the ANC found a BZA case that explicitly stated that the R5B zone is designed to encourage some mix use such as non-profit organizations but could find no BZA cases that explicitly denied use variances for non-profit theaters like Spooky Theater in R-5B zones, though commercial art galleries and commercial artist studios are specifically permitted as special exceptions, and

Whereas UNMC presented a sheath of letters in support of the niche and quality of Spook Action Theater, including from artistic directors from nearby major performance theaters, Therefore, the ANC resolves to support the UNMC use variance with the stipulation that UNMC amend its use variance application to:

- 1) Restrict to the front entrance of the Church all audience and staff coming to all public events held in the auditorium, whether sponsored by Spooky Action Theater or sponsored by the UNMC.
- 2) Restrict to the front entrance staff and performers coming to the Church for rehearsals or auditions
- 3) Restrict to the front entrance audience, staff and performers who leave the building for smoking breaks or intermissions.
- 4) Exceptions to these restrictions are ADA access, which is best accomplished through the alley entrance, deliveries of materials and equipment, and emergency exit
- 5) Limit attendance to productions by the theater renting space in the UNMC auditorium to 75, though other non-performance events sponsored by the theater or any event sponsored by the UNMC itself may use the full 225 person capacity of the auditorium.
- 6) Remove the restriction on the number of performances that may be held during a one-year period.

In addition, if the BZA issues an order in support of the UNMC's application, the ANC will subsequently negotiate an agreement among the neighbors, Spooky Action Theater, the UNMC and the ANC to address other issues such as number of performances per year, no-subleasing by Spooky Action Theater, noise from staff/performers/audience congregating outside the church, off-street parking, and litter.

### **Request to HPRB for approval of plans by Quinn Evans Architects to enhance the American Bar Association Building at 740 15th St. N.W. (2B05)**

Commissioner Feldstein noted that the Zoning, Preservation, and Development Committee recommended support of this project. Commissioner Wexler moved to support. Seconded by Commissioner Estrada. Passed 9-0.

### **Committee & Liaison Reports**

#### **Public Safety Liaisons**

Nothing to report. The liaisons thanked the Commission for passing the proposed bike and pedestrian safety resolution.

#### **ABRA Policy Committee**

• Per Commissioner Estrada, Omnibus bill went to mark up last week and there was only one change by councilmember Alexander to remove any items which involve DCRA which is under her committee's oversight. These include: (1) disclosure by REALTORS to inform prospective buyers and lessees about an area

being a nightlife zone and (2) any items related to construction and insulation.

- Councilman Wells wants to forgo the 400 ft radius during protests when the licensee's business capacity is greater than 400 patrons. The Federation of Civic Associations is lobbying the Council members to drop the 400 ft radius limitation for protest eligibility.
- Commissioner Estrada would like resubmit our letter pertaining to the Omnibus Bill, and Commissioner Stephens committed to re-sending the letter to Council members.

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

- Next Meeting: 12/4/12 (First Tuesday) @ Resource Center (incl. discussion of Dupont Underground). No other updates.

### **Community Involvement Committee**

- Commissioner Feldstein sent out final draft of Grants Paper and will present it at the next ANC meeting.

### **Commissioner Reports**

New Commissioners elected in 1B12 and Foggy Bottom.

### **Short Reports on Old Business**

NU = No Update

1. Glen's Garden Market: ABRA license (2B01) **Approved**
2. Third Church: HPRB (2B05) **Approved**
3. N Street Follies: HPRB (2B05) **NU**
4. 1321 21st St: rear addition HPRB (2B06) **NU**
5. Barr Building: Landmarking (2B06) **NU**
6. 1140 19th St: public space pavers (2B06) **NU**
7. Camelot: valet parking (2B06) **NU**
8. Wicked Waffle: public space sidewalk cafe (2B06) **NU**
9. Breadline: public space sidewalk cafe (2B06) **NU**
10. Tacodog: New CR license (2B09) **Finalizing VA**
11. Resource Center (Stephens/Feldstein) **Main St. put in \$10K to chip into the renovations**
12. S/T Street Parks (Silverstein) **Cleanup 9:30am this Saturday**
13. West End Library (Silverstein) **NU**

### **Administrative/Financial Matters**

1. Finances/Treasurer Report:

Beginning of the month: \$73,784.66

Expenses: \$1,644.21

End of the month total: \$72,160.50

2. Commissioner Stephens solicited help for drafting the Policy & Procedures Manual and the FY 2012 Annual Report.

### **Adjournment 9:50pm**