

## **ANC 2B DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION**

### **REGULAR MEETING MINUTES**

**Wednesday, June 12, 2013, Brookings Institution**

#### **Call to Order/Introduction of Commissioners**

The July regular meeting of the Dupont Circle Advisory Neighborhood Commission (ANC 2B) was called to order by Chairperson Stephens at 7:02pm. Commissioners present and introducing themselves were Kishan Putta (2B04), Stephanie Maltz (2B03), Will Stephens (2B08), Mike Feldstein (2B01), Noah Smith (2B09), Kevin O'Connor (2B02), Leo Dwyer (2B07), and Abigail Nichols (2B05). Chairperson Stephens noted the presence of a quorum. Commissioner Silverstein (2B06) arrived late, due to his duties on the ABC Board.

#### **Minutes/Calendar**

Commissioner O'Connor moved to adopt the June 2013 regular meeting minutes. The motion was seconded by Commissioner Feldstein and adopted 8-0.

Commissioner Silverstein arrived at 7:06pm.

#### **Public Announcements**

- Chairperson Stephens announced that the ANC has begun to search for a new executive director to replace Tony Lowry, who gave the commission notice of his resignation the previous month. Chairperson Stephens introduced Patrick Kennedy as Mr. Lowry's proposed replacement for the month, and moved to authorize the commission to enter into a contract with Mr. Kennedy for the performance of duties as executive director for one month, as an independent contractor, at the existing budgeted rate (\$500 per month). The motion was seconded by Commissioner Feldstein and adopted 9-0.
- Commissioner Maltz announced that at-large Councilmember David Catania will be holding a Ward 2-wide meeting on the future of public education in D.C. on Saturday, July 20th at 10:30am. The meeting will take place at the Martin Luther King Jr. Memorial Library, located at 901 G Street, N.W.
- Chairperson Stephens announced that a ceremony marking the dedication of the 1600 block of New Hampshire Avenue as "Delta Sigma Theta Way" would take place on Thursday, July 11th from 9 to 9:30am.
- Commissioner O'Connor reminded colleagues and audience members to use the hashtag "ANC2B" when tweeting about the night's meeting.

- Commissioner O'Connor also announced that he was looking to form a community committee to reach out to WMATA with regards to landscaping efforts at the Q Street entrance to the Dupont Circle Metro station.
- Commissioner Feldstein announced that a youth theater troupe would be performing the Shakespeare play "Much Ado About Nothing" on the evening of Thursday, July 25th in Dupont Circle Park.
- Commissioner Putta recognized audience member Roshan Patel. Mr. Patel is the outgoing student body president at the University of Rochester and is currently interning in D.C. at Blue Cross Blue Shield.
- Commissioner Putta also announced that the repaving of the 15th Street cycle-track will begin on Monday, July 15th and continue for a period of three weeks. He said that the repaving will proceed block-by-block, and that some disruptions to on-street parking and bike traffic should be anticipated.
- Commissioner Feldstein recognized the manager of the local TD Bank branch, Autumn Celeste Edwards, to talk about the bank's community outreach efforts. Ms. Edwards, who also sits on the board of directors for Dupont Circle Main Streets, talked about her willingness to work with small business owners in the neighborhood. She also mentioned her previous work helping Ross Elementary School and Francis-Stevens Education Campus, and expressed a willingness to help with other community events.
- Bill McLeod, the new executive director of Dupont Circle Main Streets, introduced himself. Mr. McLeod explained that he comes to Dupont Circle having previously served as executive director of Mount Vernon Triangle BID and having also worked with Capitol Hill Main Streets. Mr. McLeod expressed excitement about having the opportunity to work in the community, and announced that he could be contacted at his e-mail address, [execdirector@dupontcircle.biz](mailto:execdirector@dupontcircle.biz).

### **Regulatory (ABRA)**

**Application by Skill Set (ABRA-092250), 2029 P Street, for a new Class CR (restaurant – full service) license. Hours: Sun.-Thurs., 11am-12am; Fri.-Sat., 11am-2am. Petition date: July 29. (2B02)**

Commissioner O'Connor suggested, and the commission agreed, to take no action on the above item.

**Application by Al Tiramisu (ABRA-075870), 2014 P Street, for a stipulated license and a substantial change to their Class CR (restaurant – full service) license in order to add an**

**endorsement for a five seat sidewalk café. Hours: Sun.-Sat., 12pm-11pm. Petition date: August 12. (2B02)**

Steve O'Brien presented for the applicant and requested the ANC's review of two matters related to the above request: A public space permit for the sidewalk café and a stipulated license request to allow immediate alcoholic beverage service on the sidewalk café pending the outcome of the substantial change application.

Commissioner O'Connor moved to support the request for a stipulated license and the public space application, and suggested that the commission take no action on the substantial change application. The motion was seconded by Commissioner Feldstein and adopted 8-0.

Commissioner Silverstein did not participate due to his participation on the ABC Board.

**Application by Pei Wei Asian Diner (ABRA-092297), 1212 18th Street, for a new Class DR (restaurant – beer & wine only) license. Hours: Sun.-Sat., 10am-11:30pm. Petition date: July 22. (2B06)**

Steve O'Brien presented for the applicant. Commissioner Maltz moved to support the application due to the establishment serving food and operating under restricted hours in the 'Club Central' area. The motion was seconded by Commissioner Feldstein and adopted 8-0. Commissioner Silverstein did not participate due to his participation on the ABC Board.

**Application by Fuel Pizza, 1747 Pennsylvania Avenue, for a new Class CR (restaurant – full service) license and a stipulated license. Contains sidewalk café endorsement. (2B06)**

Paul Strauss presented for the applicant and stated that the establishment would be seeking to have a public space permit that had been issued to Upper Crust Pizzeria at the same location transferred to it in order to facilitate the sidewalk café.

Commissioner Maltz moved to support the application and the establishment's request for a stipulated license. The motion was seconded by Commissioner Feldstein and adopted 8-0.

Commissioner Silverstein did not participate due to his participation on the ABC Board.

**Application by Luna Grill (ABRA-086254), 1301 Connecticut Avenue, for a substantial change to their Class CR license in order to change the Hours of Operation and the Hours of Alcoholic Beverage Sales/Service/Consumption for Premises and Sidewalk Café. Current Hours of Operation for Premises: Mon.-Sun., 9am-12am. Current Hours of Sales/Service/Consumption for Premises: Sun., 10am-12am; Mon.-Sat., 9am-12am. Proposed Hours of Operation and Hours of Sales/Service/Consumption for Premises: Sun.-Thurs., 8am-12am;**

**Fri.-Sat., 8am-3am. Current Hours of Operation and Hours of Sales/Service/Consumption for Sidewalk Café: Sun.-Thurs., 10am-10pm; Fri.-Sat., 10am-11pm. Proposed Hours of Operation and Hours of Sales/Service/Consumption for Sidewalk Café: Mon.-Sun., 8am-10:30pm. (2B07)**

Commissioner Dwyer moved to support the application for a substantial change. The motion was seconded by Commissioner Nichols and adopted 8-0. Commissioner Silverstein did not participate due to his participation on the ABC Board.

**Application by Golden Brown and Delicious (ABRA-090634), 1323 Connecticut Avenue, for a substantial change to their Class CR (restaurant – full service) license in order to add an endorsement for a 12 seat sidewalk café. Hours: Sun.-Sat., 8am-10:30pm. Petition date: August 12. (2B07)**

Commissioner Dwyer moved to support the application for a substantial change, contingent on the sidewalk café hours requested being consistent with those outlined in the establishment's Settlement Agreement. The motion was seconded by Commissioner Nichols and adopted 8-0. Commissioner Silverstein did not participate due to his participation on the ABC Board.

**Application by National Tap House (ABRA-092156), 1331 Connecticut Avenue, for a new Class CT (tavern) license. Hours of Operation: Sun.-Thurs., 10am-3am; Fri.-Sat., 10am-4am. Hours of Sales/Service/Consumption: Sun.-Thurs., 11am-2am; Fri.-Sat., 11am-3am. Summer Garden Hours: Sun.-Thurs., 10am-2am; Fri.-Sat., 10am-3am. Entertainment Hours (inside and summer garden): Sun.-Thurs., 6pm-2am; Fri.-Sat., 6pm-3am. Petition date: July 22. (2B07)**

Commissioner Dwyer moved and Commissioner Nichols seconded a motion that the ANC adopt a protest resolution in order to preserve peace, order, and quiet. Commissioner O'Connor suggested an amendment to clarify that the protest was "subject to the negotiation of a Settlement Agreement between the ANC and the applicant." The amendment was accepted as friendly by Commissioners Dwyer and Nichols. Chairperson Stephens suggested another amendment to clarify the commission's concerns as "relating to noise potential, hours, occupancy load, and the requested entertainment endorsement." The amendment was accepted as friendly by Commissioners Dwyer and Nichols. The motion was adopted by a vote of 8-0. Commissioner Silverstein did not participate due to his participation on the ABC Board. The adopted resolution reads as follows:

Whereas additional documentation and drawings are needed to verify that soundproofing materials are to be used in order to not impact the residences on 18th Street currently there and those to come;

Whereas the ANC has concerns relating to the establishment's noise potential, hours, occupancy load, and requested entertainment endorsement;

Therefore be it resolved that ANC 2B protests the application in order to preserve peace, order, and quiet, subject to the negotiation of a Settlement Agreement between the ANC and the applicant.

### **Regulatory (DDOT Public Space)**

#### **900 16th Street NW (2B05)**

The applicant presented a landscape plan for the 3rd Church project, portions of which are in public space.

Commissioner Nichols moved a resolution in support of the public space permit application. The motion was seconded by Chairperson Stephens and adopted 9-0. The adopted resolution reads as follows:

Whereas, Advisory Neighborhood Commission 2B has consistently shown its support for the development of 900 16th Street NW for the good of the owner, Third Church Christ, Scientist, and for the good of the community as a whole through several votes in support during several stages of the development of this project;

Whereas, the request for a public space permit made for the 900 16th Street project was already approved on the consent agenda of the Department of Transportation's Public Space Committee at its public hearing on June 27, 2013 and reflect only small changes to the details already approved by the ANC in its previous reviews of the project;

Whereas, Third Church has described and we have reviewed the changes (E.G., an expanded curb line; changes in the sidewalk and landscaped area in the street lane that had been a left turn lane when I Street was one-way eastbound; the shortening of the length of seat walls except in front of the church; the recessing of the church sign to be four feet from the sidewalk edge; the deletion of a permanent display case; and changes to use the standard DDOT paving materials and/or provide more green area).

Therefore, be it resolved that ANC 2B supports this public space permit application and informs the DDOT Public Space Committee of its approval by submitting this resolution for the record.

### **Washington Deluxe Bus (2B06)**

Lyle Blanchard presented for the applicant, an intercity bus company that currently picks up and discharges passengers on the northwest corner of 19th Street and Sunderland Place; DDOT has recommended that the applicant use space at 1333 New Hampshire Avenue.

Commissioner Silverstein expressed reservations about both potential locations and moved to not support the application based on impacts to traffic flow, parking, and outdoor sidewalk cafes and suggested the consideration of alternative locations. Commissioner Nichols seconded the motion.

Commissioner Feldstein suggested an amendment prefacing the identification of alternative locations in the resolution as “including, but not limited to.” The amendment was accepted as friendly by both Commissioner Silverstein and Commissioner Nichols.

The motion was adopted by a vote of 8-0, with Commissioner Maltz not present and not voting.

The adopted resolution reads as follows:

ANC 2B does not support Washington Deluxe Bus Company’s request for a stop at 1333 New Hampshire Avenue, nor does it support an alternative request for a stop at the northwest corner of Sunderland Place and 19th Street N.W., due to concerns about traffic flow, pedestrian safety, and the viability of adjacent sidewalk cafes.

We offer to work with the applicant and DDOT’s Public Space Committee in order to find alternative locations for a stop. Possibilities include — but are not limited to — the southbound Connecticut Avenue service lane north of Q Street (the former L4 Metrobus stop), the 1600 block of N Street, and the west side of 17th Street north of Rhode Island Avenue.

### **1785 Massachusetts Avenue (2B07)**

Commissioner Dwyer moved a resolution in support of the public space permit application. The motion was seconded by Commissioner O’Connor and adopted 9-0. The adopted resolution reads as follows:

Whereas, ANC 2B supports the proposed curb cut for handicapped use subject to the reservation of parking spaces in order to provide for safe access;

Whereas, ANC 2B suggests the addition of a small grade or curb to distinguish the decorative pedestrian paving from the drive aisle on the south side of the building in order to discourage parking in that location;

Whereas, ANC 2B supports the stair concept on the north (P Street) side of the building;

Therefore, be it resolved that ANC 2B supports the public space permit application, recognizing that approval may result in the loss of one on-street parking space.

## **Regulatory (HPRB)**

### **1785 Massachusetts Avenue (2B07)**

Commissioner Dwyer moved to support the HPRB application for the property, including the stair, railing, and penthouse concepts as presented. The motion was seconded by Commissioner Feldstein and adopted 8-0, with Commissioner Maltz not present and not voting.

### **2112 R Street (2B02)**

Commissioner O'Connor moved a resolution in support of both the HPRB and BZA applications for the property. The motion was seconded by Commissioner Feldstein and adopted 9-0. The adopted resolution, which was transmitted to both the BZA and HPRB, reads as follows:

Whereas the project at 2112 R Street NW was presented to Advisory Neighborhood Commission (ANC) 2B's Zoning, Preservation, and Development Committee on July 1, 2013; and

Whereas the presenters satisfactorily presented information that conforms with the Dupont Circle Historic District;

Therefore, be it therefore resolved that ANC2B supports the proposal as presented, as there is minimal impact to the site, the project accommodates abutting properties by adjusting its design, and because it is consistent with surrounding properties in terms of lot occupancy.

### **1817 Riggs Place (2B01)**

Commissioner Dwyer moved to conditionally support the project. Commissioner Feldstein seconded the motion.

Commissioner O'Connor suggested an amendment to clarify that the ANC supports the application because it believes that all conditions have been met, but encourages the applicant to reach out further to the adjoining property owners. Commissioners Dwyer and Feldstein accepted the amendment as friendly.

Commissioner Dwyer moved another amendment, which was accepted as friendly by Commissioner Feldstein, to specify the ANC's support for a five foot setback in the application. The motion to support the project was adopted by a vote of 9-0. The adopted resolution reads as follows:

Whereas, the proposed roof deck was not visible from 18th Street or Riggs Place in the flag test that was conducted;

Whereas, PEPCO meters would not be visible from public space;

Whereas, front facade drawings presented by the applicant were consistent;

Therefore, be it resolved that ANC 2B supports the application as presented, but encourages the applicant to set back the deck an additional five feet from the front facade, and reach out further to the adjoining property owners.

### **1412 T Street (2B09)**

Commissioner Smith moved a resolution indicating that the ANC does not support the project based upon the Commission not having enough information to render an educated opinion on the application. The motion was seconded by Commissioner O'Connor and adopted 9-0. The adopted resolution reads as follows:

WHEREAS the Dupont Circle ANC 2B previously requested additional information and changes to this proposed project; and

WHEREAS ANC 2B understands and appreciates that the plans have been altered to include a set back of the rear third story construction; and

WHEREAS ANC 2B has not received the following information from the construction team:

- 1) Contextual plans and drawings.
- 2) A visual depiction of the ramifications that a 15 foot rear extension will have on the immediate neighbors.
- 3) Dimensions of the plan from the perspective of the back of each abutting house.

Therefore be it RESOLVED that after repeated requests for the above information, ANC 2B does not support this project because it does not have sufficient information to determine the impact on the historic character of the neighborhood.

### **1451 S Street (2B09)**

Commissioner Smith moved a resolution in support of the application. The motion was seconded by Commissioner Silverstein and adopted 6-3, with Commissioners Dwyer, Silverstein, and Stephens in opposition. The adopted resolution reads as follows:

WHEREAS this project is located within the U Street Historic District and intends to extend the lot coverage and add a third story; and

WHEREAS this third story addition is not visible from anywhere on the 1400 block of S St. NW, nor the intersection of 15th and S St. NW; and

WHEREAS the Dupont ANC 2B finds this project as presented to be in line with the historic character of the neighborhood; and

WHEREAS the abutting property owners risk the loss of light and air quality, including from new construction several feet beyond that of the abutting property in the rear, a third story



addition, and from the recent loss of a large mature tree in the backyard of 1451 S St NW; and WHEREAS the designer has offered to work with neighbors to use materials and methods that are as least intrusive as possible to the historical character of the neighborhood and quality of life of neighbors.

Therefore BE IT RESOLVED that ANC 2B supports this project as presented.

### **1431 Swann Street (2B09)**

Commissioner Smith moved a resolution in support of the application. The motion was seconded by Commissioner Feldstein and adopted 9-0. The adopted resolution reads as follows:

WHEREAS the Dupont Circle ANC 2B finds this proposed addition to be in line with the historic character of the neighborhood; and

WHEREAS the abutting property owners have expressed their support for the project to the ANC.

Therefore be it RESOLVED that the Dupont Circle ANC 2B supports this project as presented.

### **1617-19 19th Street (2B03)**

Commissioner Maltz moved a resolution in support of the application. The motion was seconded by Commissioner Silverstein and adopted 8-0-1, with Commissioner Feldstein abstaining. The adopted resolution reads as follows:

ANC 2B supports the project as presented because it is consistent with the lot coverage of neighbors, the project adds green space, the proposed new structures are consistent with surrounding buildings, neighbors have expressed support for the project, and because the window wells conform with those on the block.

### **905 16th Street (2B05)**

Commissioner Dwyer made a motion to support the application as it has been developed and presented. Commissioner Nichols seconded the motion.

Chairperson Stephens introduced an amendment to clarify that the ANC's support was due in particular to the "massing of the structure being less than what the ANC had already supported in May of 2013." Commissioners Dwyer and Nichols accepted the amendment as friendly.

The motion in support of the application was adopted by a vote of 9-0. The adopted resolution reads as follows:

ANC 2B supports the project as it has been developed and presented, in particular because the updated massing that was presented is less than what the Commission voted to support in May of 2013.

#### **Administrative Matters**

- Commissioner O'Connor moved the nomination of Elizabeth Lindsay, general manager of the 'Board Room' on Connecticut Avenue, to a position on the ANC's ABRA Policy Committee. The motion was seconded by Commissioner Feldstein and adopted 8-0. Commissioner Silverstein did not participate due to his participation on the ABC Board.
- The ANC agreed by unanimous consent to pay Tony Lowry a pro-rated amount of salary for his services during the month of July, which amounted to one-third of his regular salary.
- The ANC also agreed by unanimous consent to approve payment to interim Executive Director Patrick Kennedy in the amount of \$500, based on his status as an independent contractor working for the Commission.
- Commissioner O'Connor announced that the ANC's third and final listening session concerning the 17th Street moratorium will take place at 7pm on Wednesday, August 7th.

#### **Adjournment**

Commissioner O'Connor made a motion to adjourn, which was agreed to by acclamation at 10:02pm.