

**ADVISORY NEIGHBORHOOD COMMISSION 2B
MAY REGULAR MEETING MINUTES**

Call to Order & Introduction of Commissioners & Staff

The May 2015 Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Smith at 7:05 pm.

The Commissioners identified their Single Member Districts (SMDs). Present were: Michael Upright (2B04) (Not Present), Daniel Warwick (2B02), Stephanie Maltz (2B03), Mike Silverstein (2B06) (Arrived @ 7:30), Abigail Nichols (2B05), Mike Feldstein (2B06) (Not Present), Justine Underhill (2B07) (Arrived @ 7:13), Nicole Mann (2B08), and Noah Smith (2B09).

The Commission staff introduced themselves: James Conway (Executive Director), and Patrick Kain (2B06 Liquor Liason).

Announcements (7:05pm) (10 mins)

General Commissioner announcements

1. Commissioner Smith ANC 2B DCCA, Office of Jack Evans, and Executive Office of the Mayor will hold a clean up day in the neighborhood on Saturday. Meet at 17th and T @ 10am.
2. Commissioner Mann announced TPI committee will do a public park inventory around noon at 17th and T on Saturday.
3. Commissioner Nichols announced Councilmember Orange proposed Nightlife regulation act, says folks should take a look at it.
4. Commissioner Maltz announced the Ward 2 education network had a meeting with the Deputy Mayor of Education.

Brief update on renovations at SWW@Francis-Stevens

5. Commissioner Warwick announced a Community Mural program spearheaded by Embassy Row Hotel.

Other public announcements

1. Tom Lipinsky with the Office of Councilmember Jack Evans announced that a mark up was held by budget committee, the environmental committee will have a mark up tomorrow.

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2. DCCA announced they will focus on T street park during clean up this Saturday.
3. Eva Lewis with the Executive Office of the Mayor announced this summer there will be a lot of "We are DC" events.

Introduction and Update from Josh Brown from Councilmember Anita Bonds' Office (7:15pm)
(5 mins)

Josh announced that Councilwomen Bonds will look at possible ANC reform and her office is reaching out to every ANC Commissioner in DC.

Approval of April 2015 Meeting Minutes

Commissioner Smith moved to approve, seconded by Commissioner Mann. Passed 7-0.

Resolution Supporting Funding for SWWFS

Commissioner Silverstein moved to support, seconded by Commissioner Maltz. Passed 7-0.
The resolution reads as follows:

WHEREAS, The School Without Walls at Francis-Stevens (SWWFS) is a DC Public School at 2425 N St NW, in the West End/Foggy Bottom neighborhood within ANC 2B, and

WHEREAS, SWWFS has seen its enrollment double in the last two years to 416, and

WHEREAS, SWWFS school building will reach its capacity of 500 at the start of the 2015/16 school year beginning in September 2015, with students representing all eight wards and it even has a waiting list of more than 500 additional applicants, and

WHEREAS, SWWFS has not received a Phase 1 nor is this summer's more than a very small stabilization effort, which is some of the first renovations monies the school building has seen since the 1920's. Furthermore, in 2008 when Stevens Elementary was merged into the Francis building, it received a "schools blitz" of very limited scope to update early childhood classrooms rooms with such things as age-appropriate toilet facilities, but little more than that, and

WHEREAS, DC's Department of General Services says the school that has received essentially no substantial work similar to Browne, Eliot, and Jefferson, among other DCPS facilities, and

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WHEREAS, SWWFS was allocated \$2.5 million in capital improvement funds in FY 2015, to plan a full modernization and all to take care of modernize some short-term priorities such as its cafeteria and auditorium, and

WHEREAS, SWWFS is not able to complete a third priority – the updating of its gymnasium – until more funds are allocated, and

WHEREAS, DC's Department of General Services says it needs support to expedite cafeteria and auditorium work to be contracted and completed by the beginning of school and November (respectively), and

WHEREAS, DC Public Schools has fully signed off on the cafeteria and auditorium projects, and

WHEREAS, SWWFS is schedule to receive an additional \$20.178 million in funding in FY2019 that was previously schedule to be released between FY2015 and FY2019, and

THEREFORE, be it resolved that ANC2B asks DGS and Ward 2 Councilmember Jack Evans to continue making all due efforts to help bring the FY15 projects to contract, beginning of work and completion and,

Be it resolved that ANC2B asks Council Member David Grosso (chair of DC Council Education Committee), DC Council Education Committee, and Ms. Jennifer Niles (Deputy Mayor for Education) to schedule funds of approx. \$3-4 million to accomplish updates to the gymnasium in FY 2016, and

Be it resolved that ANC2B asks Council Member David Grosso (chair of DC Council Education Committee), DC Council Education Committee, and Ms. Jennifer Niles (Deputy Mayor for Education) to restore full modernization funding to SWWFS for FY 2017 or 2018.

Approval of FY15 Q2 Quarterly Financial Report
No vote. Two or three things that need to be added to approve it.

General Agenda Items (7:30pm) (10 mins total)

Application for Alley Closing and Alley Dedication, (N/S Alley between 15th and 16th Streets, NW) by 1100 15th St, LLC
Commissioner Nichols moved to support, seconded by Commissioner Silverstein. Passed 7-0.
The resolution reads as follows:

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Whereas Carr Properties is developing the northwest corner of 15th and L Streets by replacing three existing buildings including the Washington Post Building with a large office building with street level retail space,

Whereas all other aspects of this project are a matter of right,

Whereas the Developer is going to improve flow in the alley by donating an easement of land to widen the north-south alley that runs north from L Street, NW, between 15th St and 16th Street,

Whereas the request for an alley closing affects a small stubb alley currently used only by the Washington Post,

Whereas the new project obviates the need for this alley because it provides alternative parking and delivery arrangements,

Whereas other businesses abutting the alley support this request,

Therefore, ANC2B gives its support to closing the alley in Square 197 as requested by Carr Properties.

Alcoholic Beverage Control Agenda

*Note: Commissioner Silverstein chooses to recuse himself from ABRA related matters because he sits on the city ABC board.

Renewal Applications

1926 I St NW – Pan Mar Liquors – Class A Retail, Liquor Store (#060242) (2B06) – No Action
1325 Connecticut Ave NW – Crown Liquors – Class A Retail, Liquor Store (#088121) (2B06) – No Action

1015 18th St NW – S & R Liquors – Class A Retail, Liquor Store (#060716) (2B06) – No Action
1133 20th St NW – The Wine Specialist – Class A Retail, Liquor Store (#087537) (2B06) – No Action

2018 Florida Ave NW – Universal Liquors – Class A Retail, Liquor Store (#072213) (2B01) – No Action

1821 M St Nw – Bell Wine & Liquor – Class A Retail, Liquor Store (#095984) (2B06) – No Action

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Off Premises Storage Unit Permit, Federal Spirits, 1629 K St. NW, Suite #300 (ABRA – 089730) (2B05) – No Action

Vote on Recommendations for the Future of the West Dupont (P Street) Liquor License Moratorium (2B02)

Commissioner Warwick moved to support, seconded by Commissioner Smith. Passed 4-2-1. The resolution reads as follows:

Whereas Advisory Neighborhood Commission 2B (ANC 2B) appointed a Working Group on the West Dupont Liquor License Moratorium Zone at the January 12th meeting of the Commission; and

Whereas the Working Group held three public meetings regarding the future of the moratorium, conducted an online questionnaire, and reached out to neighbors over three months; and

Whereas the Working Group recommended the ANC should not extend the moratorium due to the desire to spur economic development, the potential for perverse economic incentives, and to encourage good business; and

Whereas ANC 2B recognizes the divisive nature of conversation regarding liquor licenses and the published intent to remove the moratorium led to more public involvement than was received during the working group process; and

Whereas ANC 2B believes the negative impacts of liquor selling establishments are contingent on operating practices and proximity to residential units rather than the Alcohol Beverage Regulatory Administration (ABRA) license classification system; and

Whereas ANC 2B acknowledges the long history of West Dupont as a mixed use neighborhood with apartments, condominiums, and late night businesses located next to each other; and

Whereas ANC 2B recognizes the amenities and availability of late night food service and entertainment options are what drives many neighbors to choose living in Dupont Circle; and

Whereas ANC 2B acknowledges late night amenities are often paired with late night problems—including the disruption of resident sleep due to disregard for peace, order, and quiet—ANC 2B believes these problems are based on the operating behavior of business owners, attentiveness of Metropolitan Police Department patrols, and effectiveness of ABRA

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and Department of Consumer and Regulatory Affairs (DCRA) enforcement of noise ordinances;
and

Whereas ANC 2B finds the negative impacts of some late night liquor selling establishments are managed ineffectually through the current MPD, ABRA, and DCRA enforcement mechanisms, and

Whereas the West Dupont Moratorium provides a limit on quantity of liquor licenses, it does not offer protection against the negative operating practices of businesses disturbing residential peace including through amplified noise and base music which pierces through residential windows; and

Whereas within the moratorium zone there is a statutory limit of two Class A licenses, three Class B licenses, three CX (multipurpose, such as The Phillips Collection or Cosmos Club) licenses, six CT (tavern) licenses, and zero CN (nightclub) licenses; and

Whereas among the statutory limit of liquor licenses, all are currently in operation except for one Class B license and two CT licenses; and

Whereas ANC 2B licenses for off-premises consumption of alcohol—Class An and Class B licenses—are not drivers of peace, order, and quiet violations; and

Whereas multipurpose licenses are only available for venues serving alcohol at special events such as the Phillips Collection, O Street Mansion, and Cosmos Club; and

Whereas the differences between a restaurant, tavern, and nightclub license are based on a scale of food service and entertainment where restaurants are required to serve food up to two hours before closing and have revenue of \$2,000 or more in food service per occupant based on certificate of occupancy or receive at least 50% of their revenue from food service while taverns and nightclubs have no food service requirement; and

Whereas restaurants and taverns may request endorsements for entertainment and dance floors above 140 square feet, nightclubs are granted an entertainment endorsement and a dance floor of unlimited size based on the virtue of their license, and may offer entertainment by nude performers; and

Whereas lifting the moratorium in its entirety would allow nightclubs to enter West Dupont while West Dupont has not had a nightclub for at least twenty years; and

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Whereas the addition of a nightclub to West Dupont would be disruptive to the peace, order, and quiet of our and any mixed use neighborhood based on the guaranteed entertainment endorsements and lack of food service inherent in the license class.

Therefore be it RESOLVED while ANC 2B can endorse the Working Group's report to not request and extension on Class A, B, X, and T (liquor store, beer and wine store, multipurpose license such as the Phillips Collection or Cosmos Club, and tavern) licenses—in addition to the current lack of limitation on restaurant licenses—ANC 2B cannot support the recommendation to lift a moratorium on nightclub licenses.

Be it further RESOLVED ANC 2B petition the Alcohol Beverage Control Board (ABC) for a renewal of a modified West Dupont Circle Moratorium for a three-year period from the date of Board action, with a modification so the moratorium is solely a continuation of the limitation on CN (nightclub) establishments; in this petition; ANC 2B will request the ABC Board lift the restriction on quantity of Class A, B, X, and T licenses similar to the lifting of Class R (restaurant) licenses in 2011.

Be it further RESOLVED that ANC 2B work with ABRA, the ABRA noise task-force, the Metropolitan Police Department, the Department of Consumer and Regulatory Affairs, and the Zoning Commission, neighbors, businesses, and other stakeholders to codify a city-wide restriction on nightclubs next to residential buildings and residential buildings next to nightclubs so that three years from now, the blunt instrument of a moratorium zone will no longer be needed to protect residents in West Dupont.

New application for 1528 Connecticut Ave NW – Beefsteak – Class C Restaurant (#098308) Hours of operation, sales and sidewalk cafe 10am to 11pm all days. (2B02) – Take No Action

New application for a substantial change addition of two summer gardens, 2015 Massachusetts Ave NW – Embassy Row Hotel – Class C Hotel (#093645) Hours of operation of summer gardens, 11AM-11PM all days on rooftop, 11AM-11PM Sunday-Thursday, 11AM-12AM Friday-Saturday on lobby patio (2B02) – Take No Action

Application for a stipulated Summer Garden Endorsement by Beacon Hotel, 1615 Rhode Island Ave, NW (ABRA-077109). (2B05)

Commissioner Nichols moved to support, seconded by Commissioner Underhill. Passed 5-1-0. Amendment proposed by Commissioner Warwick to add the following language: "If the application can not be granted with the decibel restrictions, the application should be granted anyway." 2-3-1 Amendment Failed. The resolution reads as follows:

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Application for a Summer Garden Endorsement by Beacon Hotel, protest on the basis of peace order and quiet. 1615 Rhode Island Ave, NW (ABRA-077109). (2B05)

Commissioner Nichols moved to support, seconded by Commissioner Smith. Passed 6-0. The resolution reads as follows:

Application for a substantial change of hours for live entertainment at Stetson's, 1610 U St NW. Current hours of live entertainment: Wednesday from 8pm to midnight. Proposed hours of live entertainment: All days from 6:30pm to 1am. (#060455) (2B08)

Commissioner Mann moved to protest the application, seconded by Commissioner Smith. Passed 6-0. The resolution reads as follows:

Historic Preservation & Zoning Applications (8:40pm) (45 mins total)

HPRB Application for Liquor store front restoration at Connecticut and Q St NW (2B03)

Commissioner Maltz moved to support, seconded by Commissioner Warwick. Passed 4-0-3. The resolution reads as follows:

1337 Connecticut Ave (#18906) (BZA) (2B07)

Commissioner Underhill moved to support, seconded by Commissioner Nichols. Passed 7-0. The resolution reads as follows:

Rehearing: 1772 Church St NW (HPRB) (2B07)

Commissioner Underhill moved to support, seconded by Commissioner Warwick. Amendment by Maltz, Warwick. Passed 4-3. Amendment by Maltz, Smith. Passed 5-2. Resolution passed 7-0. The resolution reads as follows:

DDOT Public Space Committee Applications (9:25pm) (10 mins total)

Public Space Permit application #10184217 for Change Cafe Hours of Operation at 1120 19TH STREET NW. Nooshi Oodles of Noodles. (2B06) (10 mins). No Vote.

Stead Park: Resolution in support of Department of Parks and Recreation permitting for two Friends of Stead Park children's events: 1) June 19th – A 'Schools Out' Party from 12:30-2:30/food, games, music and 2) July 11, 18, 25 – Summer Kids Concert Series from 10:30-11:30/a different musician each Saturday

Commissioner Nichols moved to support, seconded by Commissioner Silverstein. Passed 5-0-2. The resolution reads as follows:

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Committee and Workgroup Reports (9:35pm) (10 mins total)

Each of the following committees and workgroups will discuss their progress from the last meeting, nominate new members, and announce next meeting times:

Zoning, Preservation and Development Committee (Warwick)

Transportation and Public Infrastructure Committee (Mann)

Workgroup on Homelessness in Dupont Circle (Upright)

Workgroup on West Dupont Circle Moratorium (Warwick)

Workgroup on South of the Circle Nightlife (Smith)

Administrative Matters (9:45pm) (5 mins total)

Treasurer's Report (Upright)

Old administrative business: By-laws, Policies & Procedures Manual, Annual Report, etc.

Resource Center Renovation (Feldstein)

Other Admin items (if any)

Commissioner and Staff Reports (9:50pm) (5 mins total)

Staff Reports

1. Executive Director
2. Web/IT Consultant
3. Coudriet Fellow (vacant)
4. Deschaine Fellow (vacant)

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

Update on BZA Appeals Application # 19027 for Carlyle Suites (2B03)

Adjournment (9:55 pm)

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