



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B

Regular Meeting Minutes

Wednesday, August 12, 2015; 7:00 p.m.
Brookings Institution – 1775 Massachusetts Avenue NW

Call to Order & Introduction of Commissioners & Staff

The August 2015 Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Smith at 7:02 pm.

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

The Commission staff introduced themselves: James Conway (Executive Director), and Patrick Kain (2B06 Liquor Liaison) (Not Present).

Announcements

Intro of Arizona State University Foundation representatives who will briefly speak about new construction at 1800 I Street NW, and provide point of contact for affected neighbors.

Tom Lipinsky from Jack Evans office announced repairs on the WMATA rail he will talk tomorrow morning @ 8am.

Mayor's Office Ward 2 liaison announced their 6 month progress report. Garrison school supply drive announced.

Commissioner Maltz announced August 24 is first day of school. Slow down campaign from Mayor's office. Beatification day at Francis Stephens School Aug 15 and Garrison on Aug 22. Ross Elementary ranked number 1 school in the city.

Commissioner Nichols announced we approved zoning variances from Planned Parenthood building and a neighbor has filed for a court to review the decision to zone Planned Parenthood.

Other Public Announcement (Please keep to 1 minute!)

Bill McLeod announced 17 Street Festival on Sat Sept 12. Gallery night at the Embassies on Sept 26.

Approval of July 2015 Meeting Minutes

Commissioner Mann moved to approve, seconded by Commissioner Warwick. Passed 6-0-1.

Consent Items for Adoption – General

1) Support of Friends of Stead Park Department of Parks and Recreation permit request to hold a Fall Festival on November 14th from 10:30-12:00 – permit number 24698

2) Stead Park: a resolution to generally approve Friends of Stead Park programming and related permit requests so that the ANC does not have to vote on each permit

The resolution reads as follows:

Whereas, Advisory Neighborhood Commission 2B (ANC2B) recognizes the positive impact that the Friends of Stead Park organization plays in supporting children and families residing in the DuPont and surrounding communities

Whereas, the activities sponsored by the Friends of Stead Park are consistent with the purpose of the Stead Trust to serve the children of the District of Columbia,

Whereas, the programming, events and beautification efforts initiated by the Friends of Stead Park have significantly enhanced this public space as one for all community members to enjoy,

Whereas, the Advisory Neighborhood Commissioner for the Single Member District in which Stead Park is Located is traditionally a member of the Board of the Friends of Stead Park,

Whereas, this collaboration between Advisory Neighborhood Commission 2B and the Friends of Stead Park ensures that ANC2B is aware of Friends programming in the Park should intervention be necessary,

Therefore, Advisory Neighborhood Commission 2B approves any programs sponsored by the Friends of Stead Park, including a pending permit application No. 24698, until such time as it finds an objection necessary.

3) Resolution requesting DDOT to monitor vehicular and pedestrian traffic in the 1800 block of P Street, immediately following the closure to vehicular traffic (for one year) of that block westbound into Dupont Circle to facilitate renovation and repurposing of Patterson House. We request the effects of the closure be monitored to confirm that the DDOT plan is working as planned

The resolution reads as follows:

Whereas, the renovation and repurposing of the historic Patterson Mansion at 15 Dupont Circle will require the closure of the current north sidewalk on P Street between 18th Street and Dupont Circle, with that closure expected to begin this month, and

Whereas, DDOT's approved plan for this would close P Street to vehicular traffic westbound between 18th Street and Dupont Circle for approximately one year, detouring westbound P Street traffic left on 18th Street and then right onto Massachusetts Avenue, and would also requiring moving a bus stop from P Street into Dupont Circle itself, and

Whereas, the approved DDOT plan will certainly have an impact on vehicular traffic in an area already highly congested, especially during morning and afternoon rush hours, and

Whereas, the developer had presented an alternative traffic plan that would have allowed P Street to remain open in both directions, but would have limited pedestrian traffic to the south side of P Street between 18th Street and Dupont Circle,

Be it resolved that ANC 2B takes no position DDOT's choice of traffic plans, but requests that DDOT closely monitor vehicular and pedestrian traffic during the first month of construction, to ensure that the current traffic plan works as planned and does not lead to unacceptable problems for emergency vehicles and buses, and does not result in gridlock.

Commissioner Feldstein moved to approve Consent Agenda, seconded by Commissioner Nichols. Passed 7-0.

General Agenda Items

Resolution urging WMATA to add "White House" to Farragut West Metro Stop name.

Commissioner Mann moved to approve, seconded by Commissioner Smith. Failed 1-6. The resolution reads as follows:

Whereas, the Farragut West Metro stop is the closest to the White House of any stop on the Silver, Orange, and Blue lines, within easy walking distance, and

Whereas, the name Farragut West has little meaning to visitors and tourists, and

Whereas, adding "White House" to the name of the stop would make it easier for visitors and tourists, while adding foot traffic and business to that portion of ANC 2B,

Therefore, be it resolved that ANC 2B urges WMATA to consider renaming the current Farragut Square station "Farragut West – White House" or some variation thereof.

Alcoholic Beverage Control Agenda (7:30pm) (55 mins total)

1645 Q St NW "Java House" – ABRA-072780. Substantial change of class from "D" restaurant to "C" restaurant. Approved hours of operation for premises and sidewalk cafe Sunday through Thursday 7am – 11pm, Friday and Saturday 7am – 12am. Approved hours of alcoholic beverage

sales/service/consumption for premises and sidewalk cafe Sunday through Thursday 11am – 11pm, Friday and Saturday 11am – 12am. (2B04)

Commission takes no action after discussion of the matter. The Commission would like to find out more about the project.

1714 Connecticut Ave NW – “Madrid Restaurant” (T/A Odeon Cafe) – ABRA-005811. Request for substantial change of liquor license from Class C “Restaurant” to Class C “Tavern”. Current hours of operation & alcoholic beverage sales/service/consumption Sunday 10am – 12am, Monday through Friday 8am – 2am, Saturday 8am – 3am. Current hours of operation for sidewalk cafe Sunday 10am – 12am, Monday through Friday 10am – 2am, Saturday 10am – 3am. Current hours of alcoholic beverage sales/service/consumption for sidewalk cafe Sunday through Thursday 10am – 12am, Friday & Saturday 10am – 1am. (2B01)

Commission takes no action

1926 14th St NW – “Tico” – ABRA-093610. Application for Substantial Change of Hours. CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION: Sunday through Thursday 8 am – 12 am Friday & Saturday 8 am – 2 am. PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION: Sunday through Saturday 8 am – 2 am. (2B09)

Commissioner Smith moved to protest, seconded by Commissioner Mann. Passed 7-0. The resolution reads as follows:

Whereas Tico applied for and received a Class C Restaurant alcohol license in 2014;

Whereas Tico, now having been open for approximately one year is applying to extend their hours on weekdays to 2:00 a.m.

Therefore be it RESOLVED that ANC 2B does hereby protest this application for a substantial change to the license of Tico on the basis of peace, order, and quiet, subject to the successful negotiation of a settlement agreement to address neighborhood concerns.

1103 19th St NW – “DC Pizza” – ABRA-094699. Application for Substantial change of hours. Current hours of operation and alcoholic beverage sales/service/consumption: Sunday through Saturday 10:30am – 11:30pm. Proposed hours of alcoholic beverage sales/service/consumption: Sunday through Thursday 9am – 2am, Friday & Saturday 9am – 3am. (2B06)

Commissioner Smith moved to protest subject to successfully addressing commission concerns with neighbors and restaurant; delegate authority to Commissioner Smith, seconded by Commissioner Warwick. Passed 7-0.

1637 17th St NW – “Dupont Italian Kitchen” – ABRA 008949. Application for substantial change to add a summer garden. Current hours of operation and alcoholic beverage sales/service/consumption: Sunday 10:30am – 2am, Monday through Thursday 11am – 2am,

Friday 11am – 3am, Saturday 10:30am – 3am. Proposed hours of operation and alcoholic beverage sales/service/consumption for summer garden: Sunday 10:30am – 2am, Monday through Thursday 11am – 2am, Friday 11am – 3am, and Saturday 10:30am – 3am. (2B04)

Commissioner Upright moved to protest on the basis of peace, order, and quiet subject to successful negotiation of a settlement agreement, seconded by Commissioner Nichols. Passed 4-3.

Update on Midtown (1219 Connecticut Avenue) (2B05)

Protest and plan for September 9, 2015, ANC letter expressing public safety concerns in advance of September 16, 2015, protest hearing before the Alcoholic Beverage Control Board.

Historic Preservation & Zoning Applications (8:25pm) (20 mins total)

1731 New Hampshire Ave – Consideration of appeal of building permit B1404913 for the rooftop construction of a bar at the Carlyle Hotel. Neighbors are requesting that the ANC lead an appeal of the permit arguing that the Zoning Administrator erred in his determination that such construction does not require a zoning variance. (2B03)

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

Whereas the Carlyle Hotel at 1731 New Hampshire Ave is in a R-5 residential zone;

Whereas in 2013 the hotel applied for a permit to build a roof structure, which came before ANC 2B for historic preservation review that year;

Whereas ANC 2B supported the historic review because no structure would be visible from the street and hotel owners testified that the space would be used for “passive” activities for hotel guests, such as sun bathing or yoga.

Whereas the Zoning Administrator issued a letter on July 24, 2013 indicating that “passive recreational” use of the rooftop would not constitute additional commercial activities and would thus be allowable under current zoning regulations for hotels in residential zones;

Whereas ANC 2B sent a letter to the Zoning Administrator in November 2013 asking for clarification on the term of art “passive recreational area”;

Whereas ANC 2B received a response from the Zoning Administrator in March 2014 stating that “passive recreational area” includes purchasing and consuming beverages and prepared food items;

Whereas on June 18, 2015 the Department of Consumer and Regulatory Affairs issued building permit B1404913 for construction on the roof, including a bar and seating for 97 with a total capacity of 237 people;

Whereas the plans as approved do not constitute “passive recreational” activities and there are concerns by neighbors on the impacts of over 200 people congregating on the rooftop in close proximity to residential buildings;

Whereas ANC 2B believes that the Zoning Administrator erred in approving building permit B1404913 as a “matter of right” under the current zoning regulations and believes that a special exception to the regulations is required for the proposed construction;

Whereas ANC 2B promotes a community that is hospitable, vibrant, safe and allows for the peaceful enjoyment of residents and business alike; and

Whereas ANC 2B believes that open and honest dialogue between neighbors and the hotel can lead to a formal agreement on the most appropriate use of rooftop space.

Therefore, BE IT RESOLVED that ANC 2B does hereby APPEAL the issuance of building permit B1404913 on the grounds that the Zoning Administrator incorrectly applied the zoning regulations.

BE IT FURTHER RESOLVED that ANC 2B appropriates up to \$3,000 from its savings to expend on the costs of this appeal, including any attorney’s fees, but that costs above \$3,000 will be the responsibility of the neighbors and/or other community groups.

BE IT FURTHER RESOLVED that Commissioners Stephanie Maltz and Noah Smith are designated as the Commission’s representatives for this appeal and may delegate informal responsibilities to residents to assist with communications, meeting planning, and document formulation.

BE IT FURTHER RESOLVED that ANC 2B intends to quickly engage the hotel owners and neighbors in structured dialogue that may lead to formal agreements on the use of rooftop space by the hotel in a manner that is negligibly intrusive to the peaceful enjoyment of property by nearby residents and that such an agreement could support the withdrawal of this appeal.

DDOT/Public Space Permit Applications

1528 Connecticut Ave NW – Beefsteak – DDOT Public Space Permit application (#10187240) for new sidewalk cafe un-enclosed. 3 tables, 8 seats, 1 umbrella. Proposed hours of operation: 10:30am to 10:30pm every day. (2B02)

Commissioner Warwick moved to approve, seconded by Commissioner Mann. Passed 7-0. The resolution reads as follows:

Whereas the applicant at 1528 Connecticut Ave NW requests a sidewalk cafe which allows 10 feet of public sidewalk space;

Therefore be it RESOLVED ANC 2B supports the current permit for the sidewalk cafe in accordance with our published public space guidelines.

1215 Connecticut Ave NW – &Pizza – application for new unenclosed sidewalk cafe. Six seats. (2B05)

Commissioner Smith moved to approve to request a 1 month delay by the DDOT seconded by Commissioner Mann. Passed 7-0.

1120 19th St NW – Olivia’s Diner – application for new unenclosed sidewalk cafe. (2B06)

Commissioner Warwick moved to approve, seconded by Commissioner Smith. Passed 7-0. The resolution reads as follows:

ANC 2B supports the public space request for a sidewalk cafe (unenclosed) for 1120 19th Street NW, for Olivia’s Cafe.

ANC 2B takes note that adjoining properties have similar sidewalk cafes, and this public space request allows ample pedestrian passage along the very wide sidewalks of 19th Street.

1750 H Street NW – Alfa Cafe – application for new unenclosed sidewalk cafe. (#10192744) 17 tables, 34 seats. Proposed hours of operation: 6am – 6pm every day. (2B06)

Commissioner Warwick moved to approve, seconded by Commissioner Smith. Passed 7-0. The resolution reads as follows:

ANC 2B supports the public space request for a new sidewalk cafe at 1750 H Street NW by Alfa Cafe with the understanding that the east side of the sidewalk cafe has been modified so there is ten feet of pedestrian passage way between the tree box and the sidewalk cafe.

Administrative Matters (9:15pm) (15 mins total)

1. Treasurer’s Report and Discussion of Financial Reporting Process (Upright) Budget Discussion

ANC 2B budget is \$81,014.51

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

3. Resource Center Renovation (Feldstein)

4. Update on Dupont Bulletin Board

5. Other Administrative Items (if any)

Public Adjournment (9:30pm)

Executive Session for Annual Discussion of Personnel (9:30pm) (30 mins total)

Chair calls for a special meeting on August 17th at 7pm @ Dupont Circle Resource Center (9 Dupont Circle NW)

Final Adjournment (10:00pm)