



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Dupont Circle Advisory Neighborhood Commission 2B

Regular Meeting Minutes

Tuesday, November 10, 2015; 7:00 p.m.

Johns Hopkins University School of Advanced International Studies
1717 Massachusetts Avenue NW, Room 500

Call to Order

The November 2015 Meeting of the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) was called to order by Chair Noah Smith at 7:03 pm.

The Commissioners identified their Single Member Districts (SMDs). Present were: Mike Feldstein (2B01), Daniel Warwick (2B02), Stephanie Maltz (2B03), Michael Upright (2B04), Abigail Nichols (2B05), Mike Silverstein (2B06), John Kupcinski (2B07), and Noah Smith (2B09).

Announcements and Public Comments

Commissioner Announcements

1. Commissioner Maltz talked about the Ward 2 Education Network's upcoming monthly meeting, which will include presentations by Councilmember Grosso and the State Board of Education's ombudsman and student advocate. Commissioner Maltz also said that the MySchoolDC Parent Advisory Council is seeking a ward 2 parent representative.
2. Commissioner Feldstein said that the Swann Street neighborhood is organizing a food distribution event for the needy, and he went over details for the event. He also thanked the U.S. Park Police for their help with a recent Dupont Festival event in the circle. He said that construction bids for renovations to the Dupont Circle Resource Center would be coming in on Thursday.
3. Commissioner Nichols said that the Dupont YMCA will be closing on December 31st.
4. Commissioner Silverstein talked about a recent crime that occurred in Dupont Circle park. He introduced Captain Michael Wilson from the U.S. Park Police, who gave an overview of the recent stabbing that took place within the Circle. Captain Wilson said that a suspect has been issued a stayaway order for the park. Captain Wilson also gave an overview of what activities are considered illegal for the homeless in the park. Commissioner Silverstein said that the ANC has to both enforce the law and work with the government and social service nonprofits to assist the homeless.

Other Public Announcements and General Comments or Future Agenda Items

Eva Lewis, a ward 2 liaison with the Mayor's Office of Community Relations and Services, was present. She introduced Jay Melder, the Chief of Staff for the Department of Human Services. Mr. Melder said that Mayor Bowser has made ending homelessness a key part of her administration's agenda. Mr. Melder also went over what investments the Mayor is proposing in order to end homelessness and gave out his contact info to meeting attendees.

Presentation by Matt Rogers from the Urban Institute

Commissioner Feldstein gave an overview of the Urban Institute and its work. He said that the Institute is working with students from Johns Hopkins University's School of Advanced International Studies on the neighborhood's homelessness issues. He introduced Matt Rogers from the Institute, who gave an overview of the social and economic policy research that the organization does. Mr. Rogers said that the Institute has a website (neighborhoodinfodc.org) that serves as a one stop shop for the data from their research. Mr. Rogers also said that the Institute wants to be a resource for the Dupont Circle community.

Consent Items for Adoption

With no objection, the consent items have been adopted.

Resolution to DDOT Public Space in Support of Renewing Historic Dupont Circle Main Streets' Permits for Streetlight Banners in Dupont Circle, including P Street, S Street, Massachusetts Avenue, Connecticut Avenue, 18th Street, and 17th Street (Bill McLeod)

The resolution reads as follows:

ANC 2B supports the request of Historic Dupont Circle Main Streets for renewal of permits to hang streetlight banners in Dupont Circle, including P Street, S Street, Massachusetts Ave, Connecticut Ave, 18th Street, and 17th Street.

Continued Support for Zoning Variance (Special Exception) for Universalist National Memorial Church at 1810 16th Street NW to Allow a Theater in the Basement (2B09)

The resolution reads as follows:

Whereas, in 2012, the Universalist National Memorial Church applied for a variance from the use provisions for theater performances on the basement level in the DC/R-5-B District at premises 1810 16th Street, N.W. (#18471);

Whereas, in November 2012, ANC2B adopted a resolution supporting the variance with the following conditions:

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; and
6. Remove the restriction on the number of performances that may be held during a one-year period.

Whereas, the variance was granted with the ANC's conditions in place;

Whereas, one additional condition of the special exception is that "The Church shall meet with the ANC annually to discuss any concerns and the need to implement any new mitigation measures;"

Whereas, the Spooky Action Theater, which operates in the basement of the Church, has approached the ANC to discuss its annual obligation for meeting and discussion of concerns and whereas Commissioner Smith has spoken with several neighbors who do not have additional concerns about current operations, and who indicated that the above referenced conditions are being met.

Therefore, be it RESOLVED that the Church has met its annual obligation to meet with the ANC and that ANC2B continues to appreciate the Church's and Theater's willingness to meet with and address concerns from neighbors.

Alcoholic Beverage Control Agenda

Starbucks – Application for a new Retailer's Class "D" License at 1700 Connecticut Avenue NW (ABRA-100551) (2B01), Total number of seats: 28, Total occupancy load: 28, Total number of sidewalk cafe seats: 43, Hours of operation for premises and sidewalk café: Sunday through Saturday: 5 am – 11 pm, Hours of alcoholic beverage sales/service/consumption for premises and sidewalk: Saturday & Sunday: 12 pm- 11 pm, Monday through Friday: 2 pm – 11 pm

Commissioner Feldstein moved to support. The motion was seconded by Commissioner Warwick. Passed 7-0-0. The resolution reads as follows:

Whereas, the Dupont North Starbucks, located at 1700 Connecticut Avenue NW, has requested a liquor license to implement Starbucks Evenings service with beer and wine; and

Whereas, Starbucks has been an excellent neighbor and member of the community.

Therefore, be it RESOLVED ANC 2B supports the application.

The Manor – Request for a license class change from a Retailer’s Class “C” Restaurant to a Retailer’s Class “C” Tavern at 1327 Connecticut Avenue NW (ABRA-099536) (2B07)

Commissioner Kupcinski moved to oppose. The motion was seconded by Commissioner Warwick. Passed 7-0-0. The resolution reads as follows:

Whereas, Manor is a restaurant on Connecticut Avenue south of Dupont Circle, an area with substantial nightlife; and

Whereas, Manor is an establishment with less than one year of operation, but has a substantial ABRA investigative history and issues with trash collection and cleanliness; and

Whereas, ANC 2B has significant concerns with restaurants morphing into taverns becoming bad neighbors due to the absence of food service requirement for taverns.

Therefore, be it RESOLVED ANC 2B protests this application for substantial change for 1327 Connecticut Avenue NW “Manor” on the basis of peace, order, and quiet subject to successful negotiation of a settlement agreement.

District Taco – Application for a new Retailer’s Class “DR” Restaurant License (beer and wine only) at 1919 M Street NW (ABRA-099379) (2B06), Total number of seats: 90, Total occupancy load: 144, Hours of operation for premises and summer garden: Saturday & Sunday 10 am – 9 pm, Monday through Friday 7 am – 10 pm, Hours of alcoholic beverage sales/service/consumption: Saturday & Sunday: 10 am – 9 pm, Monday through Friday: 8 am – 10 pm

No action was taken on this matter.

Heurich House Museum – Application for a new Retailer’s Class “CX” Multipurpose Facility License at 1307 New Hampshire Avenue NW (ABRA-100511) (2B06), Total occupancy load: 350, Hours of alcoholic beverage sales/service/consumption: Sunday: none, Monday through Tuesday: 12 pm–6 pm, Wednesday through Saturday: 12 pm–11 pm

No action was taken on this matter.

Discussion/Update on ABRA Investigations in West Dupont (Warwick)

Commissioner Warwick moved to adopt the resolution. The motion was seconded by Commissioner Nichols. Passed 6-0-1. The resolution reads as follows:

Whereas, the West Dupont neighborhood of Dupont Circle contains multiple liquor serving establishments including the tavern license holders Marrakesh and The Fireplace; and

Whereas, according to recent Alcohol Beverage Regulatory Administration (ABRA) investigative reports 15-CMP-00464 and 15-CMP-00509, Marrakesh has allowed nude dancing without a license, allowed an outside promoter to collect a cover charge, interfered with an ABRA investigation, and repeatedly violated their settlement agreement requiring the hiring of reimbursable details between the hours of 12AM-4AM Saturday and Sunday morning; and

Whereas, according to recent ABRA investigative reports 14-CMP-00083, 14-CMP-00324, 14-251-00130, 14-251-00345, 15-251-00025, and 15-251-00077 has violated their security plan, violated their settlement agreement requiring the hiring of a reimbursable detail, and has allowed assaults on and near the premises; and

Whereas, the violations from these establishments are a blight on the West Dupont community and should not be tolerated by the Metropolitan Police Department and ABRA.

Therefore, be it RESOLVED ANC 2B is encouraged by these investigations and urges MPD and ABRA to continue—and proactively—investigate the actions and settlement agreement violations of these establishments.

Be it further RESOLVED that without significant and permanent operational improvements, ANC 2B requests the ABC Board revoke their licenses. If the licenses are not revoked, ANC 2B intends to protest any renewal or substantial change to these establishments' ABC licenses.

Resolution to the DC Council in Support of Bill B21-401 Before the Committee on Business, Consumer and Regulatory Affairs to Create a Farmers Market License for Alcohol Sales (Warwick)

Commissioner Warwick moved to adopt the resolution. The motion was seconded by Commissioner Maltz. Passed 5-0-2. The resolution reads as follows:

Whereas, the Council of the District of Columbia and Committee on Business, Consumer, and Regulatory Affairs is considering bill B21-401 which would, in part, create a license for the sale of liquor at farmer's markets across the District of Columbia; and

Whereas, ANC 2B is home to the District of Columbia's only year-round Sunday farmers market; and

Whereas, the Dupont Circle Fresh Farm market has been a treasured community institution since 1997 and provides immense value to the Dupont Circle Community; and

Whereas, ANC 2B believes establishing a license for the sale of local craft beer, wine, and liquor at farmer's markets would encourage entrepreneurship, small businesses, and help launch and grow local agribusinesses while encouraging off-season sales at farmer's markets.

Therefore, be it RESOLVED ANC 2B supports the provision of Bill B21-401 which would create a license for the sale of liquor at farmer's markets across the District of Columbia.

Be it further RESOLVED ANC 2B supports allowing all local agribusinesses—including those located in Maryland and Virginia—to sell their beer, wine, and liquor at DC farmer's markets without unfeasible license requirements or economic burden.

Letter to the ABC Board Regarding Pending Application by the Carlyle Hotel at 1731 New Hampshire Avenue NW, requesting that the Request Be Considered Substantial and that the ANC be Given Great Weight for this Decision (2B03)

Commissioner Maltz moved to send a letter to the ABC Board, requesting that the Carlyle Hotel's application be considered a substantial change in order to give the ANC the ability to weigh in on the matter. The motion was seconded by Commissioner Upright. Passed 7-0-0. The resolution reads as follows:

Whereas, on October 29, 2015, the Carlyle Hotel located at 1731 New Hampshire Avenue, NW, submitted a change of hours application to the Alcohol Beverage Regulation Administration (ABRA);

Whereas, in a request submitted to ABRA on April 13, 2015, (CR. License Application No. #090805) the Carlyle Hotel requested increased indoor seating at the restaurant and bar;

Whereas, in the April 2015 request, the Carlyle Hotel stated that “no ‘passive recreation area’ on the roof has been undertaken; we have not requested approval of a roof-top summer garden endorsement; and, no expansion in hours of service is being sought”;

Whereas, the ABC Board determined that the Carlyle Hotel's request for increased indoor seating was not a substantial change;

Whereas, the neighborhood has experienced an increase of trash and noise issues as a result of the expanded indoor seating;

Whereas, extended indoor hours will exacerbate existing trash and noise issues and there is a legitimate neighborhood role in adjudicating this application;

Whereas, the current request of additional hours should be considered a substantial request and is in direct conflict to the statements made by the Carlyle Hotel in April;

Therefore, be it RESOLVED that ANC2B requests that the ABC Board determine the Carlyle Hotel's expanded hours application be considered a substantial change to the existing license and require placarding and a protest period to allow neighborhood and resident input to the Board.

Historic Preservation and Zoning Agenda

1514 Q Street NW – Historic preservation review of rear addition (HPRB #15-635) (2B05)

Commissioner Warwick moved to support the application in front of the Historic Preservation Review Board. The motion was seconded by Commissioner Nichols. Passed 8-0-0. The resolution reads as follows:

Whereas, the applicant at 1514 Q St NW proposes a rear addition as a portion of a condominium conversion; and

Whereas, the addition will not be seen from the street; and

Whereas, issues being raised to the zoning administrator concerning the FAR of the project are unlikely to affect the sight lines of the project from the street,

Therefore, be it RESOLVED ANC 2B supports the historic preservation aspects of this application.

Commissioner Warwick moved to adopt the resolution to the Zoning Administrator. The motion was seconded by Commissioner Nichols. Passed 8-0-0. The resolution reads as follows:

Whereas, the applicant at 1514 Q Street NW has received a Zoning Administrator's opinion that the height between the at-grade soil level and ceiling of the bottom of four units in a proposed condominium conversion is three feet and eleven inches; and

Whereas, under these calculations the bottom unit is, by code, referred to as a cellar rather than a basement which renders the floor area of this unit to not count against floor area ratio for the project; and

Whereas, there is ANC and neighbor concern that the calculation of ground level as approved by the Zoning Administrator does not reflect the property at 1514 Q Street NW; and

Whereas, the height between at-grade soil and ceiling is greater than four feet, rendering the "cellar" floor area not exempt from floor area ratio calculation, which would trigger a substantial change to the project's design or applicant request for zoning variance; and

Whereas, the decision on this property has implications for several other properties on the same block.

Therefore, be it RESOLVED for the reasons stated above ANC 2B requests a representative from the Office of the Zoning Administrator come to the property of 1514 Q St NW to conduct in person measurements to verify the developer's plans.

Be it further RESOLVED ANC 2B Commissioners and members of the public be invited to attend the representative's in person measurement.

1415 22nd Street NW – Historic preservation review of exterior renovation and historic landmarking (HPRB #16-004) (2B06)

Commissioner Warwick moved to adopt the resolution. The motion was seconded by Commissioner Silverstein. Passed 8-0-0. The resolution reads as follows:

Whereas, the property at 1415 22nd St NW is an historic carriage house with an unfortunate front exterior; and

Whereas, the applicant proposes to renovate the exterior of the building in the process of attracting a boutique office, high end retail, fine dining, or other high quality commercial use tenant more compatible with the neighborhood than the previous tavern tenant; and

Whereas, the property is located in a residential alley between two apartment buildings, a nursing home, and a residential carriage house; and

Whereas, the project includes a small rear roof deck intended as an office amenity.

Therefore, be it RESOLVED that ANC 2B supports the significant exterior renovation of the building on the 22nd street exterior. ANC 2B is concerned with the existence of a roofdeck on the property due to the unique acoustics of the alley and existing residents who overlook the proposed roofdeck. ANC 2B understands the roof deck's usage as a boutique office amenity would not negatively impact neighbors, but would be concerned with the roofdeck if the usage was public or serving alcohol.

1711 New Hampshire Avenue NW – Request for a variance to use an existing residential building for a non-profit use (BZA #19131) (2B03)

Commissioner Warwick moved to support. The motion was seconded by Commissioner Maltz. Passed 8-0-0. The resolution reads as follows:

Whereas, the Delta Sigma Theta sorority is proposing to expand their office to an adjacent building at 1711 New Hampshire Ave NW; and

Whereas, the Delta Sigma Theta sorority requires a special exception to allow a nonprofit organization office in the residential R-5B zone in a historic district; and

Whereas, Delta Sigma Theta has been an excellent neighbor for many decades, keeps their current offices located in residential-style townhouses tidy, and conducts residential-style landscaping along the exterior of their premises and will continue that practice at the 1711 New Hampshire Ave NW property; and

Whereas, Delta Sigma Theta will be using the 1711 New Hampshire Ave NW property for storage and office space, not for parties or special events.

Therefore, be it RESOLVED for the reasons stated above ANC 2B supports the special exception application.

District Department of Transportation and Public Space Agenda

Claudia's Steakhouse – New valet parking request at 1501 K Street NW (2B05)

Commissioner Smith moves to oppose. The motion was seconded by Commissioner Nichols. Passed 8-0-0. The resolution reads as follows:

Whereas, Claudia's Steakhouse at 1501 K St NW has applied for a valet parking permit for spaces on 15th St NW;

Whereas, Claudia's Steakhouse applied for a permit after operating valet services without a permit;

Whereas, Claudia's Steakhouse has a public space permit which mandates no furnishings beyond the approved 6-foot perimeter of the cafe and no advertising in public space;

Whereas, on September 20, 2015 Claudia's Steakhouse was observed to be staging vehicles in the 15th St cycle track, without regard to the safety of cyclists;

Whereas, on several occasions since their opening, Claudia's Steakhouse has been observed to be in violation of their public space permit, including by placing stanchions in the bike lanes, extending their sidewalk café to the length of their storefront, and placing stanchions in the sidewalk such that only two or three feet of space is available for pedestrian passage (see attachment);

Whereas, on two occasions Commissioner Smith has entered Claudia's Steakhouse to request that non-compliant stanchions be removed from public space, but he was told 'no' by the manager on duty;

Whereas, the request for valet parking staging is for a corner adjacent to a cycle track that would unnecessarily put pedestrians, vehicles, cyclists and valet operators at risk of dangerous interactions; and

Whereas, Advisory Neighborhood Commissions rely on strong relationships with businesses to ensure a high quality-of-life for residents and that access to public space and valet permits are not rights owed to businesses.

Therefore, be it RESOLVED that ANC 2B OPPOSES this request for a valet parking permit for Claudia's Steakhouse on the grounds that the proposed valet staging area is unsafe and creates conflicts between vehicle, bike and pedestrian traffic.

Be it FURTHER RESOLVED that Claudia's Steakhouse has demonstrated repeated disregard for the neighborhood they operate in, as evidenced by their violation of the conditions of their public space permit, which undermines public trust, public space, and public safety.

Application to Install a Sign on Public Space at 2201 N Street NW (2B06)

Commissioner Silverstein moved to support the installation of a sign on public space at 2201 N Street NW. The motion was seconded by Commissioner Upright. Passed 8-0-0.

Special Event Application for 7th Annual Cupid's Undie Run

Commissioner Silverstein moved to support the special event application for the 7th Annual Cupid's Undie Run on February 13, 2016. The motion was seconded by Commissioner Feldstein. Passed by acclamation.

Other Items from Commissioners or Staff

Transportation and Public Infrastructure Committee Resolution to Support DDOT's 16th Street Bus Corridor Study & Prioritize Public Transit, Pedestrian, and Bicyclist Interests

This matter was tabled until the December 2015 meeting.

Administrative Matters

Approval of FY 2015 Quarter 4 Quarterly Financial Report for DC Auditor

Commissioner Upright moved to approve the FY 2015 Quarter 4 quarterly financial report, pending minor corrections. The motion was seconded by Commissioner Maltz. Passed 7-0-0.

Adjournment

Commissioner Smith moved to adjourn the meeting at 10:04 pm. The motion was seconded by Commissioner Warwick. Passed 7-0-0.