

MINUTES OF THE JUNE 26, 1990, MEETING
OF THE DUPONT CIRCLE ANC (ANC 2-B)

The Dupont Circle ANC held a regularly scheduled meeting on Wednesday, June 27, 1990, at 7:30 p.m. at St. Thomas Church. Commissioners Gaugler, Rieffel, Bass, Maggi, Grandis, and Evans were present; commissioner Moses was absent.

1. Sergeant English of the 3rd District Police presented a report concerning crime in the District. Mr. Gaugler expressed concern about auto thefts and break-ins. Mrs. Rieffel expressed concern about pedestrian safety resulting from blocked pedestrian crosswalks at 17th Streets and Massachusetts Avenue. Mr. Bass expressed concern about persons living in cars at a parking lot at 15th and O Streets. Residents expressed concerns about homeless persons congregating on the Fourways Restaurant property.

2. During the Public Forum, members of the community raised concerns about the following. A siren over a door in an electronics shop on 20th street is annoying. Judy Wordell noted litter problems on the Fourways property. The ANC will contact the Department of Public Works. Similar problems were noted in the park at 17th and S Streets, which unfortunately is under the jurisdiction of the Park Service. A resident complained about the poor condition of the sidewalk at 1526 17th street. Mr. Gaugler responded that this sidewalk will be repaired shortly, under the 17th Street Plan. A resident asked that the ANC get rid of the "Homo Erotic Art" posters displayed in the area.

3. Mr. Mike Fasano, a resident of the 1500 block of 17th Street, presented complaints about noise emanating from the Fox and Hounds Restaurant across the street, and in particular from the outdoor portion of this establishment. This noise has increased since he bought his house 15 years ago. He would like the establishment to discontinue the service of liquor outdoors earlier in the evening. He has filed a protest to the renewal of the license, and to date has been unable to reach a compromise with the owner of the establishment. Mr. George Malios, the owner of Fox and Hounds, also addressed the ANC. His license authorizes him to serve liquor from 11 am. until 3 a.m., but he stops serving food at midnight.

Mrs. Rieffel, who represents the SMD in which Mr. Fasano resides, urged Mr. Malios to take Mr. Fasano's proposed compromise seriously, noting that she lives nearby and has experienced many of the same problems. Mr. Gaugler, who represents the SMD in which the Fox and Hounds is located, reminded Mr. Malios that noise emanating from outdoor sidewalk establishments violated regulations concerning

public space.

Mrs. Rieffel moved, and Mr. Gaugler seconded, a motion that the ANC support the protest of Mr. Fasano, et al., and that if the parties do not reach an agreement, that the ANC urge the ABC Board to renew the Fox and Hounds license only if the service of liquor is discontinued at midnight, noting that this restriction is now in place at Boss Shepherd's restaurant, which is adjacent to Fox and Hounds. The motion was approved unanimously.

4. The ANC then undertook consideration of a proposed Planned Unit Development at 1743-1755 N Street, N.W. Mr. Evans recused himself; the law firm at which he is employed represents the developer, Stephen Bender, in an unrelated matter, and although there would not be an actual conflict of interest, to avoid the appearance of impropriety, Mr. Evans chose to neither comment nor vote on the issue.

Mr. Phil Feola of Linowes and Blocher and Mr. Richard Rosen of Abel and Weinstein, reviewed the plans for the site. Mr. John Risher introduced himself and stated that he has been retained by property owners on the block. Mr. Risher noted that the structure is by definition massive and commented on how little is known about the proposal. He urged a process under which professionals have an opportunity to comment on the plans, and the implementation of a task force. Mr. Feola responded that he had filed a notice of intent to file well in advance of the deadline.

Residents of the area presented the following comments:

Mr. Jim McGrath, representing RAC, announced that RAC had voted unanimously to strongly oppose the proposal, noting that it is a "terrible continuation of the PUDs that have besieged the neighborhood," is "block busting" by developers, and is a "Potemkin village facade."

Mr. Dick Warden, Director of United Auto Workers at 1757 N Street and a property owner, noted that he is "very concerned" about the project, that the developer hasn't contacted him, and that the construction will result in disruption and congestion, although the alley is already impassable.

In response to a question by Mr. Maggi, Mr. Feola responded that the amenities are "as much housing as possible and historic preservation."

Mr. Grandis asked if the current zoning requires housing, to which

Mr. Feola responded no, that it permits it.

Mr. Sherburne of 1719 N (Science Services) stated that the builder has not contacted him and asked if there had been traffic studies.

Mr. Gaugler asked why the developer can't put in housing complying to Code in the buildings today.

Mr. Edward Cohen, owner of the Tabard Inn, noted a conflict with the comprehensive plan and asked for a modest restoration, not a big PUD.

Mrs. Rieffel presented the following motion, which was seconded by Mr. Grandis and approved, with all commissioners voting in favor, except Mr. Evans, who recused had himself.

The Dupont Circle Advisory Neighborhood Commission opposes the application of N Street Follies Limited Partnership for consolidated review and approval of a Planned Unit Development (PUD) for properties located at 1743-1755 N Street, N.W. (Zoning Application No. 90-12c).

The proposal as presented is for the construction of a mixed use project consisting of office and residential uses. The project will have a maximum height of 75 feet, a lot occupancy of ninety-one, 41% per unit, an overall floor area ratio (FAR) of 6.16 (consisting of 4.14 FAR devoted to office use and 2.02 FAR devoted to residential use), a maximum gross floor area of 126,804 square feet including 85,235 for office use and 41,569 square feet for residential use. The project will contain 36 apartment units and parking for 131 cars on three and one-half underground levels.

The project is located within the Dupont Circle Historic District.

The ANC urges the Zoning Commission to decline to set this project down for a hearing because it is deficient in many important respects, and for that reason is opposed by the ANC. The ANC opposes this project for the following reasons:

1. The proposed project is inconsistent with the character of the neighborhood and the needs and wishes of the residents and other persons in the area. The 1700 block of N Street is an historic oasis on the border of the downtown business district. The street has an abundance of charm and character and it is essential that the character of this block be preserved.

2. The proposed project does not comply with the Comprehensive Plan for the 1700 block of N Street. The height and density of the building exceed that called for in the Comprehensive Plan. It is the position of the Dupont Circle ANC that the Comprehensive Plan is the law, not a guideline, and must be strictly adhered to.

3. The height of the proposed building, at 75 feet, exceeds the 60 foot matter of right limit and would tower over adjacent properties on the block.

4. The density of the proposed project is totally inappropriate for the site. The project would fill the entire footprint and would overpower the neighboring structures. The proposed project would significantly alter the prevailing balance of land use and density on the site.

5. The ANC opposes the demolition of buildings in the Dupont Circle Historic District. The proposed project would destroy all but the facades of the buildings in question. The ANC supports the renovation and restoration of such structures, not their destruction. There are many fine examples of restorations in the Dupont Circle area. The ANC would support restoring the structures in question to their original form and use.

6. The proposed project, which includes 131 parking spaces, will bring a significant increase in traffic in an area which already suffers considerable congestion and traffic problems.

7. The project will provide virtually no amenities. The amenities being offered are inadequate to offset the loss to the Historic District. Although residential housing is a recognized amenity, this is a case of replacing existing residential housing with less affordable high density housing, and adding 85,235 square feet of office space. The proposed project is located in an area where maintaining the integrity of residential land use is very important. A more balanced ration of residential to office space is recommended.

8. The economic impact on existing businesses in the 1700 block of N Street during the construction period would be substantial and may cause several long existing neighborhood establishments to go out of business.

9. The proposed project is located in an area zoned SP. While SP zoning is designed to provide a buffer area between residential and commercial areas, this is not, in fact, the case.

This project, like others in the Dupont Circle area, would instead mirror the adjacent commercial area, functioning not as a buffer, but as an extension of the commercial area, to the detriment of the community.

The ANC further notes that this project underlines the overall problems with the PUD system as it has developed in the Dupont Circle area. Rather than being used to encourage developers to build in areas where there have not been economic incentives, PUD's are being used to over-develop successful and economically viable areas of the city to the detriment of both Dupont Circle and other areas that would welcome such projects.

The Dupont Circle area is currently faced with six proposed PUD's in an area of less than 1 square mile. This proposed massive amount of development is totally inconsistent with the goals for the Dupont Circle area as set forth by the ANC and neighborhood civic associations.

For these reasons, the ANC opposes the application and authorizes a letter to the Office of Planning and the Zoning Commission stating the opposition noted above, and consistent with the discussion of this proposal at the ANC's public meeting. The ANC further authorizes the Chairperson of the Zoning Committee of ANC 2B and such other Commissioners as she designates to represent the views of the ANC before the Zoning Commission at the public hearing on this matter.

The ANC instructs its chairman in transmitting a letter containing this motion to also transmit a copy of the letter to the Historic Preservation Review Board.

The motion was approved, with all commissioners voting in favor, except Mr. Evans, who had recused himself.

5. City councilmember and candidate for Congress Betty Ann Kane presented remarks.

6. The ANC then considered the BZA Application #15213 of Joseph Reyes for a variance to allow office use of all floors at 1631 and 1633 16th Street, N.W. He noted that to do anything other than use this space for commercial space would be prohibitively expensive. Mr. Gaugler challenged Mr. Reyes economic conclusions. Mr. Bass noted that the zoning regulations require an "exceptional hardship," which the applicant in his opinion has not demonstrated. Mr. Joel Rosenberg of the 1500 block of R Street stated that there are no problems with the current use of the property, but that if the present use were discontinued, he anticipated problems resulting from

parking problems by residents of the building.

Noting that if this building loses its residential status, it will "open the floodgates" to converting many other properties above Q Street from residential to commercial, Mr. Bass moved, and Mr. Gaugler seconded, the following motion, which was approved unanimously:

ANC 2B opposes BZA Application 15213 for a variance from use requirements to allow office use in an R-5-C District at premises 1631 and 1633 16th Street, N.W., because the applicant has not shown any physical, economic, or unusual characteristic of the property that would place a hardship on him or make it uniquely difficult to use for residential purposes.

Furthermore, ANC 2B feels the applicant's relief cannot be granted without imposing a "substantial detriment to the public good" (which is prohibited by DCMR Title 11, Section 3107.2), since it would promote the encroachment of office uses into the residential area along 16th street, north of Q, which is zoned R-5-C. Granting this application will endanger a number of townhouses in this area similar to the applicant's which currently are used for single family dwellings.

In addition, we believe that granting this application would serve to condone illegal uses, which are widespread in Dupont Circle, and encourage the idea that lawbreakers can seek relief on the basis of their illegal acts.

7. Mr. Mokless Al-Hariri of the Lauren building, presented his request for a special exception to allow professional offices on the first floor of 1301 20th Street, N.W. Mr. Evans moved, and Mr. Grandis seconded, the following motion, which was approved unanimously.

The ANC opposes this request for a special exception because the ANC is concerned about the use of Special Purpose zoning, the loss of residential space in Special Purpose areas, the fact that the illegal uses in the Lauren now exceed 20% of the units, and that the building will ultimately lose its residential character entirely.

8. Under Commissioner reports, Mr. Evans noted that the ANC will meet on the 2nd Wednesday in July and August (but the need for the August meeting will be reviewed.)

Mr. Grandis moved, and Mr. Bass seconded, the following motion, which was approved unanimously.

The ANC has become increasingly alarmed with the use of PUD's which violate the Comprehensive Plan and Ward 2 Plan. We are particularly concerned that PUD's are having a serious detrimental impact on the ambiance and quality of life for the residents and small businesses of Dupont Circle.

After much discussion with residents and merchants within our ANC we have come to the conclusion that PUD's are not compatible with the environment of Dupont Circle north of Massachusetts Avenue, and for residential areas.

This motion is to authorize the Chair of the ANC's Zoning Committee to contact Con Hitchcock to see if he would have interest in preparing a short discussion paper on potential legal remedies that would keep PUD's out of residential areas and areas within historic districts of the Dupont Circle ANC boundaries.

This motion also authorizes the expenditure of up to \$300 to cover any fee that Mr. Hitchcock may charge for this service, if funds are available and if this expenditure is allowable by law.

Mr. Evans asked for guidance from the ANC concerning a handicapped public school student who is faced with difficulties obtaining an appropriate publicly-supported education as required by law. Because the student does not reside in the Dupont Circle ANC area, commissioners agreed that this would not be an appropriate subject for a motion but that the chairman should transmit a letter to the appropriate ANC and other agencies calling the matter to their attention.

Commissioners commended the work of David Maggi in organizing the community meeting on aggressive panhandling.

9. Mr. Bass moved, and Mr. Grandis seconded, a motion that the minutes of the previous meeting be approved. The motion was approved unanimously.

Respectfully submitted,

Alaire Bretz Rieffel