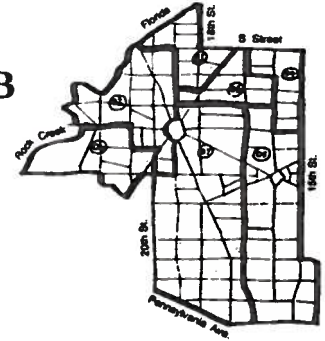




**DUPONT CIRCLE  
ADVISORY NEIGHBORHOOD COMMISSION 2B**

1601 Connecticut Avenue, N.W., #802  
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Letters:

To: David Clarke  
Re: Francis Pool

To: HPRB  
Re: Dupont Down Under

To: Public Space Commission  
Re: La Tomate

To: Public Space Commission  
Re: Udderly Cool

To: BZA  
Re: Fire Hook Bakery

To: BZA  
Re: Gate Way Youth Homes

To: Fred Thomas  
Re: Captain Boggs

To: Commander Collins  
Re: Police Visibility and Monitoring

To: Fred Thomas  
Re: Police Visibility - Special Detailing and Vacancies

**MINUTES OF THE JULY 13, 1994 MEETING OF THE DUPONT CIRCLE ANC 2B**

The Dupont Circle ANC 2B held a regularly scheduled public meeting on July 13, 1994 at St. Thomas Parish. Commissioners Gamble, Bass, Shannon, Taylor, Holmes, Pagano and Ray were present. Chair Gamble called the meeting to order at 7:45 pm.

**Introduction of the Commissioners**

**Adoption of the Minutes:**

**MOTION**

Commissioner Shannon moved and Mr. Holmes seconded a motion to adopt the minutes of the June 8 meeting. Mr. Gamble had one correction to the minutes as follows: Mr.

**COMMISSIONERS**

01 Larry Ray  
Parliamentarian

02 Jay Pagano

03 Martha Shannon  
Secretary

04 Dennis Bass

05 Russell Gamble  
Chairperson

06 Pam Taylor  
Vice Chairperson

07 Dennis Holmes  
Treasurer

Gamble did not introduce Boston Chicken's presentation. The motion passed unanimously.

#### **POLICE CRIME REPORT**

Captain Boggs of the Third District cited a 20% reduction in crime over the past year. He said one of the most serious problems the Third District still has is theft from automobiles.

Officer Conners of the 2nd District gave statistics. She said that the 2nd District has plainclothes officers staked out to try and stop the graffiti problem which has been going on for 4 weeks. The officer said that Captain Swope would be returning in August.

Officer Cunningham of the Park Police gave statistics for the Park Police and said that undercover officers have been assigned to Dupont Circle.

#### **ANNOUNCEMENT**

Commissioner Gamble announced the Mayoral Forum on August 10 and said that, if necessary, there would be a brief ANC business meeting after the forum.

#### **ISSUES:**

I. Commissioner Gamble introduced City Councilmember Jack Evans who discussed the charging of fees to use Francis Pool. Mr. Evans said it did not come to his attention until the middle of June 1994 that the Department of Recreation and Parks had made a decision to charge a fee, with no Council or public discussion. He said that his office sent letters to the Department of Recreation and Parks expressing his consternation about this fee but was told by the administration that they intended to proceed with the fees. He said he introduced emergency legislation to prohibit the Department of Recreation and Parks from proceeding. Although the emergency legislation is good for only 90 days, it would cover this summer and give the Department of Recreation time to hold the appropriate hearings before next summer. He said the emergency legislation that he introduced on July 5 did not pass but that this legislation could be reintroduced on July 19. He asked residents and ANC to write to Chairman Clarke expressing their support for suspending the fee at Francis Pool as this action is illegal in that no proper notice was given to the ANC. He said the administration stated because Francis is a pilot program they were not under an obligation to notify. However in that the city is now using emergency rule making to impose a fee on Francis Pool it belies the fact that the administration acted legally. City Councilmember Lightfoot and Mr. Demczuk from the Mayor's office defended the imposition of fees, citing financial problems of the District and the fact that this was a new facility. (DRP Director Carol Hill Lowe did not attend the ANC meeting). Ms. Taylor and other commissioners pointed out that the principle issue here was

DRP's total lack of communication with Council members, the ANC, or the public prior to imposing the fees. Ms. Taylor added that she had been very involved with the Francis Pool project and the only fees that had been mentioned as possible were those for swimming classes. The representative of the Department said that he would take all the concerns and criticisms back to the department.

#### **MOTION**

Ms. Taylor moved and Mr. Ray seconded to request Chairman Clarke of the D.C. Council to rescind this unfair and unilaterally imposed fee structure for Francis Pool on the grounds that it is in violation of the law and, until such time that there is proper consultation with the community on the implementation of this pilot program and an understanding of the dates of imposition of fee structures on other pools in the District of Columbia there should be no fees charged users of Francis Pool. The motion passed unanimously.

Mr. Gamble said that he wanted copies of this motion sent to the Foggy Bottom Georgetown and West End ANCs, Georgetown Civic Association, the Logan Circle Civic Association, and the Logan Circle ANC.

#### **II.**

Mr. Pagano presented Mr. Abushaka of the Fire Hook Bakery. Mr. Abushaka said the square footage and seating were within the guidelines of the BZA requirements for square footage and seating and that there would be no changes made to the outside of the building. He said there would be no bread baked on premises and all deliveries would be by station wagon not trucks. He added all solid waste would be stored in approved containers so as not to be in violation of sanitation code R5.B. Mr. Grandis said that because the permit of occupancy is a special exception for the bakery if this permit expires the special exception status also expires. A resident expressed concern about problems with trash in the adjacent alley.

#### **MOTION**

Mr. Pagano moved and Ms. Shannon seconded to support BZA application no. 15975 for a special exception to allow location of - Firehook Bakery at 1901 19th Street, NW with the provision that all trash is stored inside the building until one hour before it is to be picked up. The ANC 2B also is aware that a hair salon occupies part of the premises and will remain at that location. The motion passed unanimously.

#### **MOTION**

Ms. Shannon moved and Mr. Pagano seconded that ANC 2B send a letter to the Public Space Committee seeking information and guidance concerning criteria for determining acceptability of proposed sidewalk cafes,

in particular whether a proposed sidewalk cafe "adversely affects the public's need for the use of the public space where the sidewalk cafe is proposed to be located" and "whether the design and location of the proposed sidewalk cafe is compatible with the other structures and uses in the surrounding area and conforms to the planning objectives for the area." The ANC notes that public space regulations do not speak to the cumulative impact of sidewalk cafes. Information will also be requested concerning guidelines and regulations for the use of public space by carry-out operations. The motion passed unanimously.

### III.

Mr. Gamble introduced Mr. Simon who reported the progress the Dupont Down Under. Mr. Simon presented drawings and gave an update on the entrances and the construction of this project. He said HPRB endorsed the conceptual plans for the east and west entrances of Dupont Down Under. He said that of 16 retailers 8 are fully signed and have started construction of their tenant spaces and 5 more are under letter of intent and he expected to be fully leased on the west concourse at the end of July 1994 and Washington Sports Clubs has signed a 20 year lease for the entire east side concourse. He said that construction is 40% complete. He said that Dupont Down Under intends to restore the bathrooms in the park adjacent to the main entrance and staff those bathrooms with attendants during hours of operation. He said two issues came up at the HPRB concept hearing 1) concern that the enclosures on the east side should match the ones on the west and 2) security, both these issues have been addressed. It is stated specifically in the lease that the entrances will match and a staffed security kiosk will be built in the park on the west side. He said that HPRB wanted ANC to address these two issues in their response. Mr. Simon said that Dupont Down Under is asking endorsement of the plans in response to HPRB's request. Commissioners discussed the aesthetic impact of the security kiosk and the design of the upper part of the entrance structures.

#### **MOTION**

The Dupont Circle Advisory Neighborhood Commission 2B approves the conceptual design for entrances to Dupont Down Under as presented and approved by the Historic Preservation Review Board with the provision that 1)all designs for major and minor entrances be consistent 2)that the kiosk design be reviewed to assure that it is removable if and when that becomes desirable 3) that the kiosk's functionality have the potential for secondary use, such as installing a bulletin board, 4)that the final specifications for materials used for the entrances be presented to the ANC and DCCA for comment prior to initiation of construction and 5)signage be further reviewed by HBRB. This motion passed unanimously.

IV. Mr. Holmes introduced the representative of AIA/WAF who presented information on a proposed street festival, Spring 1995, in the 1700 block of Church Street, NW. The representative said that it would be an arts festival with proceeds going to a non-profit organization - 'Magik'. Mr. Gamble asked if the street would be blocked. The representative said it would.

V. Ms. Shannon introduced Mr. Golfer and Mr. Aaronson, owners of Udderly Cool, who have submitted a public space use application. Ms. Shannon said the commission was concerned that Udderly Cool had put tables out before their application was granted. Ms. Shannon asked if Udderly Cool had a restaurant license although they were not functioning as such and if they were going to have table service. Mr. Aaronson said that they do have a restaurant license and they have table servers who would be responsible for attending the area. Ms. Shannon said only 15 seats were allowed with one restroom on the premises. Mr. Aaronson said the hours would be 8 a.m. to 11 p.m. weekdays and until midnight weekends and that all the tables and chairs would be removed during the winter months.

**MOTION**

Ms. Shannon moved and Mr. Ray seconded to support the application for public space use permit by Sylvia Kotz (for Udderly Cool) 1613 17th Street, NW for the purpose of operating a side walk cafe with the following provisions) there be adequate restroom facilities according to the regulations of the District of Columbia 2) that the hours not exceed 8 a.m. to 11 p.m. weekdays and 8 a.m. to midnight on weekends 3) that the outside space not be used during the winter months 4) that the tables and chairs be stored inside when not in use and be removed completely from the sidewalk during the winter months and 5) that seating plan and design of outdoor area be according to the design submitted. The motion passed unanimously.

**VI.**

Mr. Pagano introduced Mr. Marty Cunningham who presented a proposed awning for La Tomate Restaurant 1707 Connecticut Avenue NW. Mr. Cunningham presented drawings of the proposed awning and said that the owner wanted to replace the existing umbrellas with a canopy. Mr. Bass asked if the canopy was permanent or retractable. Mr. Cunningham said that it was permanent because the retractable canopies were not as durable. Mr. Cunningham said that Susan Ganschietz of HPRB was not opposed to the canopy. Mr. Holmes said that the ANC is opposed to permanent structures in public space.

**MOTION**

Mr. Pagano moved and Ms. Taylor seconded to oppose the installation of an awning by La Tomate 1707 Connecticut Avenue, NW, unless the awning is retractable and not a permanent fixture. This motion passed with Mr. Ray in opposition.

## COMMISSIONER REPORTS

Mr. Ray asked for ANC approval of three letters he had distributed to the commissioners at the last public meeting.

### **MOTION**

Mr. Ray moved and Ms. Taylor seconded to send the following letters: 1) to Chief of police Fred Thomas, Re: police visibility, special detailing and vacancies 2) Charles Collins Re: police visibility and monitoring and 3) Fred Thomas Re: promotion of Captain Robert Boggs. The motion passed unanimously.

Mr. Holmes requested the ANC approve an expenditure of \$25 to the district government for a public safety fee.

### **MOTION**

Mr. Holmes moved and Mr. Ray seconded to authorize the payment of \$25 to D.C. government for public safety fee. The motion passed unanimously.

### **MOTION**

Mr. Holmes moved and Mr. Ray seconded to authorize the expenditure of \$150 per month to hire an accountant to prepare all annual and quarterly Federal and District employee tax report and to prepare the ANC's quarterly financial report for the auditor and help the treasurer prepare an annual budget for the ANC. The motion passed unanimously.

### **MOTION**

Mr. Holmes moved and Mr. Ray seconded a request be made to BZA to rescind its order of September 8, 1993 granting a special exception to Gate Way Homes allowing operation of a youth rehabilitation home at 1728 P St, NW for the following reasons: 1) the applicant has failed to meet the provisions of the order that requires monitoring of the site adjacent to the public alley to ensure that vehicles do not park at the side of the structure and 2) the applicant has obtained a certificate of occupancy without installing a fire escape between the second and third floors which is required by law. The motion passed unanimously.

Mr. Gamble reported he had received a request by the D.C. Public Library archivist to have the old ANC records for historical purposes and that it would also provide the ANC with a place for storage of these records.

A representative of The Taxpayers Right to Know Committee ask the commission to support Initiative 35.

### **MOTION**

Mr. Gamble moved and Ms. Taylor seconded to

support Initiative 35 and report it publicly by the means of the minutes because we feel it is appropriate and open disclosure. The motion passed unanimously.

Respectfully submitted,

Martha Shannon  
Secretary, ANC 2B