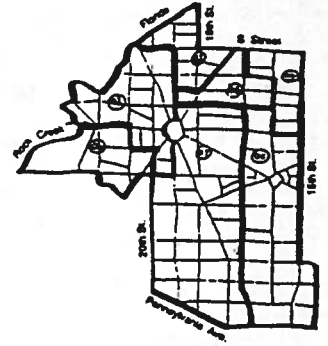




**DUPONT CIRCLE
ADVISORY NEIGHBORHOOD COMMISSION 2B**

1601 Connecticut Avenue, N.W., #802
Washington, DC 20009-1601

Telephone: (202) 82 ANC 2B Fax: (202) 822-6223



Letters:

To: MacDonald's Restaurant
Re: Loitering and Drug Dealing

To: Marion Barry
cc: Larry King, Dept. Sanitation
Re: Maintaining Inspectors

To: Public Space Commission
Re: Ruth's Chris Steak House

To: Mayor's Agent
BZA
Re: Church of Scientology

**MINUTES OF THE FEBRUARY 8, 1995 MEETING OF THE DUPONT CIRCLE
ANC 2B**

The Dupont Circle ANC 2B held a regularly scheduled public meeting on February 8, 1995 at St. Thomas Parish. Commissioners Fernandez, Heller, Smith, Bass, Wemple, Haransky and Pitsor were present. Chairman Fernandez called the meeting to order at 7:35p.m.

Introduction of the Commissioners

Adoption of the Minutes:

Dr. Fernandez moved to adopt the minutes of the January 11 meeting. The motion passed unanimously.

Dr. Fernandez introduced Inspector Proctor of the Third District. He said that she had been on the force for 20 years and was formerly the Director of the Office of Internal Affairs of the D.C. Police Department. Inspector Proctor introduced Captain MacManus, who will be replacing Sgt. Collins at the Third District.

She said residents should feel free to call her at the Third District with any concerns or suggestions. Mr. Bass asked Inspector Proctor if he was keeping the Gun Recovery Unit. Ins. Proctor said she was.

POLICE CRIME REPORT

COMMISSIONERS

- | | | | | | | |
|------------------|------------------|----------------------------------------|----------------|------------------------------------|------------------------------------------|-------------------------------------|
| 01 Brad Haransky | 02 Stephen Smith | 03 Jonathan Heller
<i>Treasurer</i> | 04 Dennis Bass | 05 Erik Wemple
<i>Secretary</i> | 06 Henry Fernandez
<i>Chairperson</i> | 07 Kyle Pitsor
<i>Vice-Chair</i> |
|------------------|------------------|----------------------------------------|----------------|------------------------------------|------------------------------------------|-------------------------------------|

Sgt. Macfaro gave the crime statistics for the Third District. He said that theft from autos was still a problem. Mr. Heller asked if the Sergeant or Inspector could give the ANC any information on the officer who had been shot. Ins. Proctor said that there was no new information at this time and the investigation is still under way. Mr. Heller asked if she could comment on how this occurred. Ins. Proctor said that she was not prepared to do that at this meeting and would be prepared to at the next meeting. Mr. Pitsor asked about the armed robbery at 17th and Q Sts. Sgt. Macfaro said that was not reflected in the statistics and that the Metropolitan Police were handling that case. A resident said she had noticed drug dealing in front of the MacDonald's and the Safeway on 17th Street. She asked if the Third District could provide more patrols and if they were still working in partnership with the secret service. Insp. Proctor said that the Third District still works closely with the secret service and would try to coordinate efforts. Officer MacFaro said that there were two officers detailed to this area and they would be there until the problem was cleared up. The resident asked if there was anything more the community could do to help solve this problem. Officer MacFaro said that residents could give detailed descriptions of persons and transactions that they notice and report it to the Third District. Mr. Haransky asked if the police had any suggestions as to what residents could do about being ticketed during snow. Officer MacFaro said that this was a matter to take up with the Department of Public Works.

Officer Connors of the Second District gave the crime statistics. She said theft from autos was still a problem.

Sgt. Roofner gave the crime statistics for the Park Police. Mr. Fernandez asked if officers from the park Police were still being detailed to the White House. Sgt. Roofner said yes, through September 30.

ISSUES

I.

Mr. Heller introduced Nancy Page. Ms. Page gave the residents information about the illegal drug activity at 17th and Q streets. She said the drug activity has escalated from the selling of marijuana to crack cocaine and that it would be useful for residents to act quickly as this activity had just started. She suggested that residents write letters to businesses and ask them to help enforce the 20-minute loitering rule to make the climate inhospitable for the dealers. Ms. Page said that she would be happy to talk to residents after the meeting and hear any of their ideas on a way to curb the drug traffic in the area. Mr. Fernandez said he would speak with her after the meeting.

A resident asked if the police had a schedule for patrolling. Ins. Proctor said no, appearance was by response.

MOTION

Mr. Heller moved and Mr. Smith seconded to send a letter to MacDonald's alerting them to the problem and suggesting that they become active in stopping it. The motion passed unanimously.

II.

Mr. Pitsor introduced Ms. Giordano, of Linowes and Blocher, to give a presentation on the Brookings Institute's request for a two-year extension of their existing PUD status. Ms. Giordano said the developers are in active negotiations with a prospective tenant and should be able to secure a contract in 6 months to a year. She said that Brookings has a valid building permit in hand and was asking for a two year extension of the PUD status (December 15, 1996). She added there were no changes in the plans since they were last presented. Mr. Pitsor asked if Ms. Giordano could clarify the legal basis for the extension. Ms. Giordano said the precedent over the past few years has been that the Zoning Commission has approved extensions on the theory that they have spent a good deal of time and effort reviewing the projects and once an approval is reached, it should proceed unless there are any changes in circumstances that require a second look. In this case there have been no changes. A resident Mr. Charles Lowe asked if the project were being started today would it be permitted under the Overlay Rulings. Mr. Pitsor said that the Overlay would not prohibit what is approved on the books for the Brookings PUD. Ms. Giordano said that the Office of Planning did a survey and determined that the project is not inconsistent with the overlay. A resident, Ms. Kaye Ecles, asked if St. Mathews PUD was not exempt from the Overlay why was Brookings exempt. Ms. Giordano said Brookings was approved prior to the Overlay. Ms. Anne Cellin, a resident, said that if the PUD expires it, could not be built. She said the height is not the issue. The building and what is in the building itself is the issue. She said that the plan favors offices rather than housing units. She said that two years ago many neighborhood groups were opposed to this PUD, which has been on the books for over 10 years. Mr. Bass said the zoning on Massachusetts Avenue is 'SP', meaning only residential, however, the BZA has routinely granted exemptions for non-profit office use. He said that all the buildings on 16th street up to Q street that are 'SP' zoned have also had such exemption, therefore this area would not necessarily be residential. Ms. Cellin said that the city is now acknowledging that housing is a good idea, in fact it is now mandated in the downtown area. She said that she felt the ANC should deny the extension. Dr. Fernandez asked Ms. Giordano to tell the audience more about the prospective tenant. Ms. Giordano said she didn't know anything specific about the tenant. Mr. Reilly, a resident, said he didn't believe there was a prospective tenant and that Brookings was in a box - they can't lease and they can't sell. He asked the ANC to at least put some restrictions on the parking situation in the lot. Mr. Bass said that the problem that has been ongoing is that people complain about the condition of the site. He said that he thinks that a lot could be done to

answer the objections of the residents by cleaning the place up and maintaining it. Mr. Gamble said that there is a market for the residential part of the PUD. He added that Brookings has been extremely non-responsive to the concerns of the residents. He asked what would be the tax situation if it is 'SP' zoning. Mr. Pitsor said in the past that the ANC has required Brookings to maintain the parking in exchange for the ANC's support of the special exception for the parking lot. Mr. Pitsor said he would move that the ANC approve the two-year extension but also express to the BZA the ANC's concern over the length of time the PUDs in general are taking to be occupied.

MOTION

Mr. Pitsor moved and Mr. Heller seconded to support a request for a two-year extension for the Brookings PUD. The motion passed with a vote of 6 to 1. Mr. Fernandez voted against the extension.

III.

Mr. Heller said the resident who wanted to complain about the public pay phone at 1613 16th Street was not in the audience. Mr. Fernandez said there would be no action on this issue.

Dr. Fernandez encouraged people to sign up for Margy Young's Rat Patrol.

IV.

Mr. Haransky introduced Mr. Dorman representing Ruth's Chris Steak House. Mr. Dorman presented plans for a proposed use of public space to enclose an existing outdoor cafe. He said this space is now being used in the summer. Ruth's wants to be able to use this space in the winter months as well. He said that there would not be an increase in seating capacity nor in the hours of operation. He said that the architect is trying to keep the design in harmony with the neighborhood and also enhance the sense of safety for passersby with improved lighting. Mr. Haransky said that although the HPRB approved the drawings, the staff did not approve the design. Mr. Haransky said that although the design was acceptable, the enclosure of public space was not. Mr. Bass said the design was rejected in May by the HPRB. Julia Carr, a resident, commented on businesses using as a justification for modification the dilapidated state of existing structures in that the owners of the properties in question allowed the property to deteriorated. She said the HPRB staff recommended the Board not approve the design. Mr. Van Essen, a resident, said the staff of HPRB opposed the design because it violated the law for public space use in that a structure to conform to those laws would have to be easily dismantled in twenty-four hours. He said he was representing DCCA, who also opposes the structure for the same reason. He said the Comprehensive Plan also opposes enclosed structures. Mr. Gamble, a resident, said when he was chair of the ANC the ANC was trying to create some consistency over no fixed structures in that they don't meet the public space guidelines.

Mr. Pitsor said his view of the plans is that it was akin to building an addition onto the building. Mr. Heller said he thought the design could be judged separately. He said it did not hinder pedestrian traffic and could be of benefit to that corner as security. Mr. Bass said that initially when the Council first allowed sidewalk cafes it was to give restaurants the right to use the space very cheaply and in return they would add a cosmopolitan feel to the city as well as contributing to the public safety and sense of community. He said the unfortunate point was the guidelines were poorly drawn and now include applications such as Ruth's is presenting now. He said these enclosed designs do not add to the feel of community or create an atmosphere of open air ambiance. He said that approval of these kinds of applications tend to set a precedent which could present problems in the future. He said that the residents lose the benefits when outdoor cafes are enclosed.

MOTION

Mr. Haransky moved and Mr. Bass seconded ANC oppose the application for use of public space by Ruth's Chris Steak House as it does not meet the guidelines for the proper use of outdoor space. The motion passed five to two. Mr. Heller and Mr. Smith were against the motion.

Mr. Fernandez said that in May 1994 the ANC did make a motion to state that in general they are in approval of open air cafes if they don't disturb the peace, order and quiet of nearby neighbors.

COMMISSIONERS REPORTS

Mr. Smith reported on residents' concern about the rescheduling of Metro bus service in the Dupont Circle area.

MOTION

Mr. Smith moved and Mr. Heller seconded to send a letter to the Metro Authority expressing ANC 2B disapproval of any draconian cuts in the bus service for Dupont Circle. The motion passed unanimously.

Mr. Smith reported there would be a hearing on the proposed public pay phone at 1613 Connecticut avenue. A resident said the sidewalk was too narrow to accommodate a pay phone. Mr. Fernandez said in December 1994 the ANC 2B oppose the installation of a phone at that location. He added that the adjudicator for the Public Service Commission had suggested the ANC accept some compromise on this issue, one being the hours of operation.

MOTION

Mr. Smith moved and Mr. Haransky seconded opposition to the installation of a Public Pay Phone (COCOT) at 1613 Connecticut Avenue because it blocks pedestrian traffic and there are already sufficient phones in this block. The motion passed.

Mr. Smith introduced Mr. Matt Bratschi of the Church of

Scientology. Mr. Bratschi said the Church wished to have an eight foot cross affixed to the facade of the Frazer mansion, the churches national headquarters, for ease of visibility. He said the three and a half foot cross suggested by the HPRB would not serve the purpose. He added that the cross is a symbol of the church and as such the Directors of his organization feel it should be an eight foot cross. Mr. Bratschi said the church has maintained the historic integrity of the building and met the guidelines of the HPRB. He said the eight foot cross is an issue of religious freedom. A resident asked if the church has ever had a cross larger or smaller on any of its buildings. Mr. Bratschi said there was a cross in Hollywood larger than eight feet and although he hasn't seen any smaller than eight feet he believes there are symbols that are smaller. The resident said he felt the question was one of scale, not religious freedom, and added that no organization in Dupont Circle has ever denied the church the right to have a cross. Mr. Pitsor asked if the ANC was being asked to take a position on this issue and send a letter to the Mayor's Agent. Mr. Smith said Ms. Pat Jones, Director of Community Affairs Church of Scientology, requested the ANC send a letter to the Mayor's Agent approving the eight-foot cross. Mr. Pitsor said that his understanding is that other neighborhood organizations have not approved an eight-foot cross but have approved one of a smaller size. Mr. Gamble, a resident, asked what was the usage of the building that it required such a large feature for identification. Mr. Bratschi said the building will be used as a church as well as an administrative center. Mr. Pitsor asked if there as an issue of any damage to the exterior of the building in terms of the mounting of the eight-foot cross as opposed to the three-and-a-half-foot cross. Mr. Bratschi said that he understands the disagreement is about the mounting of the eight foot cross covering a piece of limestone at the top. Mr. Haransky said that the visibility of a cross of any size would be blocked by the trees, and the Church will have additional street-level signs on the corner, so visibility is not the issue. Ms. Young, a resident, said she wants it on record that the DCCA supports the position of the HPRB.

MOTION

Mr. Pitsor moved and Mr. Wemple seconded a letter be sent to the Mayor's Agent supporting the position of the Historic Preservation Review Board which denied an application for the installation of an eight-foot cross on the front of the Church of Scientology. The motion passed with four supporting and three abstentions. (Mr. Smith, Heller, and Haransky abstained).

Mr. Bass reported renovation has begun in the Jewish Community Center.

Mr. Wemple reported there is a movement starting to clean up and beautify Stead Playground. He said there has been a lot of concern about the rats in the playground and the baseball field.

He added that he will be convening a meeting in the next couple weeks to get some ideas for a plan for beautification and adoption of the playground. He asked the residents for their support.

Dr. Fernandez reported in his SMD there is a very active Orange Hat patrol and his residents are very concerned with public safety. He said he is looking forward to working on public safety issues with Ms. Nancy Page.

Mr. Haransky reported the Ambassel has agreed to the terms of a new Voluntary Agreement which covers all the points that the ANC has requested. However, if this isn't signed by March 1 it will go back to court.

NEW BUSINESS

Dr. Fernandez said the ANC will be presenting a new budget at the next meeting in March.

Mr. Heller said the ANC is going to try to reach constituents more efficiently. He said the commissioners were looking into places to post meeting announcements. He asked the audience if anyone had a business or a public bulletin board they could suggest for use that they let the commissions know.

Mr. Fernandez said the ANC was looking for a more efficient and cost-effective method of alerting the community of the monthly meetings than the post cards they have been sending.

OPEN FORUM

Ms. Lynn Sutton of the National Organization for Women announced there will be an important Rally in Washington on the Mall, April 9th to protest violence against women in the form of budget cuts affecting public services for women and children. She asked each commissioner to bring a delegation of 20 people.

Respectfully submitted,

Erik Wemple
Secretary, ANC 2B