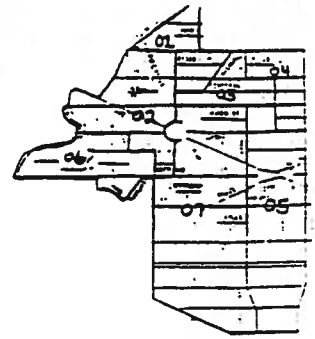




**DUPONT CIRCLE
ADVISORY NEIGHBORHOOD COMMISSION 2B
P.O. Box 33224
Washington, D.C. 20033-0224
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Letters

To: Third District
Re: Shortage of officers

To: ABC Board
Re: Moratorium - 17th Street

Minutes Advisory Neighborhood Commission 2B Regularly Scheduled Public Meeting, June 10, 1998.

Mr. Pitsor opened the meeting at 7:30pm. Commissioners Jackson, Newton, Cary, King, Dehart and Rosenthal were present.

Introductions of the Commissioners.

The minutes of the May 8, 1998 ANC 2B were approved as distributed.

Police Crime and Safety Report

Officer Zelinka gave the police crime and safety report for the Third District. He said that crime was up in the month of May, primarily in the commercial district. Officer Zelinka said there will continue to be bike registration on Saturdays at the Safeway and True Value Hardware at 20th and P Streets. A resident said Officer Zelinka was given an award by DCCA for his diligence and dedication to the neighborhood. Officer Zelinka said that more officers were needed in his PSA. Although there was a new batch of rookies the PSAs of Dupont Circle didn't get any. He said that there is not a dedicated officer in Dupont Circle from the Park Police. Mr. Pitsor said that an inquiry was needed about this to determine the status of the situation. Mr. Pitsor said that he would send a letter to Commander Adamany and ask for a meeting to address the shortage of officers on the street in the Dupont Circle PSAs.

Open Forum/Announcements

Mr. Pitsor announced that the ANC had compiled a comprehensive list of approximately 220 needed sidewalk repairs. He said this list has been submitted to the city and hopefully that will make it into their database and be attended to. Mr. Heller, a resident, asked what was the status of the repairs on Q Street. Mr. Pitsor said

SINGLE MEMBER DISTRICT COMMISSIONERS AND OFFICERS:

2B01	2B02	2B03	2B04	2B05	2B06	2B07
David King	Karen Rosenthal	Fran Cary Vice Chair	Don Jackson Secretary	Meredith DeHart Treasurer	Marilyn Newton	Kyle Pitsor Chair

that he had spoken to Gary Burch and the final layer of asphalt has yet to be applied to the street.

A resident said that Senator Faircloth welcomed any comments from the community on the proposed convention center to be located in Shaw. Mr. Pitsor said the ANC would forward its view to Senator Faircloth.

Mr. Pitsor said there was an up coming candidates forum being organized by the Tenant Action Coalition later in June, the specific information is listed on a flyer on the table.

Madeliene Lane, a resident, said an internet site was being developed to apprise residents of crime in the Dupont Circle area. She said there was a sign-up sheet at the back of the room.

Report Jack Evans Office

June Hirsh reported that a representative of Jack's office meet with the Department of Recreation and the University Club to discuss the situation at Stead Playground. She said the University Club, which has adopted Stead would like to do improvements to the playground. However, they want the city to solve the rat problem first. She said a second meeting is being proposed which would include City Manager Barnett to address issues of compliance and enforcement. Ms. Dehart, who attended the meeting said she didn't get a sense that a concrete plan to address the problem had been reached in the meeting. Dr. Cary said that Jack Evan's office needed to be aware more police were needed. Ms. Hirsh said Mr. Evans had spoken to Chief Ramsey.

Issues

Ms. Rosenthal said that Xando requested the issue of the use of public space be deferred until the ANC's July meeting.

1. Mr. Pitsor said representatives of the University of California were present to discuss their application for a plan to modify a planned unit development at 1616 Rhode Island Avenue for use as offices, classrooms and student housing. Ms. Dehart said that the site is across the street from the YMCA and is currently a parking lot. She said the PUD was initially approved eleven years ago, and now the University of California (UC) wishes to construct a building on approximately half of the space. Mr. Pitsor said that the ANC has supported the renewal of the PUD status over the years. Mr. Phil Feola of Wilkes, Artis, Hedrick and Lane said the UC, which has a program for its students in Washington wishes to combine all the associated operations, offices, classrooms and housing, for the program into one building. He said the residential component of the building would meet the PUD status requirements. Mr. Feola gave the specifics of the square footage of the building. The architect said the alley system will be made

larger and there will be very wide sidewalks on three sides. He said the building meets the height requirements and it would be designed to be compatible with the surrounding architecture. Mr. Feola said UC filed with the Zoning Commission in May. He said the Zoning Commission will decide in July if the new plans require a public hearing. If there is a public hearing it would probably be in October. He said UC will purchase the building if the plans are approved. Mr. Feola said there will be 44 parking spaces in the building. He said UC will not be subject to D.C. real estate taxes for the half of the property they will occupy and that the occupant on the other half of the property would be taxed. Mr. Pitsor said the PUD process was designed to encourage high quality development that also provide public benefits. Mr. Pitsor said one of the issues is that the original approval of the PUD was based on the entity paying taxes. He asked what other arrangement UC was planning to make with the community to provide benefit in lieu of taxes to the city. A resident suggested UC could provide scholarships. Ms. Dehart asked what the anticipated student residential occupancy would be and would the students that had cars be provided parking spaces. Mr. Feola said they would be given parking spaces. He said the student residential area would not be filled to capacity at any given time; however the university plans to expand the Washington internship program, including student enrollment. Mr. Jim Kane and Howard Johnson Hotel on R.I. Avenue representing Logan Circle neighborhood groups have submitted letters of support for the project because a dormitory facility would add people to that block of R.I. Avenue during the evening hours. Mr. Pitsor asked how long the average stay of the graduate students would be. Mr. Feola said 60% of the residential component would be graduate students and they stay for two to three semesters. Mr. King asked if the community would be able to use any of the buildings facilities. Ms. Dehart asked what amenities will be available for the students as the presence of 300 students will impact the neighborhood. Mr. Feola said the plan for the program is not yet developed, it is still under discussion. Ms. Dehart asked if UC has given any thought to what they would be contributing to the community. Mr. Davidson said he would take this issue to UC to be discussed. Mr. Feola said UC would report back to the ANC in September on this issue. Mr. Pitsor said the project is to be located at an important site and it would be important to work with the ANC with Ms. Dehart as representative about the specifics of the project as it develops.

2. Mr. Pitsor said that Dupont Italian Kitchen on 17th Street had applied to have live piano music in the upstairs of the restaurant. He said the music would not be amplified. As there was no objection from the floor there was no action taken on this issue.

3. Mr. Pitsor said the issue of the consideration of the renewal of the Dupont East ABC Liquor License Moratorium would be discussed and voted on by the ANC. He said the ANC conducted a public meeting in March to get input on this issue from the community. He

said there was also a meeting between some of the commissioners and the Merchants Association on 17th Street to solicit their thoughts and observations. Mr. Pitsor said the moratorium expires in early 1999, this being noted at a previous meeting of the ANC. Mr. Pitsor said the ANC needs to respond and give a recommendation during this calendar year along with the co-petitioner, DCCA. Mr. Pitsor said that since March the commissioners had individually had a number of consultations with their various constituents. Mr. Pitsor said that what is striking to him about the discussions he has had with residents and merchants is that in general everyone is pleased with the diversity of businesses along 17th Street. He said many people credit the diversity along 17th Street to be a result of the moratorium. Mr. Pitsor said that a number of appropriateness criteria needs to be considered. Ms. Rosenthal and Ms. Newton said they concur with Mr. Pitsor's opening statement. Dr. Cary said she had talked to merchants, ABC licensed restaurants, and residents and asked them all basically three questions. She said that people in general like the current balance on 17th Street. She said it was also expressed by some constituents that without the moratorium ABC licenses would take over 17th Street. Others feel that a revision or abolishment of the moratorium needs to be considered because it interferes with basic rights of businesses to expand. Some small businesses said that if rents went up they may have to consider moving. Dr. Cary said the majority residents seem to be either strongly for or against the moratorium. She said that it was pointed out that the neighborhood around 17th Street is unique in its mix of residential and commercial concentrations. She said that neighbors that were opposed to the moratorium think it harms the character and economic health of the neighborhood.

A resident said in a letter to Dr. Cary, "as evidenced by the high turnover of businesses it is not possible to make an empirical case that in the absence of ABC licensed establishments a diverse range of service oriented restaurants would thrive." Dr. Cary said that it was pointed out that the claims traffic and noise would increase are more a problem with enforcement of existing regulations and laws and planning. Dr. Cary said that some residents want to strengthen the moratorium because they are afraid of horizontal expansion and pointed out to support this view that even with the moratorium there has been an expansion of at least 300 seats. Additionally, some residents pointed out there seemed to be a trend for restaurants to serve more liquor than food.

Dr. Cary said for her there is a third issue, that of faith and confidence in our public institutions. She said that in the District there are key agencies that are not enforcing their own regulations. Dr. Cary said the ABC regulations state that no license shall be issued if a person does not have a valid certificate of occupancy and is also the holder of all other business license and permits required by law. Yet there are business that do not have current certificate of occupancies and

the district has been remiss in its collections of taxes and fees from businesses. She said that another ABC regulation would consider if the issuance of a license would create or contribute to an "over-concentration of licensed establishments" which is likely to adversely effect the neighborhood, have an adverse impact on any residential district proximate to the establishment, and that it will not contribute to the proliferation of ABC licenses or be detrimental to neighborhood issues. Further the Ward Two Comprehensive Plan specifically states that "the ABC Board should discourage undue concentrations of liquor licenses in ward two because of the impact due to an increase in noise and traffic."

Dr. Cary said the issue is a question of the vision that Dupont Circle has for its neighborhood, not a question of being for or against business. She said the issue has to do with quality of life.

Mr. Jackson said a comment he heard over and over was that the residents did not want 17th Street to become an Adams Morgan like 18th Street and other residents were concerned about over regulation. Mr. Jackson said that he did not hear anyone say to lift the moratorium altogether. Other comments that Mr. Jackson said he heard was residents wanted not more but better restaurants along 17th Street. He said the view is that restaurants aren't necessarily successful because they serve alcohol, but success is based on the quality of the food, service, and atmosphere. He said the general feeling is that 17th Street businesses could meet residents needs and because of parking problems businesses should not be trying to pull people in from outside the area. Mr. Jackson said he did meet with the condominiums in his SMD and he had a public meeting at the Green Door.

Ms. Dehart said that in discussing the moratorium with the residents of her SMD 18th Street came up repeatedly and no one wanted a repetition of that situation. She said the condos she spoke to wanted to maintain the moratorium. All in all people seem to be in favor of the moratorium.

Mr. King said the majority of the residents in his SMD wanted to maintain the moratorium. He said the feeling was that there was a good mix and diversity of businesses.

Mr. Pitsor summarized the terms of the current moratorium. Mr. Pitsor said there are 19 licenses serving 22 businesses in the moratorium zone. He said the moratorium is for a five year period. He read the five appropriateness criteria (standards) that were used to grant the moratorium in 1990 and in the 1993 renewal.

Jim McGrath of the Bay State Condo Association urged the commission to extend and strengthen the current moratorium. Mr. Heller, a resident, asked if the commission was going to vote on the issue. Mr. Pitsor said the commission planned to take a position on

elements of the moratorium. Mr. Pitsor said the issue of seating capacity has been an issue that all the commissioners have been receiving comments about. Some residents have said that the number of seats has to be capped to maintain the peace, order, and quiet. He said there has been concern expressed about horizontal expansion of ABC establishments because this would compromise diversity. Mr. Fasano, a resident, said the moratorium zone is beyond the 40% threshold and urged the commission to not only maintain the current moratorium but to extend it to address the issue of horizontal expansion. Mr. Pitsor commented on the issue of increased rents driving out non-ABC businesses. Ms. Eckles, a resident, said the moratorium has been instrumental in maintaining a balance between ABC and non-ABC businesses. Mr. Heller said that he did not want to live in a planned community. He said the free enterprise system worked. Mr. Carney, a resident, said the criteria which created the moratorium has worked to secure the desired result. Mr. Pitsor said the moratorium legislation one of the only tools available, albeit imperfect, to work at an issue which includes both land use and planning issues. He said the idea of putting together some sort of a zoning overlay is something that has come up in the community and the ANC is interested in exploring this possibility.

MOTION

Mr. Pitsor moved and Dr. Cary seconded that ANC 2B petition the ABC Board for a renewal of the moratorium on any new (not renewal) ABC licenses within the existing moratorium zone. The renewal would permit the transfer or sale of ABC licenses within the zone and other conditions and provisions in the current moratorium would remain unchanged. The renewal would include a provision that would protect non ABC businesses and retail services from displacement by lateral expansions of ABC establishments. The period of renewal is for 5 years. It was noted that operational changes to ABC establishments (e.g. seating) would be handled through the "substantial change" provisions in the ABC regulations. The motion passed unanimously, 7-0.

Commissioners Reports

Ms. Rosenthal said there would be a hearing at the Public Service Commission concerning the pay phone at the Fireplace Tavern.

Ms. Newton reported the Mansion on O Street had been granted an ABC license over the objection of the ANC and the community.

Dr. Cary reported the illegal telephone on 17th Street at Corcoran had been removed.

Ms. Dehart reported that the first of the residents at 1520 O Street goes to settlement this month.

Mr. King reported on a pattern of trucks illegally parked at the Hilton Hotel. He said he is working with the Adams Morgan ANC to remedy.

Old Business

Mr. Pitsor said the bill which called for the revoking of a ABC license of establishments where repeated violence becomes a problem has become law.

Mr. Pitsor said he is in receipt of correspondence reporting on the illegal trash pickups by a number of commercial haulers. He suggested a letter be sent to offenders with copies to the 3rd District Police, DCRA and DPW.

The meeting adjourned at 10:30pm. Mr. Pitsor announced the date of the next public meeting of Advisory Neighborhood Commission would be on July 8, 1998.

Respectfully submitted,

Donald Jackson, Secretary
ANC 2B, Dupont Circle