

## **Minutes of the June 9, 1999 Public Meeting of Advisory Neighborhood Commission 2B (Dupont Circle)**

Chairman Pitsor called the meeting to order at 7:34 p.m. Commissioners King, Jackson, DeHart, Newton were present. Commissioner Shannon was out of town.

The minutes of the May meeting were corrected to note that the Spencer Condominium referenced in issue #3, page 2 is on O Street, not S Street and that Commissioner King opposed the pay phone motion on page 3. The minutes were approved as corrected.

### **POLICE CRIME REPORTS**

**Lt. Michael Smith** of PSA 314 was present for **Lt. Sichon** of PSA 309. He reported that for the month of May robberies were down 19% and burglaries were down 10%. A question was asked about crime and graffiti on Stead Playground. Sgt. McDowell replied that they are barring people from the playground after one infraction and that the Park Dept. councillor at Stead is cooperating with police. Another question dealt with the yellow warning signs on lamp posts about recent robberies. Sgt. McDowell reported that one suspect was arrested and then admitted to several more crimes.

**Lt. Klaus spoke for the Park Police.** Since mid-March they have made 70 drug, drinking, disorderly conduct related arrests in Dupont Circle and that many of the cases have been closed. The emergency phone for the front of the Resource Center is due to be installed soon. In response to a question about a permanent officer for the circle, he reported there was no one assigned yet this year. A question was asked about personal safety when walking through the circle park given the arrests. Lt. Klaus responded that there were no assaults recorded and that robberies in the park were all related to drug buys.

### **OPEN FORUM**

Chairman Pitsor announced at the July meeting, Vince Spaulding of the Clean City program would be speaking.

Chairman Pitsor reminded everyone that SMD 02 is vacant and that John La Beaum who was present had taken out petitions to run for the position and gave Mr. La Beaum the opportunity to introduce himself.

### **ISSUES**

- 1. Capital Pride Festival.** Jose Ucles, director of the 24th festival reviewed this year's plans including trash arrangements, changes in the parade route and rules for alcohol consumption at the festival site. Whitman-Walker and One and Ten are cosponsoring again. This is the first time the festival will be on Pennsylvania Avenue between Third and Ninth Streets. Chairman Pitsor commended Mr. Ucles on the arrangements.

- Cafe Japone request for substantial change in ABC license.** The requested changes are to include the ground floor of the building increasing the seating from 60 to 99 and to extend the hours. Comments from the ANC are due by June 22.

Simon Osnos, attorney for the restaurant, gave background on the history of the operation. The intent of the expansion focuses on the restaurant service and indicated it was not to be a nightclub. They offered to have a security person or off-duty police officer at 21st and P Sts. from midnight until closing on weekends to control noise. Mr. Osnos brought the contractor for the renovation to the meeting to answer questions and indicated the demolition of the former Sophie's Deli is almost complete as are the plans for the expanded restaurant.

Chairman Pitsor inquired about the previous Aki nightclub that was found by DCRA. Mr. Osnos confirmed that it was shutdown. Mr. Pitsor asked about the current operating hours for Cafe Japone since that had been a discussion topic. Mr. Osnos spoke about the operation, but did not respond to the actual operating hours. Mr. Pitsor asked Mr. Osnos to review the detail plans for the expansion. The first floor will have a handicap entrance and restrooms and they are willing to close this entrance at 11 pm. There will be 18 seats outside on public space that will close down at midnight. They offered to close the first floor expansion area and the existing second floor and former Aki area at 2 am during the week and 3 am on weekends and holidays.

Pam Taylor a resident at 21st and S Sts. questioned whether there was a valid certificate of occupancy. James Ostryniec and Mr. Escobar both of Hopkins Place opposed the expansion based on the past history of the restaurant in particular the Aki expansion. Mr. Ostryniec also complained of trash collection problems at the Cafe. and Mr. Escobar felt Cafe Japone operated as a bar and drew too many people from outside the neighborhood. He also felt the expansion ~~were~~ <sup>would</sup> exacerbate existing parking problems in the neighborhood.

Chab Dunn, a P St resident and business owner, spoke in favor of the expansion because there were worse quality of life issues at 22nd & P than at Cafe Japone. Karen Robinson, 22nd & O Sts. also spoke in favor of the expansion. She indicated that Cafe Japone is a restaurant and that it was one of the few late night dinner spots in the neighborhood for those who work late hours. She felt the construction of the new Marriott Hotel has caused more neighborhood problems than Cafe Japone. Ms. S. Pollard also of 22nd & P concurred with the need for a late night dinner establishment and was in favor of Aki. Fred Worthy of 15th & R Sts. spoke in favor of the expansion since there are parking problems everywhere, parking should not be an issue.

Chairman Pitsor indicated that in trying to develop a position on the expansion, the Aki incident begs the question of bona fide CR use and ability to trust Cafe Japone to follow through on their current plans as stated. Commissioner Newton expressed concerns about the extended hours and about the use of the 21st St side of the building. Mr. Osnos indicated that the Aki area would be sushi bar and restaurant and that there is only an exit onto 21st

Street. Commissioner DeHart reiterated her past concerns with using off-duty police officers since that posed a conflict of interest. Commissioner King commented that a balance needed to be struck in the neighborhood and that with a 30-40% expansion it was almost a new establishment. Commissioner Pitsor indicated that he was comfortable with the extended hours but that he would agree to limit entertainment to the P St side of the building. Commissioner Jackson felt the neighborhood has maxed out on parking for residents and customers and that the expansion would exacerbate the situation and that it also was inconsistent with the existing moratorium. Commissioner DeHart agreed that the neighborhood could not handle more commercial expansion.

Commissioner Newton moved and Commissioner Jackson seconded that:

ANC 2B oppose the substantial change application and file a protest with the ABC Board regarding the proposed hours of operation

The motion passed by a vote of 3-2-0 with Commissioners Pitsor and DeHart opposed. Commissioner Jackson then moved and Commissioner Newton seconded that:

ANC 2B oppose the substantial change application and file a protest with the ABC Board regarding the expanded seating.

The motion passed by a vote of 4-1-0 with Commissioner Pitsor opposed.

3. **Thursdays Restaurant Group, 1220 19th St.** The request for a stipulated CR license was withdrawn because the renovations would not be completed before the hearing date.
4. **Development of the 1500 block of O Street.** Commissioner DeHart introduced Eric Colbert, architect, who gave an overview of the project which is being developed by Keener Management and P.N. Hoffman. It will be an L-shaped residential building with 50 units and 52 parking spaces (twice more than required) and the building will have bay fronts like other houses in the neighborhood. It will be the maximum 45' height for the neighborhood and have an outer shell of red brick. The Dupont Conservancy has approved the design and the HPRB hearing is on June 24.

Kevin Keller, 1519 O St spoke in opposition to the proposed design. His house will have a party wall with the new building. He is concerned that there is no set back on the new building to match the existing houses on the block and the bays are 3' over the property line. Also, Mr. Keller did not feel that the trash pickup plans were adequate since they involved wheeling all trash receptacles down an alley to P Street for dumping. Mr. Keller requested that the building be set back to match the existing houses or at least for the first 20' of new frontage to lessen the impact on Mr. Keller's adjoining house.

Commissioner DeHart moved and Commissioner Newton seconded that:

ANC 2B supports the concept of residential development on this site.

Commissioner Pitsor requested that the motion be expanded to include:

ANC 2B is aware of issues of compatibility with existing houses and is aware that discussions are continuing with the developer and neighbors. ANC 2B requests the project return for further consideration when the issues are resolved.

The combined motion passed unanimously.

- 5. Smith & Wollensky's Restaurant, 1112 19th St.** Chairman Pitsor introduced Mr. William Cochran who reviewed their request for a sidewalk cafe on public space. The cafe will be set back 13' from the curb and will contain 4 locust trees. It will have 92 seats (there are 240 seats inside). Mr. Pitsor noted they have a 12 year lease on the site. He then moved and Commissioner King seconded that:

ANC 2B return the application to the Public Space Office with no objections, but noting the 13' curb set back and the hours of operation

The motion passed unanimously.

- 6. Olives, 918 16th St.** Mr. D. Mallios spoke for the restaurant. It is part of a Boston chain that is upscale and somewhat expensive. They have not yet applied for a sidewalk cafe but want the ABC issues covered if they do. Desmond Foynes, 1025 16th St. indicated that the SP zoning on the building precluded a restaurant. Mr. Cochran indicated the owners of the building did get a variance. No one on the ANC recalled being notified of the request for the variance. Mr. Mallios offered to obtain a copy of the variance for Mr. Foynes. Mr. Pitsor noted that if the applicant wished to use public space, an application would have to be filed and sent to the ANC for comment.
- 7. Picnic, 1901 L Street.** Chairman Pitsor reported that the restaurant had requested a sidewalk cafe that complied with all regulations and is located in a total commercial area. Mr. Pitsor then moved and Commissioner King seconded that:

ANC 2B support<sup>s</sup> the request for a sidewalk cafe on public space for this establishment.

The motion passed unanimously.

8. **West Dupont Circle Liquor License Moratorium.** Chairman Pitsor introduced the discussion with an overview of the existing moratorium. It began in 1994 and was approved for 5 years. It was a joint effort of ANC 2B and DCCA. The issues in the petitioned included peace, order, and quiet, over concentration, and parking. There are approximately 27 establishments in the moratorium zone. This meeting is for comment only, no votes.

James Ostryniec of Hopkins Place spoke in favor of renewing. He felt that if more nightclubs like Cafe Japone opened the neighborhood would be like Adams-Morgan. Mr. Escobar of Hopkins Place felt that all the original issues were still problems, that the P St. strip was a magnet and that the moratorium should be renewed. Pam Taylor of S Street reviewed a neighborhood meeting on the issue. The main concerns at the meeting were increasing the number of non-ABC retail offerings and prohibiting sales of singles due to problems with vagrants and public drunkenness.

9. **Pending pay phones issues.** Chairman Pitsor reported there are three pending cases all of which were protested by the ANC: 1514 21st St, 1742 Connecticut Ave., and 1629-31 Connecticut Ave. He also reported that the PSC and DPW have increased their efforts to better coordinate placement of phones on public space.
10. **ABC Legislation.** Chairman Pitsor reported that Council member Ambrose had a hearing on June 1 on several bills to change the ABC laws and that the Council will soon begin a comprehensive review of ABC regulations and that ANCs were invited to participate. Commissioner King added that Ms. Ambrose efforts are positive and that her zealous approach comes from her position that the problems on H Street, NE are a result of unfettered expansion. Chairman Pitsor also reported that Dennis Bass' last day on the ABC Board was June 3 and that Max Salis had been renominated. Both are residents of the ANC. Finally, Roderick Woodson, an attorney, has been nominated for chair.
11. **Sidewalk and Road Repair.** Chairman Pitsor reported that after one year, many patches or other pavement problems reported to Flippo Construction have not had been replaced by permanent repairs. Also, an updated street resurface schedule was received. Questions for follow-up were received concerning paving 19th Street from Q to Corcoran and whether the catch basins in storm drains are cleaned regularly or just on request.

Commissioner DeHart reported that the railings above the Scott Circle underpass were to be removed in June for restoration and that the project, when completed, will include replacing benches with chairs and repaving the sidewalks around the circle. She also reported that Gary Burch of DPW Street Division has funds available to restore cobblestone alleys.

## **COMMISSIONER REPORTS**

**Commissioner Newton** reported that Donahue Construction had not been working on the new Marriott Hotel on recent Saturdays .

**Commissioner Jackson** reported that Lt. Sichon of PSA 309 would be meeting with the 17th Street Merchants to discuss her philosophy of limiting outdoor pay phones. He also has received word for ANC 2F (Logan Circle) that they would like to begin studying R Street in hopes of taking back the south lane for parking and eliminating the current rush hour parking restrictions.

**Commissioner King** reported that the four-way stop sign at New Hampshire Ave and S Street is in place. Richard Mason of the Adams-Morgan ANC is still negotiating with Lauriol Plaza on their sidewalk cafe. They are requesting only a 6 foot set back on 18th Street. Mr. King moved and Commissioner Jackson seconded that;

ANC 2B send a letter to DPW reiterating our past position on the Lauriol Plaza sidewalk cafe and indicating that we are opposed to the 6 foot setback.

The motion passed unanimously. Mr. King has also been working with Mr. Mason on installing a four-way stop sign at 18th & T Sts because of safety issues at the intersection. Mr. King moved and Commissioner DeHart seconded that:

ANC 2B send a letter to DPW supporting the installation of a four-way stop sign at the intersection of 18th & T Sts, NW

The motion passed unanimously.

## **OLD BUSINESS**

Judith Leon of 16th Street asked the status of rat poison on the ball field at **Stead Playground** since children using the space. She indicated that she had contacted Council Member Jack Evans' office with and received no response. John Ralls of Mr. Evan's office agreed to meet with her and get an answer.

## **NEW BUSINESS**

Chab Dunn reported that he is the community liaison for PSA 307 as part of the Community Policing Forum and that improvements in the operation of the PSA are noticeable.

There being no further business, Chairman Pitsor announced the next meeting for July 14, 1999 and adjourned this meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald J. Jackson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Donald J. Jackson,  
Secretary