

Minutes of the June 14, 2000 Public Meeting of Advisory Neighborhood Commission 2B (Dupont Circle)

Chairman Pitsor called the meeting to order at 7:35 p.m. Commissioners King, Shannon, DeHart and Newton were present. Commissioners Jackson and Micone were out of town.

ADMINISTRATIVE MATTERS The minutes of the April 12, 2000 and May 10, 2000 meetings were approved as distributed.

POLICE AND CRIME REPORTS

Lt. Hill of the Third District introduced Sgt. Michelle Queen of 307, Officer Juanita Graham of 307, Officer Judith Rose of 309 and Acting Sgt. Walter Fairenhaus of 308. He reported that crime was generally down in May compared to April. Since June 1 there have been nine arrests for robbery with a tenth expected soon. Search warrants for recovery of property are in effect.

Judy Werdel expressed concern about recent daytime robberies with a gun in the area. Lt. Hill replied that one of those arrested has been identified with the robbery on April 26 at 1835 Corcoran Street, May 11 on the 2000 block on N Street and May 17 at 1445 Swann Street. Residents with information on these crimes may call Detective David Swenson in the Third District Detective's Office 202-673-6914.

Zelda Zelden commented on attending a Third District Citizen's Police Advisory Meeting where the need for additional officers on the beat was expressed. Commissioner Pitsor reported on a meeting with Commander Beach where the need for more officers on foot and on scooters was discussed. Lt. Hill reported that the total department strength is 3600, but the strength authorized by Congress is 3800. Funds are only available for 3600.

Donna Hays commented that people have been looking into cars as if to break in in the area around the Q Street Bridge construction. Kathryn Talmidge reported that her calls to police have brought no response. Lt. Hill suggested citizens who have this problem could also call his pager at 202-886-7597.

Acting Sgt. Fairenhaus reported that PSA 308 has been monitoring large vehicular traffic in the 1700 block of Corcoran Street, Q Street, and 16th and R and has found very few violations. Debbie Hanrahan reported cracked ceilings from vibration from construction vehicles. Judy Werdel expressed disappointment that the police representation was so small at the last ANC meeting.

Officer Judith Rose of 309 said that thefts from autos are down. Commissioner DeHart reported that when she called 311, the response was that officers were "too busy" to come. Lt. Hill expressed concern and Officer Rose said citizens could call her pager, 301-403-9749.

ANNOUNCEMENTS

Commissioner Pitsor reported that the Dupont Circle Parking Task Force chaired by Commissioner Micone will have its next meeting Tuesday, June 20 at the National Women's Democratic Club, at 7:00 p.m. Recommendations from the committee will be discussed at a community meeting planned for July 19 at the Jewish Community Center.

Commissioner Pitsor reported that WMATA representatives will be present at the July 12 ANC meeting to present proposed design concepts for canopies to be put over the entrances to the Dupont Circle Metro.

Commissioner Pitsor announced a meeting of a citizens' advisory committee for the National Capital Region's Transportation Planning Board on Thursday, June 15 at Sumner School at 7:30 p.m. Regional transportation issues will be discussed.

OPEN FORUM

A resident commented on problems in the 1800 block of Corcoran where mail boxes have been tampered with. She has reported this to the postal inspector.

ISSUES

1. **School Governance Charter Amendment Act of 2000.** Commissioner Pitsor reminded residents of the June 27 special election on the proposed School Governance Charter Amendment Act of 2000. A Ward 1 and 2 public debate will be held on Thursday, June 15 at the Reeves Center, 14th and U Streets. Speakers at that meeting will comment on pros and cons of the proposed amendment.

Joshua Wyner, Executive Director of the DC Appleseed Center, outlined the changes proposed by the referendum:

1. Reducing the number of members of the Board of Education from 11 to 9. (five elected from four new school election districts, with one Member-at-Large as Board President, and four appointed by the Mayor with approval of the City Council.
2. Limiting and clarifying the role and responsibility of the School Board. The Board would hire, evaluate and remove the Superintendent, establish personnel policies for hiring principals, and approve the annual budget.
3. Allowing the Council to enact legislation creating a state education agency.
4. Directing that this Board structure would end in four years with the selection and size of the Board would be made according to the council and mayor thereafter.

Some cities have an appointed board, some an elected one. Only one other city, Oakland, has a hybrid system like this. He said it is important to vote on June 27 to show concern for the schools.

Debbie Hanrahan expressed concern about the quality of appointments with this system and the control of the disposal of school property.

- 2. Improvements to the Park at Dupont Circle.** Arnold Goldstein, Superintendent of the National Capital Parks Region, presented plans for renovations to Dupont Circle. Additional funding for beautification of three national parks has been received through the DC Sparkle Program. Construction will begin November 1, taking four months to complete. Alice MacLaurty, landscape architect, explained the planned improvements which include:
1. Post and chains will be added around the perimeter and at the corners of the park in an effort to limit foot traffic and protect the grass.
 2. The pool bottom will be replaced with cobblestones.
 3. The upper walk will be replaced and damaged sidewalks will be reconstructed.
 4. Couplers for attaching water hoses for watering or cleaning sidewalks will be added.
 5. The fountain will have a new pump, piping and a new pump vault.
 6. Benches have recently been stained.
 7. The two drinking fountains will be replaced with handicapped accessible fountains.
 8. Low decorative fences will be placed around the seasonal flower beds.

The fountain will be cleaned and repointed, but the fountain sculpture will not be restored. Some \$200,000 has been allocated. Commissioner Pitsor asked if the fountain could be lighted from underneath. Mr. Goldstein said that historic issues would be involved and maintenance would be prohibitive for underwater lights. No changes are planned for the chess table area. A resident expressed concern about homeless people sleeping on benches and drug dealing in the park.

Jim Ostryniec mentioned that the park is heavily used on weekends and trash is a problem. He suggested that two trash pickups instead of one be scheduled on the weekends. Mr. Goldstein said that now two trash pickups are scheduled on weekdays with one on weekends, and he would take under advisement the possibility of restructuring this schedule. One resident said that in other parts of the country civic organizations have helped the Park Service by providing maintenance help in the parks. In some areas neighbors also contribute money for park maintenance.

Commissioner DeHart commented that she understood the benches at Scott Circle near the Daniel Webster statue would be replaced with benches that are not suitable for sleeping, but that these benches have been repainted, not replaced. Mr. Goldstein said they are looking at benches with a rail in the middle that make sleeping more difficult, but there are no current plans for replacing benches because of lack of funds.

- 3. Public Space Application.** Joe Spinelli of Starbucks at 1301 Connecticut Avenue outlined the changes the restaurant has made in their proposal for outdoor seating. They will use 268 square feet on the 18th Street side of the building for 15 seats. A tubular metal railing will surround the perimeter which will be 13' 10" from the curb. In response to 18th Street side

sanitation complaints, Starbucks has rented a trash compactor at 1225 Connecticut Avenue. Trash is taken there from the inside of the building twice a day. An additional 40 hours of labor has been provided for to keep the outside area clean. The hours of operation will be 6 a.m. to 10 p.m. on weekdays and 7:00 a.m. to 9 p.m. weekends, March through November. Tables and chairs will be stored when not in use. Mike Fasano said that the 6 a.m. opening is too early. Garbage trucks aren't allowed before 7:00 a.m. He also said that regulations require that there be a wait person or attendant assigned to public space at all times.

Mr. Richards of the Palladium Condominium commented on the concerns of neighbors about the trash on 18th Street and problems with the dumpsters that remain on 18th Street from other restaurants. Jim Ostryniec commented on trash problems with continued commercial public space expansions. Cynthia Eastment commented on the low \$5 per square foot cost for public space. Commissioner DeHart asked about morning cleaning of the outdoor space. It was reported that a staff person would be in charge of cleaning. It would be hosed and power washed. Commissioner Pitsor moved and Commissioner Newton seconded that:

ANC2B support the application of Starbucks for public space use, noting that the applicant has in effect a contract for off-site storage of trash which would be attached to our condition of support and condition for a public space permit; that the applicant would comply fully with public space regulations with respect to individuals being assigned to the public space use and with respect to keeping the area clean of refuse and debris including a daily wash; that the chairs and demountable metal railings be stored overnight off the public space; and that the hours of operation would be from 7:00 a.m. until the closing hours of the establishment, understanding that the public space use would close one hour before the close of the business.

The motion passed unanimously.

4. **BZA application 16584.** Commissioner Pitsor opened the floor for comment on an application for a variance to allow a second floor addition to a non-conforming structure of an existing single family dwelling at 2208 ½ Q Street NW. Jim Smith spoke for the owner, Douglas Jefferies. The alley is less than 30 feet wide and the house has no street frontage. A vertical addition would add a master bedroom and loft that overlooks a roof-top swimming pool. The plans have been before the Commission on Fine Arts and the Historic Preservation Board. Mr. Pitsor read a statement of support from Commissioner Micone. Donna Hays said that neighbors had discussed the changes and there have been no objections. Commissioner Pitsor moved and Commissioner Shannon seconded, that:

ANC2B support the BZA application 16584 as presented this evening and forward our recommendation to the BZA.

The motion passed unanimously.

5. **BZA application 16585.** Commissioner Pitsor opened the floor for comment on a variance to the maximum lot percentage for an addition to an existing garage at 2119 S Street NW. The application is in ANC1D, proximate to our ANC. Commissioner Pitsor said that Commissioner Micone has received no concerns about the request. No action was taken as the application is in ANC1D.
6. **New Class B ABC license for Fresh Fields, 1440 P Street NW.** Mr. Pitsor explained that this new license for beer and wine for off-premise consumption is being permitted under a new legislation passed by the City Council. The Logan Circle ANC took no action on the permit but will work for a voluntary agreement with Fresh Fields restricting the sale of singles, etc. Commissioner Shannon noted that DC special legislation allows the granting of an ABC license to this new Fresh Fields store as an exception to the DC law that restricts super market chains to one license each.
7. **ABC License Renewals.** Commissioner Pitsor pointed out that the petition date for comments on license renewals is June 20 and the role call date is July 5.

WrapWorks, 1601 Connecticut Avenue NW. Zelda Zelden said she shares the alley with WrapWorks and objects to the noise made by motorized air conditioning equipment. Anexora Skvirsky also objected to the damage to ceilings that the vibration of this equipment causes. Rats and truck deliveries are also a problem. Commissioner Shannon reported that Commissioner Micone had expressed a need to protest due to complaints from residents. She moved and Commissioner Newton seconded that:

ANC2B protest the renewal of the ABC license for WrapWorks pending determination of responsibility for cooling equipment that has been the subject of noise complaints from neighbors and to work with the applicant to resolve these concerns through a voluntary agreement.

The motion passed unanimously.

Fuzio, 1630 Connecticut Avenue NW. Charles Sweet complained about the addition of a large unattractive air conditioning unit on the back of the building and about the venting of unpleasant kitchen odors onto the street level on Hillyer Place. The general manager and chef of Fuzio replied that he has been working to improve the situation and wants to work amicably with neighbors. Commissioner Pitsor read a statement from Commissioner Micone expressing a need to protest and work out a voluntary agreement. He moved, and Commissioner Shannon seconded, that:

ANC2B protest the renewal of the ABC license for Fuzio due to complaints related to trash, fumes and HVAC problems. The commissioner will be working with the residents and the Fuzio management to work out a voluntary agreement.

The motion passed unanimously.

Sol/Cobalt, 1639 R Street NW. Commissioner Pitsor reported that this license has been in safe keeping for a year since the site burned. When the current renovation is complete, notice of changes taking place for the restaurant's ABC license will be noticed in the community. Commissioner Shannon said she was concerned that the ANC would be approving something about which nothing is known. Commissioner Pitsor said the license owner will have to go before ABC Board periodically to update the status of the license in safe keeping and the intention for reactivation.

John Elliott, current co-owner with Eric Little, said there are no major changes planned. It will be a restaurant and bar like it was before. No voluntary agreement has ever been in effect. Mike Fasano said that Sol/Cobalt's current public space agreement has no time limit, but according to regulations, when ownership changes closing hours should become 11 pm on weekdays and 12 on weekends, like those restaurants close to residents customarily have. He also said that residents of the 1600 block of R Street had told him there had been drug problems associated with the establishment in the past. Commissioner Pitsor read a statement from Commissioner Jackson expressing no opposition to the current license. He moved and Commissioner Newton seconded that:

ANC2B not oppose the renewal of the current CR license for Sol/Cobalt under its current terms. The commission notes that the license is in safe keeping and that the business has been closed for a year and is undergoing renovation and that the commission will be working with the new management team to address the modifications and the CR license under the new management.

Commissioner Shannon moved to amend the motion, seconded by Commissioner Newton, to add "through a voluntary agreement." The amendment carried by a 3 to 2 vote (Commissioners Shannon, Newton and DeHart in favor and Commissioners Pitsor and King opposed).

The motion as amended passed 4 to 1 with Commissioner King abstaining.

Mediterranean Blue, 1910 18th Street NW. Based on an e-mail message complaining about garbage problems, Commissioner King moved and Commissioner Shannon seconded that:

ANC2B protest the CR license for Mediterranean Blue pending the satisfactory resolution of complaints from neighbors.

The motion passed unanimously.

Mansion on O Street, 2020 O Street NW. Commissioner Pitsor said that the ABC Board granted a license for the Mansion on O Street in 1998 and that decision is now in the Court of Appeals. The ANC, Dupont Circle Citizens Association and a number of residents in the area were protestants in the case over the appropriateness of a CX private club license in a residential zone among other issues. A neighborhood meeting was held several months ago to discuss issues involved.

A neighbor, Cynthia Eastment, said she continues to be adversely affected by the activity at the Mansion and feels there is an additional problem as it has become larger. A neighbor, Jim Ostryneic cited trash problems and the draining of the swimming pool as problems. Michael Fasano spoke for the Board of the Dupont Circle Citizens Association to say that they are continuing their opposition to the CX license. Margaret Young said that the valet parking used by the Mansion is not at all appropriate.

Commissioner Newton moved and Commissioner Shannon seconded that:

ANC2B reaffirm its August 1997 protest to the CX license for the Mansion on O Street based on the inappropriateness of this license in a residential neighborhood and complaints from residents on traffic and noise.

Commissioner Pitsor said that since the license is in litigation, all parties will probably request that the protest be put "on hold" pending the decision of the court regarding the issuance of the initial CX license.. This motion protects our legal right to be a party to the protest. This will be stated in a letter to the Board.

The motion passed unanimously.

8. **Pending ABC protest issues.** Commissioner Pitsor said a protest with the Sulgrave Club over sanitation issues, has been resolved and an agreement reached and submitted to the Board.

Commissioner Pitsor said that the request for a substantial change operation from JR's Bar and Grill is still pending before the ABC Board. The ANC is a protest party with DCCA and several hundred residents. The commission met on site with the applicant to review plans for expansion and to discuss opportunities for resolution, taking into consideration the concerns for over concentration of ABC uses in the zone. A number of proposals came from the community and from the applicant that are still on the table and efforts are still under way to reach a mutual resolution. A status hearing before the ABC Board will be held on June 21 to report on the progress of these discussions. No proposed change to the commission's position was made.

COMMISSIONER REPORTS

Commissioner Shannon said that large posts erected by the Argentine Embassy for a fence had no permit. After a Historic Preservation inspector came out, the large posts have been replaced by smaller posts and a metal picket fence within the regulations will be built. She is following up with neighbors of the S & T Parks on their concerns. The Department of Public Works has been asked to study the lack of visibility at the intersection at 17th and Corcoran.

Commissioner DeHart reported that night construction work on the railing at Scott Circle has started. Discussion on the Solar Building PUD continues. A copy of more complete plans with information on materials has been requested from the architects. David Schultz, manager of the new Fresh Fields store at 14th and P Streets, has announced that their opening is planned for December 14.

OLD BUSINESS

Commissioner Pitsor said he has sent a revised list of needed street repairs to Bill Rice, Public Affairs Officer for the Department of Public Works and Transportation. Dupont Down Under, which went into bankruptcy, has appealed the court decision that ruled in favor of the city in their suit to sever Dupont Down Under's lease for nonperformance. Requests have been made to remove the upper structures and seal off the entrances for public safety reasons, but until the case is finally decided, the city cannot do this. It was agreed to write a letter to the bankruptcy trustee outlining the commission's safety concerns on Dupont Down Under.

Commissioner Pitsor announced the next public meeting on July 12. This meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Marilyn S. Newton

Marilyn Newton
Acting Secretary