

## **Minutes of the October 11, 2000 Public Meeting of Advisory Neighborhood Commission 2B (Dupont Circle)**

Chairman Pitsor called the meeting to order at 7:40 p.m. Commissioners Micone, Shannon, Jackson, DeHart and Newton were present. Commissioner King was unable to attend.

**ADMINISTRATIVE MATTERS** The minutes of the September, 2000 meeting were approved after noting non-substantive corrections offered by Commissioner Micone and Chairman Pitsor.

### **POLICE AND CRIME REPORTS**

**Lt. Middleton of PSA 308 spoke for the Third District** and was assisted by Sgt. David Taylor. Lt. Middleton pledged to be present at all monthly meetings because of his concern for the neighborhood. Chairman Pitsor asked about staffing levels in the Third District. Lt. Middleton reported that the whole department is at authorized staffing levels although with the recent 20 promotions, there is a shortage of officers and sargents. Commissioner Shannon requested better control of trucks at the Hilton Hotel on Florida Ave. Commissioner Micone requested enforcement of the Q Street truck and bus restrictions. He also reported an increase in graffiti in the neighborhood.

**Lt. Eyester represented PSA 307.** In his new appointment he has focused on the area near 22nd and P Sts in response to complaints about noise from club patrons and sales of ecstasy. He has been working on with the truck problems at the Hilton Hotel and has increased the number of tickets written.

### **OPEN FORUM**

**Frank Hornstein** announced the First Dupont Circle Festival on October 14 and 15. It is sponsored by DCCA and American Farmland Trust Auction. There will be an auction on October 14 to fund planting of additional trees in the neighborhood and the DCCA House tour will be on October 15.

**Jerry Schwinn** announced a forum for candidates for the District 2 School Board Election sponsored by the League of Women Voters.

**Chairman Pitsor** noted that Mr. Schwinn is a candidate for ANC commissioner in the upcoming election. Other candidates were invited to introduce themselves. Doug Dameron, Norma Chaplin, and Irv Morgan addressed the meeting.

**Commissioner Micone** reported on the community meeting to discuss the report of the Parking Task Force. The meeting included healthy discussion and has generated a number of suggestions via email. He expects the final report to be completed in either November or December. Mr. Micone acknowledged the support of June Hirsh in Council Member Evans' Office and of Chairman Pitsor.

## **ISSUES**

- 1. Discussion with Dan Tangherlini, Director, Office of Transportation** Mr. Tangherlini began with an overview of his department's responsibility and some historical comments regarding the state of roadways in the District. He is responsible for pavement of streets, sidewalks, right of ways and utility cuts. He feels the best forum for communication is email and gave his address. He responds to citizens first and bureaucrats second. There is a two year repaving plan on the department website.

Some streets are being repaved using an emergency plan. Much of the backlog in street repairs dates back to the fiscal crisis of 1995 which resulted in major deferring of maintenance. The department is still in the catch-up phase. They are also experimenting with new "superpave" materials. The first use will be on 16th Street from M to S and if successful, north to U Street.

Many residents and commissioners inquired about specific repair schedules and traffic calming methods. He was commended for completing several projects and for the amount of information on the website. Mr. Tangherlini answered all questions. He also reported on utility cut repairs. The need for new communications conduits was attributed to the fact that about 60% of the world's Internet traffic flows through the District. All utilities must provide a two year conduit installation plan. DPW will not repave any streets on their plans. DPW will install new conduit when they totally rebuild a street, but not when just repaving. Finally, he introduced Bill Rice, the Public Affairs Director for Transportation.

- 2. Phillips Collection** Commissioner Micone reviewed the one year history of their planning and request for expansion. The recent neighborhood concerns were heightened when some trees were cut. The neighbors are requesting the ANC to reconsider its support of the BZA application. He introduced Stephen Gell, the attorney for the neighbors opposed to the expansion.

Mr. Gell reported the neighbors felt there was insufficient notice and that some within the required 200 foot zone had not received the formal notice from BZA. The neighbors are most concerned about the increased intensity of use with the expanded building. Also, there was no traffic study performed. Other reasons for concern were: the larger cafe would encourage more bus groups, the alley in back is not wide enough to support the extra traffic for catering, and loss of housing, especially a building which is mixed income.

Dick Suisman, 1611 21st Street, has concerns about the expansion because of the lack of notice, the neighborhood impact from increased use, and he questioned the need since the museum is not in a hardship situation. Morton Schusshein, 1619 21st Street, is concerned about the displaced residents and the overall impact on the neighborhood from the larger building and increased number of patrons.

Carol Richter, a 22 year resident, reported on the unkept promises by the Phillips Collection over the years. Numerous operating agreements were made as issues arose and they were carried out only for the short term. Vince Hurteau compared the changes on 21st Street to those on 16th Street below Scott Circle. When organizations like the Phillips are allowed to continually expand, residential property is lost as happened on 16th Street. Larry Auerbach, representing the Cosmos Club, supported the idea of postponing the BZA hearing because the current plans do not match the original plans that were presented and because more planning is needed to regarding use of the alley.

Jay Gates, museum director, responded to many comments and reviewed the time line document that was distributed which showed the extent of notice given to the neighbors. Chairman Pitsor gave a history of the ANC decisions around the case. Commissioner Micone reminded everyone that our original letter of support will always be in the BZA files. Mr. Micone noted the ANC did give proper notice for its meetings on the subject, but he is willing to continue working towards a compromise. Commissioner Micone then moved and Commissioner Shannon seconded that

ANC 2B recommend to BZA that they postpone the Phillips Collection hearing until the next appropriate time to allow parties to create covenants on operations issues.

Chairman Pitsor requested that the motion be changed to a continuance rather than postponement. Commissioner Shannon also requested that the motion state we withdraw our previous support. After discussion the motion was read as :

ANC 2B notify the BZA that we withdraw our previous letter of support and that we support a continuance of the hearing to give the parties time to meet and resolve new issues.

The motion passed 4-2-0 with Commissioners Jackson and Newton opposed. Commissioner Micone pledged to work within the zoning regulations to reach a compromise and thanked the Phillips Collection for a fine job responding to issues.

### **3. ABC voluntary agreements**

Fuzio, 1630 Connecticut Ave. Commissioner Micone previously distributed an agreement to the neighbors which was accepted. It resolved three issues: trash, exhaust fan filter changes and improving the appearance of the air conditioning equipment. Commissioner Micone moved acceptance of the agreement. Commissioner Shannon seconded the motion and it passed

unanimously.

Wrapworks, 1601 Connecticut Ave. Commissioner Micone reported the agreement to control noise at this establishment is still in development and requested that we postpone discussion until November since the ABC hearing is scheduled for late November.

- 4. Public Space request by California Pizza Kitchen, 1260 Connecticut Ave.** Chairman Pitsor introduced Ed Grandis, attorney and Eric Stendt, manager. They plan to use the space April through October. All tables and chairs will be stored off season. The plan provides more than 10 feet from the tree boxes. The seating area will be contained by wheeled planters and ropes and stanchions. The hours will be 10 am to 11 pm and the tables will be brought in at night. The restaurant is located in a totally commercial zone. Chairman Pitsor then moved and Commissioner Jackson seconded that:

ANC 2B support the public space application by California Pizza Kitchen as presented provided that the applicant comply with all public space regulations and include an assigned staff person for the patio area.

The motion passed unanimously.

- 5. Public Space request by Fuzio, 1630 Connecticut Ave.** Mark Cordes, chef and general manager gave an overview of his proposal for 18 seats on the Connecticut Ave. side of the restaurant. The plan will increase the seating capacity by one-third from April to October. The proposal provides exactly the minimum 10' clearance from the rope and stanchions to the curb. Food will be passed to the sidewalk server through the open windows of the restaurant.

Several neighbors present were opposed to the plan because fears the movable stanchions would move closer to the curb reducing pedestrian use of the sidewalk. It was noted this is one of the narrowest sidewalk in the area and was designed when there were fewer people and approving the request would be a bad precedent. Mike Fasano of DCCA Public Space Committee reported that although Fuzio was a good neighbor, the sidewalk cafe regulations state minimum required clearances and this plan barely satisfies them. Because sidewalks are primarily for people, DCCA would be opposed to this particular application.

Commissioner Micone reported that he and Mr. Cordes had met with a group of 24 neighbors on this issues. He appreciated Mr. Cordes work on the plan, but that all of the neighbors were opposed. Commissioner Micone then moved and Commissioner Shannon seconded that:

ANC 2B protest the use of public space by Fuzio for 18 seats due to concerns over proper clearance and because the current application on file does not match the plans presented to the ANC.

The motion passed unanimously.

- 6. Paving of historic alleys on 17th Street** Commissioner DeHart led this discussion which focused on the alley on the east side of 17th Street between P and R Streets. There are a number of sanitation issues that are difficult to resolve because of the uneven state of the original paving bricks. The alley cannot be effectively washed or swept. The suggestion had been made to pave the alley with concrete or asphalt rather than rework the bricks. All of the business owners endorse the concept. Commissioner DeHart then moved and Commissioner Shannon seconded that:

ANC 2B approve the concept of paving the three alley systems east of 17th Street and between P and R Sts and that we recommend this to the appropriate city agencies.

The motion passed unanimously.

- 7. Dupont Circle Resource Center** Chairman Pitsor reported that the Memorandum of Understanding between ANC 2B, US Park Service and DC MPD needed to be renewed. He has been in discussion with the other parties because of problems from improper use of the phones in the center. He will continue negotiation of terms of renewal and future use of center and report in November.

## **COMMISSIONER REPORTS**

**Commissioner Shannon** reported that she and Commissioner DeHart toured the new Regent Apartment Building (16th & R Sts.) and were told the rents would range from \$2,500 to \$7,000 per month.

**Commissioner Newton** reported that the case protesting the ABC license for the Mansion on O Street has moved to the Court of Appeals.

**Commissioner Jackson** reported that there has been no action on the compromise over the Church Street driveway use by St. Luke's Church and that the BZA has not issued the final order from the hearing.

**Commissioner Pitsor** reported on Luna, Connecticut Ave, ABC renewal protest case. We had opposed the renewal because of trash problems. Since October 1 they have been storing all their trash inside rather than on the sidewalk. Chairman Pitsor then moved and Commissioner Shannon seconded that:

ANC 2B drop the protest of Luna, Connecticut Ave because they have made accommodation for their trash and appear to have resolved the problems.

The motion passed unanimously.

**OLD BUSINESS**

No old business was discussed at this meeting.

**NEW BUSINESS**

No new business was discussed at this meeting.

Chairman Pitsor announced the next public meeting on November 8. This meeting was adjourned at 11:05 p.m.

Respectfully submitted,

Donald Jackson,  
Secretary