

MINUTES OF THE MEETING
OF THE DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION
HELD MAY 24, 1989

A regularly stated meeting of the Dupont Circle Advisory Neighborhood Commission (ANC 2B) was held on Wednesday, May 24, 1989 at 7:30 p.m. All commissioners (Bass, Evans, Gaugler, Grandis, Maggi, Moses and Rieffel) were present.

During the "Open Forum," Mr. Evans noted that there have been two serious break ins in the 1700 block of P.

Also during the "Open Forum," Mr. Chip Faucett of the Department of Recreation and parks presented a proposal concerning the use of Francis Field by George Washington University. The University would make improvements of approximately \$250,000 in value and provide maintenance for the field in exchange for having the use of the field reserved for the use of the University during set times.

The minutes of the previous meeting were not submitted for approval, due to a request by Mr. Maggi that they be corrected.

Under members' business, Mr. Bass noted that he had testified on behalf of ANC 2B at the hearing of the Committee on Government Operations of the Council concerning the sale of property at 16 and Q Streets to the Jewish Community Center.

Mr. Bass moved, and Mr. Gaugler seconded, a motion that ANC 2B endorse Bill 8-204 "The Prohibition of Horse-drawn Carriage Trade Act of 1989." The motion was passed, with all commissioners voting in favor except Moses, who was not yet present at the meeting.

Mr. Maggi moved, and Mr. Bass seconded a motion that the ANC transmit a letter to ANC 2A, to the AAMA and to the Council confirming that our position opposing a Planned Unit Development at 25th and N Streets, N.W., as proposed by Boston Properties, Inc., has not changed and that we support ANC 2A's efforts to oppose the PUD. The Dupont Circle ANC is eager to coordinate with ANC 2A on this matter and invites any suggestion along those lines. The motion was passed, with all commissioners voting in favor except Moses, who was not yet present at the meeting.

Mr. Maggi presented the report of the Employee Committee, which consists of Mr. Maggi, Mrs. Rieffel, and Mr. Gaugler, and which was assisted by Ms. Moses. He then moved that the ANC adopt the position description and term of employment proposed by the Committee, and that the ANC approve the recommendation that Nancy Melville be hired on a contractor/consultant basis. The motion was seconded by Mrs. Rieffel and approved, with all commissioners voting in favor except Moses, who was not yet present at the meeting.

Mr. Gaugler moved, and Mrs. Rieffel seconded, a motion that the ANC approve request of the Rhode Island Associates Limited Partnership for rezoning and a planned unit development at 1616 Rhode Island Avenue provided the zoning order contains the following stipulations:

1. At least one (1) parking space in the building shall be assigned to the use of the tenants of each residential unit. Minimum 48 units. Top two (2) floors.

2. The Partnership will provide a minimum of two (2) floors of apartments, all of which shall be bona fide residential space and not for transient use.

-All residential leases are to be for a minimum term of 12 months.

-Neither room service for food or other items, nor hotel-similar services shall be provided to the tenants.

-No apartment or room shall be leased on a time-share basis.

-No apartment or room shall be used as a hotel, motel, boarding house, or private club (including fraternities and sororities).

-No apartment or room shall be leased to any corporation, partnership, association, joint venture, government agency, trust, or estate, nor to anyone acting for or on behalf of such entity.

3. The Partnership shall provide the following amenities for the Ross School. The amenities may be provided in the form of funds, in-kind services, or a combination of the two and shall be accommodated through the normal zoning decision process. Those amenities are as follows:

a. Attic Renovation

b. Basement Renovation

- c. Window Replacement
- d. Playground Resurface
- e. Fencing Repair
- f. Presently need Pipe Replacement

Mr. Grandis made a motion, seconded by Mr. Evans, to amend the previous motion by attaching the cost figures as submitted by the principal of Ross Elementary School. The motion was defeated, with Grandis and Moses voting in favor, and the remaining commissioners voting against.

The commissioners then voted on the previous motion of Mr. Gaugler, which was passed, with all commissioners voting in favor except Grandis and Moses who voted against.

Mr. Evans made, and Mr. Bass seconded, the attached motion concerning Brookings, which was passed unanimously.

Ms. Moses made, and Mr. Maggi seconded, a motion in support of the request of Second Story Books for a waiver allowing the temporary operation of a kiosk for the sale of books during working hours with the understanding that it would be dismantled and stored off public space when not in use. The motion was approved unanimously.

Mr. Maggi made the following motion, which was seconded by Mrs. Rieffel and approved, with Maggi, Rieffel, Bass, Evans voting in favor; Gaugler and Grandis voting against, and Moses abstaining.

"That the ANC reiterates its opposition to the consideration of new liquor licenses in the area of the proposed 17th Street Liquor License Moratorium prior to ABC action on the requested moratorium. If, however, the ABC Board -- against the expressed wishes of the ANC, other neighborhood groups and area residents -- nevertheless considers new applications, the ANC urges the ABC Board to consider the position adopted by the ANC with respect to Application No. 28509."

Mr. Gaugler made the following motion, which was seconded by Mr. Bass and approved unanimously.

"That under no circumstances will ANC 2B support Application No. 28509 due to the following factors:

"-There are no facilities for the location of a dumpster for the disposal of garbage for the proposed establishment. The alley on the north side is only 4' wide and the only space for a dumpster is on the property of the adjacent Paramount Steak House.

"-There is inadequate parking for the proposed

establishment, which proposed to seat 200 individuals and consequently would bring approximately 100 additional cars into the neighborhood. Arrangements for parking within the building provide a total of 86 spaces for all uses, including residents of the building.

"-While not technically a "nightclub," the proposed establishment is in the nature of a nightclub, with live entertainment, late hours, large numbers of customers, and a heavy consumption of alcohol. It is not a small neighborhood restaurant at which consumption of alcohol would be incidental to food. To have an establishment which is "nightclub" in nature is inconsistent with maintaining the peace and quiet of our residential neighborhood.

"-While the applicant informed the ANC that she has collected 300 signatures, these have not been made available to the ANC for verification, and in any event, the ANC rejects the assertion that 300 is a large number of signatures in view of the number of residents who will be affected.

"-The applicant states in her application that trash will be picked up between 6 and 7 a.m. This is in violation of city regulations governing trash pickup, and would awaken the numerous residents of nearby buildings, many of whom are already repeatedly awakened by garbage trucks at unreasonable hours.

"-The size (200 seats) is incompatible with the Comprehensive Plan which specifies "local neighborhood commercial" for this district.

"-The plan as presented to the ANC at its meeting included extensive marketing to national groups, which is inconsistent with having an establishment which serves the local neighborhood."

Mr. Maggi moved, and Mrs. Rieffel seconded, a motion by Mr. Maggi to support the proposed amendments to 11 DCMR placing limitations on the number of eating and drinking establishment sin commercial zones. Noting the short period of time for public comment, and the opposition by other groups because the scope is too restrictive, Mr. Bass made a motion, and Mrs. Rieffel seconded it, that the previous motion be tabled, with all commissioners voting in favor except Mr. Maggi who voted in opposition.

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Mr. Grandis moved, and Ms. Moses seconded, a motion that the ANC send a letter to John Wilson urging him to ask Chairman Clarke to extend the comment period on a memorandum circulated by the Office of Planning requesting comments to the ward plans. Additionally, the letter should request Mr. Wilson to have his staff work with the ANC's and other concerned residents in preparing a response. Additionally, the letter is to urge Mr. Wilson to support the recommendations he received on these proposals from ANC 2B and the comments submitted by the Ad Hoc Committee supporting the ward plan. The motion was passed unanimously.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Alaire Bretz Rieffel
Recording Secretary

ANC MOTION CONCERNING BROOKINGS PROJECT FOR ZONING COMMISSION

ANC 2B opposes the proposed modifications set forth in Zoning Commission Case No. 89-2M/84-18F of The Brookings Institution and Quadrangle Development Corporation for modifications to Zoning Commission Order No. 457, a planned unit development in the 1700 block of P Street, N.W. for the following reasons:

- 1) The Brookings planned unit development project which was approved by the Zoning Commission in Zoning Commission Order No. 457 dated May 13, 1985, and affirmed by the District of Columbia Court of Appeals on October 20, 1986, involved a series of compromises on behalf of the neighborhood, the Brookings Institute, the Zoning Commission and the D.C. Court of Appeals. This process took over five (5) years to complete. To upset the balance achieved in the project as approved in 1985-86 is to disregard the input of the parties to the compromise which took so long to achieve.
- 2) In the Comprehensive Plan the land at issue is zoned R-5-D (residential). The PUD process in this case involves the rezoning of the parcel from R-5-D (residential) to SP-2 (commercial). The tradeoff in allowing the rezoning of this land is that a smaller than matter of right residential building will be built in exchange for the rezoning of the land to SP, in order for a commercial building to be built. However, the proposed modifications will increase the size of the residential building to almost the size of a matter of right building. Therefore, the justification for the rezoning is no longer present.
- 3) The scaled down residential component of the Brookings PUD was a tradeoff for the office complex. To increase the size as substantially as proposed of the residential component violates the spirit of the 1985 Zoning Commission Order.
- 4) The proposed modifications will increase the height of the residential building by several feet and add an additional floor, and will remove step downs and setbacks so as to greatly increase the mass of the building. As such, this will be the largest building on P Street, and will overwhelm all adjacent buildings.
- 5) The proposed modifications will have an adverse impact on the air, light and shadow on P Street as compared with the 1985 approved project.

- 6) Brookings' justifications and explanation of the need for the proposed modifications - based on "economic feasibility" - are neither substantiated nor persuasive. On March 3, 1989, the ANC sent a letter to Brookings' counsel requesting economic feasibility information. This was not produced. Given the substantial increase in the value of condominiums in the Dupont Circle Area, the ANC finds it difficult to accept that the project, which was economically feasible in 1986, is no longer economically feasible. The argument by Brookings that they will leave the lot vacant if these modifications are not approved rings hollow given the changing nature of the real estate market in Dupont Circle.
- 7) The proposed modifications do not add any additional residential units. Rather they, increase the size of the approved units which can then be more easily sold at a higher price. This is of no benefit to the neighborhood.
- 8) The argument by Brookings that the larger units will appeal to a more stable purchaser and to families is unfounded. It is very unlikely that a family with children will acquire these units, and there is no correlation between larger more expensive units and neighborhood stability. If anything, these more expensive units will cut down on the pool of potential purchasers.
- 9) No amenities are being supplied by Brookings to the neighborhood. The PUD process requires such amenities.
- 10) In 1988, the then ANC Commission voted to support Brookings' request for a one year extension of time to begin construction of its PUD. That vote was based on the belief that Brookings required additional time to begin constructing the approved PUD. Instead, Brookings used the time for the purpose of revising the project and reopening the matter as it relates to the residential property. This was a gross violation by Brookings of the spirit of the ANC support. According to representations made by Brookings, Quadrangle was involved with the project at that time. It has been almost a year and a half since the extension, and still construction has not been started on the site.

For the above reasons, the ANC urges the Zoning Commission to reject the proposed modifications to Zoning Commission Order No. 457.

The ANC supports Jack Evans, the Single Member District Commissioner from SMD 2B07 and the Chairman of ANC 2B, as the representative of the ANC at the Zoning Commission hearings.