

Letters:

To: BZA
Re: Lauren Condominium, 1301 20th Street, N.W.

To: BZA
Re: BZA Application No. 15735, 1522-1526 Church St., N.W.

To: HPRB
Re: Signage at 1910 18th Street, N.W.

To: DCRA
Re: Zoning violations at the Lauren Condominium

To: HPRB
Re: Hearing for 11 Dupont Circle, N.W.

MINUTES OF THE OCTOBER 14, 1992 MEETING OF THE DUPONT CIRCLE ANC 2B

The Dupont Circle ANC 2B held a regularly scheduled meeting on October 14, 1992 at St. Thomas Parish. Commissioners Grandis, Shannon, Bass, Schwager, Meier and Taylor were present. Commissioner Pagano was absent. Chairman Bass called the meeting to order at 7:35 p.m. Capt. Swope of the second district police gave a police report and informed the Commission and those present of two second district police who were commended for apprehending a robbery suspect at the Improv Club on Connecticut Avenue, N.W. Chairman Bass asked Capt. Swope if there is an increase in reported assaults on P Street. Capt. Swope replied that wherever there is an over-concentration of bars and an increase of homeless people, there is likely to be an increase in assaults. Capt. Swope said that he is very aware that there has been an increase in assaults against both gay and straight individuals on P Street and that he is going to shift resources to put more patrols in that area. Capt. Swope said that he will follow incidents on P Street that he feels are bias related. A representative of GLOV suggested to Capt. Swope that perhaps patrols could be assigned to the P Street area at bar closing times. Commissioner Grandis said that many residents on P Street feel that the area is unsafe and that some police officers tend to brush off complaints from gay and lesbian individuals. Mr. Grandis said that it was important that the ANC be assured that the growing problems on P Street will be given the attention they need. Commissioner Taylor reported that she and Commissioner Pagano will be meeting with Capt. Swope, GLOV, P Street business owners and residents to address the problems.

Adoption of the Minutes

Ms. Schwager moved and Ms. Shannon seconded, a motion to adopt the minutes of the September 23, 1992 meeting of the Dupont Circle ANC 2B. This motion passed unanimously.

Issues:

I.

Commissioner Shannon reported on the Halloween Benefit Fundraiser October 31, 1992. The event will take place on 17th Street and will end at 11 p.m. The street will close at 3 p.m. and reopen at midnight. The Whitman-Walker Clinic has obtained all necessary permits for the closing of 17th Street from P to R Streets, permits for the running of a carnival and a one day ABC license to sell beer from two beer trucks to be located on Corcoran Street, N.W. There will be an age check for individuals wishing to buy beer. Also, security officers and extra fire marshals will be assigned to the area. There will be wire fencing around tree boxes in order to protect trees and landscaping. Members of GLOV have been working with Commander Soulsby on sensitivity training for the officers assigned to patrol the area. Mr. Bass asked Ms. Shannon to remind Whitman-Walker not to serve beer to intoxicated individuals.

II.

John Doolittle, representative for the Lauren Condominium, 1301 20th Street, N.W. was present at the meeting to ask the ANC's support for BZA application No. 15332, etc., for a special exception to use residential space for non-residential uses. The building is zoned SP-2, and there are 168 units. Currently, there are 37 units on several floors, operating as businesses without certificates of occupancy, many of them for a number of years. Only four units have obtained C of O's. This application will allow those units currently and illegally operating as businesses to obtain the necessary certificates of occupancy. Don Benedict, a resident of the Lauren said that the Lauren Condo. Association's house rules have been changed so that no one can move into a unit for non-residential use without a certificate of occupancy. Kyle Pitsor, President of the DCCA informed the ANC that the DCCA plans to have a representative at the hearing to protest the variance request of the Lauren because DCCA is concerned over the loss of residential space in that area. Michael McGovern, attorney for residents of the Appolline Condominium Association, 1330 New Hampshire Ave., N.W. was present at the meeting to inform the ANC of the Appolline's opposition to the applications. He expressed concerns that the building would soon become all non-residential. Mr. McGovern informed the ANC that the Appolline permits only the two bottom floors of its building for professional uses. Commissioner Schwager, within whose district the Lauren is located informed the ANC that she had spoken with Jim Walton of the Lauren Condo. Assoc. and he said that as far as he knew, there are no problems with the residents concerning this application. He said that the residents would like to see the C of O's issued and the variance approved so that those residents who are using non-residential units can do so legally. After hearing both sides of the issue the following motion was made:

Ms. Schwager moved and Ms. Taylor seconded a motion that ANC 2B has been very concerned for years about the continued illegal uses in the Applicant premises, 1301 20th Street, N.W., and ANC 2B is extremely distressed by such an insidious erosion of the residential housing stock in our neighborhood.

Nevertheless, in an effort to suggest a reasonable solution to the continuing impasse in this building, ANC 2B will support approval by the BZA of the variance Applications of the property owners on the first and second floors of premises 1301

20th Street, N.W., on condition that the BZA impose a ban on non-residential uses on floors three through ten and disapprove the current Applications for non-residential use on those floors.

The conditions are justified by the following reasons:

1) ANC 2B and the BZA have an obligation to maintain the residential character and mix of uses in this building and in the area in general; 2) the restriction of non-residential use to two floors is consistent with the original offering statement for this condominium building which restricted non-residential usage to 20 percent; and 3) any further increase in non-residential usage will have a significant impact on parking and noise in this neighborhood. This motion passed unanimously.

A resident requested that the ANC also write a letter to the DCRA regarding the zoning violations and lack of zoning enforcement at the Lauren. The ANC will send a letter to the DCRA as per this request.

III.

Mr. Kirk White, attorney for the National Association for Young Children, BZA application No. 15735, was present at the meeting to discuss plans to continue operating a parking lot at 1522-1526 Church St., N.W., in an R-5-B zone. Mr. White said that the NAYC in it's application to the BZA, has plans to resurface and repair the parking lot, install better lighting, and employ a security person(s) to monitor the parking lot. Mr. Bass reminded Mr. White to inform his clients that the parking apron in front of the main building is to be used for deliveries only and, since the lot is located in an historic district, any external alterations must be applied for through the HPRB. Mr. White agreed to those conditions.

Mr. Bass moved and Ms. Shannon seconded, a motion to support BZA Application No. 15735 to operate a parking lot for a term of five years on the conditions that security will be provided and repairs to the parking lot will be made as stated in the Application. This motion passed unanimously.

IV.

Commissioner Meier informed the ANC and those present that he will be appearing at the October 21, 1992 meeting of the HPRB regarding 11 Dupont Circle, N.W. Mr. Meier said that the HPRB has already approved the renovation but opposed the signage. The applicants have resubmitted the signage application taking into account the recommendations of the HPRB staff report. The one point that the ANC brought up that was not included in the staff report was that two signs was thought to be excessive and that only one would be needed. The Dupont Conservancy has clarified their position saying that when they approved the alteration at their previous meeting it was with the understanding that use of tinted glass would be used. The Conservancy opposes the clear glass. The DCCA also opposes the use of clear glass in the alteration and would support the use of tinted glass but the size of the ground floor windows should match the upper floor windows. The ANC's testimony on this case has been extended to the next HPRB meeting October 21, 1992. Mr. Meier recommended that he reiterate the ANC's opposition to this application at the October 21 meeting. Ms. Taylor asked Mr. Meier to stress to the HPRB

that it is not just the tint of the glass to be used, but the size of the windows which should be in keeping with the size of the other windows in the building. Mr. Grandis asked Mr. Meier to also question the HPRB concerning: 1) The historic character of the "Fake Front" of the building which appears to be an entrance on the Circle, but has never been used as an entrance and has historical significance to the Circle 2) There has never been signage on that building in those locations 3) The architect of the building does not approve of the size of the clear windows.

Mr. Grandis moved and Ms. Taylor seconded a motion that ANC 2B reaffirm its position of opposition on HPRB Application No. 92-482, for alterations at 11 Dupont Circle, N.W., and endorse posing the questions to the HPRB as recommended this evening by Commissioner Grandis. The ANC authorizes Commissioner Harry Meier to represent the ANC at the hearing. This motion passed unanimously.

V.

Commissioner Bass reported that he has drafted a proposal for a moratorium on ABC licenses on P Street from 20th to 21st and 22nd Streets, N.W. The DCCA supports this moratorium and wishes to submit it jointly with the ANC to the ABC. The moratorium will:

- 1) establish a moratorium zone bounded by 20th St., and Mass ave., N.W., West on Mass. Ave., to 22nd Street, south on 22nd Street to N St., east on N Street to 20th Street, and north on 20th Street to its origination point at Mass. Ave., N.W.
- 2) put a freeze on the seating/serving capacities for class "C" and "D" licenses
- 3) prohibit transference of licenses in the moratorium zone
- 4) cap the number of licenses permitted in the zone at 13
- 5) will run for a specific time period of 5 years
- 6) The ANC also requests the ABC board not to consider new applications in the proposed moratorium area after the filing of the proposal.

Mr. Grandis recused himself from the vote on this issue.

Ms. Taylor moved and Ms. Schwager seconded, a motion that ANC 2B adopt the proposed ABC moratorium and submit it to the ABC Board. This motion passed unanimously. Mr. Grandis recused himself from the vote.

VI.

Mr. Grandis, ANC 2B Treasurer, reported that the ANC has functioned within its budget for the last year. He informed that ANC that it's new allotment for FY1993 is \$25,516.59 and reminded the ANC that it will need to purchase a new air-conditioner for the ANC office for next year. It was also discussed that Staff Coordinator, Hollie Saiz, has requested a pay raise to coincide with the renewal of her contract. Currently, Ms. Saiz's contract reflects an \$11 per hour wage.

Mr. Bass moved and Mr. Grandis seconded, a motion to continue the terms of the contract for Staff Coordinator Hollie Saiz and reflect a change in the hourly wage to \$12 per hour. This motion passed unanimously.

It was also requested that Ms. Saiz ask Glenda Harrison of the D.C. Auditor's office why ANC 2A receives a larger allotment than ANC 2B and to call other Ward 2 ANC's and ask about their rental and postage rates to see if ANC 2B can get it's costs down in those areas.

Commissioner Reports

Ms. Taylor reported on the last Conservancy meeting and some of the cases that it discussed that would be of importance to the ANC. There are 3 buildings on 18th Street, N.W., 1210-1214, that are going to be completely renovated. The applicants will be invited to the November 18, 1992 meeting of the ANC to discuss their plans for the buildings. 1910 18th Street, N.W. has applied to put up a permanent sign on the premises. A large temporary sign is now hanging over the restaurant located there.

Mr. Grandis moved and Ms. Taylor seconded a motion that ANC 2B oppose HPRB Application No. 92-564 for signage based on the application submitted to the HPRB. All signage should conform in all respects to the signage requirements in an historic district. This motion passed unanimously.

A derelict building at 1420 Hopkins Street, N.W. is going to be renovated. Ms. Taylor also reported that Stephen Trachtenberg, President of George Washington University, in an article in the Washington Post, said that he was very upset over accusations concerning the renovation of Francis Pool and felt that his motives were misunderstood.

Mr. Bass reported that he sent a letter to Councilmember John Ray regarding the ABC Division's undercover "sting" operations. The letter stated in part that:

- 1) ABC enforcement activities for a city the size of D.C. and level of ABC licenses is totally inadequate
- 2) Penalties levied by the ABC Board against violators during the recent "sting" operation on underage service were inadequate to produce a deterrent effect
- 3) Fines, and suspensions for violation of ABC regulations should be swift, certain, and consistent. The Board should promulgate a schedule of fines and suspensions for each type of violation
- 4) the level of resources for enforcement in the ABC Division must be increased, and a stronger commitment made by the Division to enforce compliance

Mr. Grandis requested that the "Death Penalty for Murder" ballot initiative be discussed at the October 28, 1992 meeting of the ANC and that representatives from both sides be invited.

The meeting adjourned at 10:45 p.m.

Respectfully submitted,

Martha T. Shannon

Martha Shannon
Secretary, ANC 2B