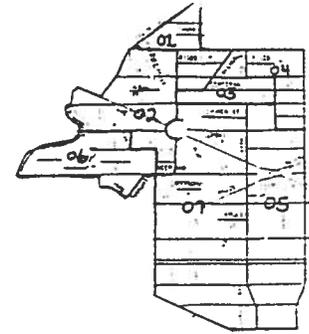




**DUPONT CIRCLE
ADVISORY NEIGHBORHOOD COMMISSION 2B
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Letters

To: ABC Board
Re: Hours of investigation

To: Zoning Commission
Re: Changes to map and text amendments

To: Public Service Commission
Re: Response to complaints

Minutes of the August 12, 1998 Public Meeting of Advisory Neighborhood Commission 2B.

Mr. Pitsor called the meeting to order at 7:30p.m. Commissioners King, Cary, Dehart, Newton and Rosenthal were present.

The minutes of the June and July meetings of the public meeting of ANC 2B were approved.

Police Crime and Safety Report

Sgt. Kutneiwski gave the crime statistics for the Third District. He said that crime is down overall by 15%. He said that residents could call him with any of their concerns at a non-emergency number, which he provided. A resident asked about the status of the shooting at Stead Playground. Sgt. Kutneiwski said the resident needs to call Sgt. Shelton for information. Sgt. Kutneiwski announced a meeting on Wednesday August 26, 7p.m. at the Third District for interested residents to ask questions of the police. In response to a question about the police making arrests for drinking in public Sgt. Kutneiwski said the laws defining public drinking make it difficult to make arrests. Sgt. Kutneiwski announced there is a volunteer program at the Third District. He said that Mr. Pitsor has a sign up sheet for anyone who is interested in participating.

Captain Barry Malkin said the Third District has two captains, himself and Captain Shearod. Captain Malkin said he is the commander of the lower sector. Mr. Pitsor asked if the three sergeants of the PSAs for Dupont Circle reported to Captain Malkin. Captain Malkin said yes. He said he has been back at the Third District since March 1998.

Open Forum

SINGLE MEMBER DISTRICT COMMISSIONERS AND OFFICERS:

2B01	2B02	2B03	2B04	2B05	2B06	2B07
David King	Karen Rosenthal	Fran Cary Vice Chair	Don Jackson Secretary	Meredith DeHart Treasurer	Marilyn Newton	Kyle Pitsor Chair

A resident asked if the ANC could help with problems of noise from trucks early in the morning. Mr. Pitsor said he would look into it.

Dr. Cary asked the members of the audience to support the ANCs in the face of proposed budget cuts by Congress.

Issues

1. Dr. Cary introduced Mr. Eric Colbert, the architect for a proposed building at 1660 16 Street, who presented the plans for this project. Mr. Colbert said the building would be a luxury condominium of 7 stories with two levels of underground parking. One level of the parking, which would have separate access, would be for the Baptist Convention, the organization that currently occupies the building adjacent to the lot. Mr. Colbert said an important consideration of the project is to produce a building with design characteristics compatible with the surrounding structures. He said there would be great attention to the architectural details of the building.

Mr. Pitsor asked to see drawings of the R Street side of the proposed building. Ms. Newton asked if the set back is the same as on adjoining buildings. Mr. Colbert said it was. Mr. Pitsor asked if the trees that are presently on the lot can be preserved and what were the plans for the landscaping. Mr. Colbert said he would consider the possibilities of keeping the trees. He said the landscaping is still being developed. He said the color of the brick would be tan.

Dr. Cary asked how many units per floor. Mr. Corbert said there would be eight units. The units would be approximately 1,000 square feet.

The president of the Barkeley, a nearby condominium, said his association was opposed to the plans. Mr. Larry Blumenthal, a neighbor of the proposed building, asked how long the building would take to construct. Mr. Colbert said about 14-15 months. He said they would be inside within 7-8 months.

Residents that live on the alley adjacent to the proposed projects expressed concern about the set back in the alley. Mr. Colbert said changing the plans to allow more space for a set back would present a variety of problems for the project, but was something they would look into.

MOTION

Dr. Cary moved and Ms. Newton seconded the ANC send a letter to the HPRB supporting the concept as presented with the understanding there would be more discussion of the issues raised by neighbors in particular the limited set back in the alley and that the developers would make efforts to preserve the trees on the property.

Additionally, the plans would be represented to the ANC when the designs are developed particularly addressing more details concerning the public parking, public space, and landscaping of the project. The motion passed unanimously.

2. Mr. Pitsor said that the ANC had previously taken action on ABC issues of Xando, but not of the public space issues.

Representatives for Xando asked the ANC to support their application for use of public space for an unenclosed and enclosed outdoor cafe with the enclosed portion to be used year round. They said the structure for the enclosed portion (on R Street) would be removable within 24 hours, to conform to code. The representative for Xando defined the design aspects involved in the outdoor area. Mr. Pitsor said as he understands it the Conservancy did not approve the concept. Mr. Carl Neuberg, the architect for Xando, said the area covered by the awning had been significantly reduced and the covered area would be reduced to the R Street side of the establishment only. He said that Xando wishes to be open past 11p.m. on the weekdays and 12a.m. on weekends. He said that heating and air conditioning for the enclosed area would be conveyed from ducts inside the building. Mr. Andrew Klein, the lawyer for Xando said that Xando is in the middle of the review process with the Public Space Committee (PSC). Mr. Pitsor asked about what the Public Space permit allows. Mr. Klein said Xando was operating under Cafe Rabelais's license. Mr. Pitsor asked how this license defined number of seats and hours of service. Mr. ? said the hours of service are maximum (2a.m. weekdays and 3a.m. weekends) and the request for these hours was submitted prior to the meeting with the ANC. Ms. Rosenthal said during the May meeting with Xando over the ABC application the ANC supported the application providing adjustments were made to that application respective to no outside music, seating limited to 70 seats and hours of operation of the patio (11p.m. weekdays and 12a.m. weekends). She said the application she has does not reflect those hours. Mr. Klein said there is an amendment that no liquor would be served after 11p.m. and 1a.m. Ms. Rosenthal asked if the windows of the outdoor patio that is closed would be closed after 11p.m. and 12a.m. Mr. Stengler said the intention is to close the windows and contain the noise so that people could sit longer in the outside area.

Mr. Pitsor said that neighbors opposed plans for an enclosed outdoor when the building was Sutton on the Run and also have opposed enclosed patios on 17th Street. He said the ANC had resolutions opposing both those requests based on the issue of noise. Mr. Pitsor said the ANC has generally encouraged unenclosed patios and discouraged enclosed patios which are using public space.

Mr. Pitsor said the ANC has adopted guidelines addressing the issue of use of public space for outdoor cafes. Mr. Pitsor read from the

public space guidelines that which was respective to the request presented by Xando. Mr. Stengler said he felt having the area on Connecticut Avenue open and the R Street side closed addressed the problems of noise and was somewhat more flexible.

Ms. Rosenthal said that it seemed the proposal was to have an enclosed area which would stay open past 11p.m on weekdays and 12a.m. on weekends.

Dr. Cary said that the fee for the use of public space was very little. Mr. Pitsor said he prefers that public space that is being used be open. He said that putting up glass and walls separates the public space from the public area and looks like a building addition. Mr. Pitsor said the ANC guidelines recognize this importance of ambiance, and that the use of public space is a privilege not a right. Mr. Neuberg of Xando said that Suzanne Ganschneitz of HPRB had approved the design of the outdoor area subject to board approval. Mr. Pitsor said the ANC was weighing all the issues which address the appropriateness of an enclosed cafe in this instance.

Ms. Rosenthal asked about the number of seats in the outside area. Mr. Pitsor said there had been concerns raised about the compliance of the Xando South location respective to the number of seats. He asked if that had been addressed.

MOTION

Ms. Rosenthal moved and Dr. Cary seconded the issue of outdoor space be tabled until the September meeting of the ANC in order to give her time to meet with residents of the neighbor to hear their views. The motion passed unanimously.

Mr. ? of Xando said this would set Xando back too much to have an enclosure ready for the cold weather. Ms. Rosenthal said Xando had twice postponed coming to the ANC to discuss the issue since giving their initial presentation in May. Mr. ? said that Xando wished to stay open during the week until 12a.m. and until 1a.m. on the weekend.

Mr. Pitsor said there needs to be discussion with the neighbors and an opportunity to look at the consistency of the application respective to other establishments. Mr. Pitsor said that Ms. Rosenthal can discuss the issues with the other commissioners in a week after she has a chance to talk to the residents of the area.

3. Mr. Pitsor said he would contact the Department of Public Works to express the ANC's disappointment they did not show up as planned to discuss sidewalk repairs.

Ms. Libby Lawson of the Water Authority said that the Authority had joined the "utility consortium" repair program, along with PEPCO, Bell Atlantic and Washington Gas, to have street and sidewalk damages caused by the Water Service repaired. She elaborated on

the details of the contract whereby the funds are provided. Mr. Pitsor said that ANC 2B had identified 200 sidewalk areas in Dupont Circle that needed to be repaired and sent the list to DPW and Flippo Construction. Ms. Lawson said that residents could call the Water Authority with street repair requests, also they could always call the 24 hour number even if it is not an emergency. Mr. Pitsor asked if Ms. Lawson anticipated there would be a monthly report of work completed by Flippo to the departments involved. Ms. Lawson said the reports were a stipulation. Mr. King said that in his SMD there is a crumbling catch basin cover. He said the neighbors had put boards over it. Ms. Lawson gave Mr. King numbers he could call.

Mr. Pitsor said the ANC would like to submit a list of needed street repairs. Ms. Lawson said a program to flush all the water pipes had begun in April and would conclude in September. Ms. Rosenthal asked about the problems with budget that the Water Department had been having was going. Ms. Lawson said it had improved dramatically as money comes directly to WASA. She said that 1,000 hydrants had been replaced city-wide.

Mr. Pitsor said that at the time the 42% rate increase was proposed the ANC wanted the Authority to phase in the increase. He said as he understands it there is a new increase of 5% being proposed for 1999. Ms. Lawson said there is not yet a decision on this proposal. Ms. Lawson said deferring increases would put the Authority in the same situation they were in before the 42% increase.

4. Mr. Pitsor introduced the issue of proposed rulemaking by the Office of Planning (OP) on changes to the SP zones affecting the Dupont Circle area. Mr. Pitsor gave the commission and audience the background on this issue. In addition each commissioner had a copy of the proposed zoning language. Mr. Pitsor said the ANC testified in January 1998 on this case, which proposed text and map amendments to the SP zones (transitional zones - residential and office). There are a number of SP zones in the Dupont Circle area. Mr. Pitsor said the amendment to the map would rezone several of the SP zones to R5E zones and these changes the ANC supports. He said the ANC had previously requested that general office use be permitted in SP zones within the central employment area and that limited office use be continued outside the central area. He said the Zoning Commission proposed rulemaking would permit general office use in all SP zones. Further, the Zoning Commission modified the condition having to do with maintaining residential uses in current SP buildings. He said the text that the ANC commented on would have been SP as preferred use. Mr. Pitsor read the section of the text. He said the ANC has thirty days to comment on this revision. He said although he would support the map changes he does not support the changes to the text, because it does not provide adequate protection for residential use, an incentive for residential use, and that it is not in keeping with

the Comprehensive Plan.

MOTION

Mr. Pitsor moved and Dr. Cary seconded a letter be sent to the Zoning Commission supporting the map changes, but opposing the changes to the text as cited. The motion passed unanimously.

Commissioner Reports

Commissioner Rosenthal reported on management changes to two establishments on P Street. Ms. Schwartz the new owner of the former Daily Market now "Sophie's" will continue using the public space as previously.

Old Business

Ms. Rosenthal said she had received complaints of violations of two liquor licenses. She reported those violations to the ABC Board. She said the investigation would require after hour inspections and inspectors were not authorized to investigate after hours. She recommended that a letter be sent to the ABC to make it possible for an inspector to investigate in the evening.

MOTION

Ms. Rosenthal moved and Mr. Pitsor seconded a letter be sent to the ABC Board asking that investigation be conducted of establishments holding ABC licenses in the evening when necessary. The motion passed unanimously.

Ms. Rosenthal said she had a difficult time motivating the Public Service Commission to address the issue of the public pay phone at 2161 P Street (Fireplace Bar) in a timely manner. Mr. Pitsor suggested the letter be sent to Chairperson Marlene Johnson with a copy to Mr. Beverly to express that the lack of response (the delay) taken on this issue is unacceptable. He said a copy should also be sent to the Metropolitan and park Police in that they attended the hearing on this phone matter.

MOTION

Mr. Pitsor moved and Ms. Rosenthal seconded the above letter be sent. The motion passed unanimously.

Mr. King announced the petitions for ANC candidates were available at the Board of Elections and Ethics. He said the deadline for submitting the petitions is September 4.

Respectfully submitted,

Kyle Pitsor, Chair - Acting Secretary
ANC 2B, Dupont Circle