

1999 corrected

MINUTES OF THE MARCH 10, 1999 PUBLIC MEETING OF ADVISORY NEIGHBORHOOD COMMISSION 2B

The meeting was called to order at 7:35 pm by Chairman Pitsor. Commissioners King, Rosenthal, Jackson, DeHart and Newton were present. Chairman Pitsor reminded the assembly that Commissioner Cary had resigned her position and that the Board of Elections had not yet announced the vacancy.

Commissioner Newton moved and Commissioner Jackson moved the minutes of the February 10, 1999 meeting be accepted as distributed. The motion passed with Commissioner Pitsor abstaining since he was not present at that meeting. Commissioner Pitsor called for nominations for the position of Vice Chair previously held by Commissioner Cary. Commissioner King moved and Commissioner Jackson seconded that Commissioner Newton be elected Vice Chair. The motion passed unanimously.

POLICE CRIME REPORTS

Lt. Niepling introduced himself as the new lieutenant for PSA 307. He is new to the PSA and came from headquarters. **Sgt. Kutniewski** represented PSA 308. He reported that crime was down 30% overall from last year. His PSA is planning a Web page and reminded everyone of the monthly PSA meeting the 4th Wednesdays, 7 pm at the Resource Center. **Officers Santiago and Reid** represented PSA 209. Their monthly PSA meeting is the 2nd Wednesdays, 11 am at 1776 K St. NW. In response to question on staffing levels, it was reported that PSA 307 is at full complement and 308 is only down one person. No information was available for PSA 309.

OPEN FORUM

Chairman Pitsor reported that **Jack Evans** had to reschedule his visit to June. It was previously announced for April. He also reported the commissioners had received notice of Metrobus hearings regarding changes to bus schedules in the Dupont Circle area.

David Stephens of ANC 2F presented the commission with a map his commission had produce of pay phones in PSA 309. Their ANC has been working with the PSC on the approval public phones and DPW on the placement of these phones on public space. Mr. Stephens reported that the PSC was adopting new guidelines limiting phones to 1 per 4 blocks. Also, DPW is going to enforce the existing requirement of permits for phones on public space.

ISSUES

1. **The DPW Parking Office** representatives did not appear. Chairman Pitsor indicated he would convey our disappointment and seek to reschedule their appearance.

2. **Mobil Station at 22nd & P Sts.** Commissioner Newton introduced Alex Ejtemai, operator of the station. She noted that the Gasoline Service Station Advisory Committee had approved the conversion from full service to self-service only with a mini-mart despite the objections of ANC 2B. Also, HPRB had imposed requirements that increased the cost of the conversion. Alex indicated that the conversion process had slowed because of the pending merger of Mobil and Exxon and the HPRB requirements. He asked the neighborhood to write and petition Mobil to continue the repair service operation. Commissioner Newton moved and Commissioner Rosenthal seconded the following motion:

ANC 2B reaffirms its motion of April, 1998 to oppose the variance for Mobil Oil, Inc. to convert to a self-service station. The motion passed unanimously.

3. **Viareggio, 1727 Connecticut Ave.** Commissioner Rosenthal introduced Chris Niosi, the owner. He is requesting the transfer of his Class B license from his former Brookland location to the new Connecticut Ave. store. He indicated that Market Day had a Class B license, all of his permits are current and that there will be no on-premise consumption. Commissioner Rosenthal moved and Commissioner Jackson seconded the following motion:

ANC 2B supports the expeditious transfer of the Class B license for Viareggio to 1727 Connecticut Avenue since liquor sales are not new at this location. The motion passed unanimously.

4. **Levantes, 1320 19th Street.** Commissioner Rosenthal introduced Ed Grandis, attorney for Levantes and the owner, Anita Fuertes. They are requesting support of an unclosed sidewalk cafe in a historic district. Only two questions were posed. First, Commissioner DeHart asked about keeping open the covered walk on the sidewalk to increase pedestrian safety. Mr. Grandis suggested the owner would investigate additional lighting for Sunderland Place. Commissioner King noted there was a significantly larger portion of outdoor seats than indoor and asked if an enclosed cafe was in the plans. The owner responded no, that the ratio was standard for their restaurants. Commissioner Rosenthal moved and Commissioner DeHart seconded the following motion:

ANC 2B Support the plans by Levante's for a sidewalk cafe in a historic district. The motion passed unanimously.

Mr. Pitsor noted that the particulars of the public space permit itself would be discussed at a later date.

5. **The Bread Line, 1751 Pennsylvania Ave.** Commissioner Pitsor introduced Stephen O'Brien, attorney for and Mark Furstenburg, owner of The Bread Line. Mr. Furstenburg, founder of Marvelous Market, currently operates 7 am to 4 pm. He presented a plan to extend the hours of his restaurant to just an early dinner, normally ending at 7 pm. He also envisions occasional

catered parties and has applied for operating hours until 11 pm. He has 61 seats inside and 50 outside. Commissioner Pitsor moved and Commissioner Newton seconded that:

ANC 2B not oppose the stipulated license and is not opposed to the pending CR application. The motion passed unanimously.

6. **Cafe Japone.** Commissioner Rosenthal summarized the ABC case. Currently ANC 2B is on record opposing the renewal application. There will be a status hearing on March 17. Previously the Board encourage the parties to compromise on a voluntary agreement. The owner has pointed out that although he expanded the operation to include a nightclub, Aki, but closed voluntarily when the permit problems were noted. A proposed agreement has been offered by Cafe Japone, but the neighborhood is opposed because the restaurant regularly operates until 2 am and 3 am.

Steve O'Brien, the new attorney for Cafe Japone, added that since opening in 1987 at 21st & P Streets the only complaints were in 1997 and 1998 with the opening of Aki. The opening of Aki is probably the result of bad advice. The restaurant originally closed at 12^{pm} and changed to 2 am and 3 am closing without problems until the opening of Aki. Currently, 38% of their business is now after midnight and the restaurant could not survive if operating hours are limited. *am*

Several residents voiced concerns with the operation of Cafe Japone. These included neighborhood disruption from entertainment and the change of hours without changing their ABC applications during past renewals. Commissioner Rosenthal declined to make a motion on the issue because the voluntary agreement proposed included serving hours of 2 am and 3 am and did not address the past problems with trash containers. She also felt the extended hours were inconsistent with the existing moratorium in the neighborhood.

Chairman Pitsor reappointed Commissioner Rosenthal as the ANC representative to the ABC Board and recommended that any voluntary agreement include hours of use of public space.

7. **Cafe Nora.** Commissioner Rosenthal summarized the negotiations over the past few months. ANC 2B previously supported the increase in seating based on satisfactory parking arrangements and that a draft agreement had been provided by Nora's. The terms included: no valet parking in residential/diplomatic zones, unrestricted spaces on Florida Avenue were acceptable, all other overflow parking would be provided at Universal North (or other contracted service), Nora's would control delivery truck and customer drop-off traffic on both Florida Avenue and on R Street. Given the BZA schedule, an agreement was necessary at this meeting.

Linda Bumbelo of neighboring ANC 1D was presented and reported that her ANC was opposed to the previous draft agreements because of parking concerns and the impression that the agreement was formal. Ms Bumbelo indicated agreement above would alleviate the ANC

1D concerns provided that overflow would be better defined. After the discussion Commissioner Rosenthal moved and Commissioner Newton moved the following:

ANC 2B send a letter to BZA, with a copy to ANC 1D, supporting the expansion of Cafe Nora provided that customer parking on the street be limited to legal spaces on Florida Avenue and that all other overflow parking and employee parking be at Universal North, there be no valet parking in residential or diplomatic spaces, and that previous drafts be voided. The motion passed unanimously.

8. **Road construction and repair.** Chairman Pitsor distributed a DPW schedule of city-wide road repairs and resurfacings and asked commissioner to provide proposed changes to the list as soon as possible after the meeting so that he could forward comments to DPW.

COMMISSIONER REPORTS

Karen Rosenthal

1. **Mr. P's** voluntary agreement is still in progress. Mr. P's has made no extraordinary effort at the agreement and Ms. Rosenthal was concerned about the ability to enforce any agreement.
2. **Pay Phone at 1742 Connecticut Ave.** The PSC sent a request for a pay phone in front of Gold and Time (next to Food for Thought). Because there are other phone in close proximity to this address and the sidewalk is narrow, Commissioner Rosenthal moved and Commissioner Jackson seconded that:

ANC 2B recommend that the PSC oppose the phone request due to the proximity to others. The motion passed unanimously.

Donald Jackson

Researched with **Rutland Court** the possibility of their using part of the adjacent alley for parking. DPW requires a minimum 30 foot wide alley in order to allocate parking spaces and their is only slightly more than 20 feet.

Meredith DeHart

1. **Park Terrace and Quality Inn.** A voluntary agreement for Park Terrace is in progress. An attempt is being made for a yoked agreement with the Quality Inn for common trash compactor and deodorizers to be on the Quality Inn site. The hotels are also being requested to have smaller delivery trucks service the buildings and control the delivery hours.
2. **Solar Building.** The applicant has proposed some design changes for the upcoming second BZA hearing, however, Ms DeHart indicated they were not substantial enough to recommend that the ANC change its position. Chairman Pitsor moved and Commissioner Jackson seconded that Commissioner DeHart represent ANC 2B at the Zoning Commission hearing. The motion passed unanimously.

David King

Lauriol Plaza. Mr. King reported on meetings with neighboring ANC 1C on the new building for this restaurant. When the plans were originally proposed they included a sidewalk cafe. A voluntary agreement was entered into with the neighborhood that provided for 74 seats on 18th Street and none on T Street, thus keeping intact most of the garden. With construction in progress, the proposal now is to have 120 seat with them wrapping the corner into the garden on T Street. ANC 1C did not endorse the new proposal. Commissioner King moved and Commissioner Rosenthal seconded that:

ANC 2B send a letter to the Public Space Committee and ANC 1C that we oppose the sidewalk cafe for Lauriol Plaza unless it complies with the 1997 neighborhood agreement and that the patio seating be 10 feet from the tree boxes (per ANC 2B Public Space Guidelines). The motion passed unanimously.

Michael Fasano of the DCCA Public Space Committee added that they would support the motion.

There was no OLD BUSINESS discussed at this meeting other than those topics included in the commissioner reports.

NEW BUSINESS

1. Chairman Pitsor reviewed the process for **filling the vacancy** created by Commissioner Cary's resignation.
2. Chairman Pitsor reported that the **moratorium on gas station conversions** expires October 1, 1999 and that legislation has been proposed to extend it four more years to 2003.

Chairman Pitsor moved and Commissioner Newton moved that:

ANC 2B send a letter to the Committee on Human Services supporting the extended moratorium and that the new legislation should include a provision that when granting exemptions the applicant should demonstrate a need for the new services. The motion passed unanimously.

The next meeting was announced for April 14, 1999 and the meeting was adjourned at 10:17 p.m.

Respectfully submitted,