

## **Minutes of the September 13, 2000 Public Meeting of Advisory Neighborhood Commission 2B (Dupont Circle)**

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

**ADMINISTRATIVE MATTERS** The minutes of the August, 2000 meeting were approved as distributed.

### **POLICE AND CRIME REPORTS**

**Ofc. David Santiago represented the Second District.** He reviewed the crime statistics for the past 30 days and commented the levels were virtually the same in past reports. Chairman Pitsor asked about police presence at 18 and M Sts and at Connecticut and K Sts to control congestion and vehicles blocking the intersection. Ofc. Santiago reported those were known intersections that the Second District had targeted for control during rush hours.

**Officers Williams and McMurray of the MPD Gay and Lesbian Unit** gave a review of their operation. This is one of the first such specialized units in the country and on the east coast. They assist in the training of other officers investigating crimes in gay and lesbian neighborhoods to properly identify hate crimes. The unit also has a community relations function by helping teach the community to protect itself. They hope that by better addressing crime details they will be able to apprehend more criminals.

The officers stressed the importance of reporting suspected hate crimes to Cmdr. Beach of the Third District so the unit can be redeployed to the neighborhood when needed. They have responsibility for the whole city and work out of the main headquarters building, usually in the evenings. They have also assisted neighboring counties.

Chairman Pitsor noted that we again had no representative of the Third District present although reminders of the meeting date and time were sent.

### **OPEN FORUM**

**June Hirsh of Council Member Evans' Office** introduced Kasia Grzelkowski, Ward Two representative from the Office of Planning and Clark Ray, Neighborhood Services Coordinator from the Mayor's Office. Mr. Ray is tasked with problem solving that involves two or more district agencies. He is particularly concerned about quality of life issues and getting agency managers to work together.

**Dupont Circle Festival Weekend.** Bernie Prince and Shyra Keyes of the American Farmland Trust reviewed plans for their joint festival with Dupont Circle Citizens Association the weekend of

October 14-15. There will be a cocktail party and silent auction on Saturday to raise funds to plant more trees in both residential and commercial areas. The galleries will have extra hours that weekend and Sunday will be the DCCA House Tour. Flyers were made available to the gathering.

**Public Forums on School Renovations.** Chairman Pitsor announced the dates of two meetings in October when the school board will hold hearings to receive public comment on renovation issues for public schools.

**Parking Forum** Commissioner Micone announced that the Parking Task Force would hold a public forum to discuss the draft report on parking improvements for Dupont Circle on Wednesday, September 20 at 7:30 pm in the Jewish Community Center at 16th & Q Sts.

**Commissioner DeHart** reported on an effort to clean up the alley between 17th Street restaurants and Stead Playground. This morning she met with representatives of Office of Planning, Clark Ray, June Hirsh, MPD Third District and several business owners for a walking tour. The city's response was exceptional because all the necessary agencies co-operated and took immediate action when a cell phone call was all that was needed. Commissioner Shannon responded that it was refreshing to get such a coordinated response as opposed to past attempts when responsibility was simply passed to others and nothing was accomplished.

## ISSUES

1. **17th and Corcoran Sts All Way Stop signs.** Commissioner Shannon reported that our request had been approved for all way stop signs at 17th and Corcoran Sts and for the striping of the crosswalk. She was concerned that trucks parked on the curb would block the new signs on 17th Street. Commissioner Shannon moved and Commissioner Newton seconded that:

ANC 2B renew its support for the All Way stop signs at 17th and Corcoran Sts and that DPW review the intersection for a possible overhead stop sign and to adjust curbside parking to insure visibility of the new signs.

The motion passed unanimously.

2. **Religious Action Center, 2023 Massachusetts Ave.** Paul Andresino of Bowie-Gridley Architects reviewed his May 10 presentation of renovations plans for the building to make it ADA compliant and better utilize the interior space. The existing setback on the Q Street side will be filled in to allow for an elevator and fire stair. The new facade will be patterned after existing rowhouse patterns and the plans will now allow for hiding the trash receptacles.

The Center needs an exception to the FAR in the SP-1 zone. They exceed the existing regulations and always have because the building pre-dates the inception of FAR regulations. Commissioner Micone reviewed his negotiations with RAC and made the following motion which

was seconded by Commissioner Shannon:

ANC 2B supports BZA Application #16600 and that the Voluntary Agreement between RAC and ANC 2B be attached to the order.

Commissioner Shannon requested confirmation that the Dupont Conservancy and HPRB supported the renovations. Mr. Andresino reported that the Conservancy support the plans and that he had verbal endorsement from HPRB & the Office of Planning.

The motion passed unanimously.

- 3. Development plans by Starwood Urban Corp.** Susan Burke reviewed the plans for three sites in Dupont Circle that Starwood is redeveloping: 19th & M Sts, 1629 Connecticut Ave. and Connecticut and S Sts.

The former Gusti's at 19th & M Sts. is being combined with several buildings to the north on 19th Street. A restaurant will open soon in the northern most building, the others are being reconstructed. The plan is for food service on the lower floors and loft size and style offices on the upper floors. The restaurants have already signed contracts and will be coming to the ANC for public space discussions. Three large trees will be planted on 19th Street after construction is completed.

The former Circle Bar at 1629 Connecticut will have minor exterior changes before leasing. There are restaurant/lounge leases pending for the first and second floors. The Human Rights Campaign has leased half of the lower floor for a shop and the other half is still available. An elevator will be installed for ADA compliance.

The former Newsroom at Connecticut and S Sts. will become Club Monaco in November. This is an upscale clothing store that is restoring the facades and totally renovating the interior. The Newsroom was relocated to the old Venable Gallery and is doing well. Thai Phoon is having to reconstruct their enclosed patio, but is still open. A resident inquired about the need for the wall on the sidewalk along Connecticut Ave. Ms. Burke responded that it was for construction security and safety.

Commissioner Micone expressed his appreciation for Starwood's willingness to communicate with the neighbors and hopes that it will continue. He asked whether the Dupont Lounge planned for 1629 Connecticut Ave. was actually a lounge. Ms. Burke indicated that it was really a restaurant and not a night club and that it does have an ABC license.

Judy Werdell questioned the number of new seats and parking provisions for the new Connecticut Ave restaurants. No direct answer was given although Ms. Burke indicated the restaurants would be targeting walk-in customers from the neighborhood. Doug Dameron inquired about the leases at the M Street site. Starwood will be adding about 5,000 sq. ft for a total of about 15,000 sq.

ft. and is asking for 10 year leases. June Hirsh reported that Jack Evans' Office had received a number of calls about early morning construction. Ms. Burke offered to be contact and resolve any such problems as the construction company was aware of the legal starting times. Finally, in a response to a question about parking at Club Monaco, it was reported there are a maximum of 5 spaces which would be reserved for employees.

- 4. Phillips Collection Expansion.** Michael Cain, attorney for the gallery, reviewed the overall expansion plans previously presented to the ANC and the 5 variances being requested in their BZA case #16618. Commissioner Micone requested confirmation of the parking included and the status of the auditorium. There will parking for up to 35 cars and the underground auditorium is still included in the plans.

Commissioner Shannon asked for projected increase in numbers of visitors. Museum Director Jay Gates responded that they were not anticipating an increase in the number of visitors. They are adding the equivalent of a half gallery and the numbers of visitors varies depending on the show offered not the size of exhibit space. He added that with the auditorium, the same number of people will be in the neighborhood because the gallery currently rents the Cosmos Club auditorium for lectures, etc. Thus, the increase will be minimal.

Commissioner DeHart asked for clarification on the education component and the impact bus groups would have on the neighborhood. Mr. Gates reported they have a policy no busses idling and have enforced it. In the education center they have a maximum of five fellows visiting with the intent of learning to educate others. Since the gallery is landlocked and has little expansion room, the education approach has been teacher training rather than group experiences. Commissioner Micone then moved and Commissioner Jackson seconded that:

ANC 2B support BZA application #16618 with the provision that the Phillips Collection assist in the relocation of residents at 1618 21st Street and that the gallery provide regular notices of construction progress and impact to the community.

Commissioner Micone noted there have been many neighborhood meetings and no community objections to date. The motion passed unanimously.

- 5. Xando, 1919 M Street** Andrew Kline presented the plans for another Xando in the Dupont Circle area. Because customers have asked for improved food offerings, Xando merged with a restaurant called COSI because of similar management philosophies. This will be the first combined offering in the area.

They are asking for support of a sidewalk cafe on 20th Street and for a stipulated ABCclass CR license to open before their October 15 ABC hearing. They plan to operate the sidewalk cafe from April through October and the hours will be 6 am until 1 am. Of the total 130 seats, 59 will be outside, some of which are under the building. They will adding steel grates over the treeboxes instead of installing fences around them. Chairman Pitsor then moved and

Commissioner Micone seconded that:

ANC 2B support the public space use of Xando, 1919 M Street, NW provided the area used clears the PEPCO vaults and is 10 feet from the treeboxes, the treeboxes will have grates installed over them to prevent compacting the dirt, they will comply with all Public Space Regulations, and wait staff will be assigned to clean the area.

The motion passed unanimously.

Chairman Pitsor reminded the commission that we have supported stipulated CR licenses in the past in non-residential areas such as this. Chairman Pitsor then moved and Commissioner Micone seconded that:

ANC 2B support a stipulated CR license for application #50093 for Xando, 1919 M Street, NW.

The motion passed unanimously.

6. **Xando, 1647 20th Street (at R St.)** Commissioner Micone reported on progress of a voluntary agreement with Xando having previously protested the renewal because of trash problems. Mr. Micone reported that Xando had responded promptly with a solution and they also offered to empty the city receptacle at 20th & R Sts. It was noted that there are cars regularly parked on the sidewalk next to the dumpsters and this is illegal. Commissioner DeHart noted that the trash hauler regularly drives onto the sidewalk and the curb is wearing away. Commissioner Shannon requested that the treeboxes be upgraded because they appear to be ignored. Mr. Klein, attorney for Xando, agreed these were issues that could be resolved. Commissioner Micone then moved and Chairman Pitsor seconded that:

ANC 2B adopt the voluntary agreement with Xando, 1637 20th St.

Chairman Pitsor reminded Mr. Klein of the sidewalk parking issue and treebox maintenance. A resident applauded Xando's noise control at this location, but asked that they do better controlling patrons waiting to be seated so they do not block the sidewalk. The motion then passed unanimously.

7. **HPRB Revision Act** Chairman Pitsor provided an overview of the proposed changes many of which are simply removing unnecessary regulations. Comments are due by October 1. The changes included:
  - transfer of Historic Preservation Division from DCRA to the Office of Planing
  - providing one enforcement officer; Chairman Pitsor noted we had previously written that this was inadequate
  - allowing applications for landmark status and historic districts
  - allowing HPRB tickets to be processed as an administrative procedure rather than going

- to Corporation Counsel as a contested case
- changes in the time allowed for the Mayor's Agent to make decisions
- include subdivision of properties as a HPRB matter.

Chairman Pitsor moved and Commissioner Shannon seconded that

ANC 2B send a letter to the Committee of the Whole outlining past ANC 2B problems with the HPD and HPRB and HPRB problems within the ANC and endorsing the areas of legislation that would address these concerns.

Chairman Pitsor agreed to provide the summary to the commission. The motion passed unanimously.

- 8. Lawson's, 1350 Connecticut Ave.** Chairman Pitsor reported that Lawson's is requesting a change in license from Class B to A so that they may sell fortified wine and offer wine tastings which are not permitted under a Class B license. He saw no problem with the change for these reasons and given the location. Chairman Pitsor then moved and Commissioner Micone seconded that:

ANC 2B support a change in license for Lawson's, 1350 Connecticut Ave from class B to A based on the understanding that they would only be adding fortified wines and wine tasting as opposed to becoming a full liquor store.

The motion passed unanimously. Mr. Pitsor noted that this change does not affect the public space use by Lawson's along 19th Street.

## **COMMISSIONER REPORTS**

**Commissioner Micone** reported the deadline was missed for filing the protest of the ABC renewal for DC Cafe. Since then it was determined that there has been illegal expansion and improper placarding of the renewal request. Therefore there may be other options to pursue in resolving the desired protest issues. Commissioner Micone also reported there has been some success towards a voluntary agreement with Fuzio and that neighbors are reviewing the agreement. Wrapworks has agreed to install sound baffle tiles in the alley to try and cut noise from their refrigeration units.

**Commissioner Newton** reported that the city has denied a stop sign request at 22nd and O Sts because it would be too close to a traffic signal and be confusing for drivers. Additionally, DPW has reported some smaller trash trucks are due by December. The 2100 block of N had requested them because of the narrow alley.

**Commissioner Pitsor** reported there had been some improvement in the trash problem with Luna Grill on Connecticut Ave but more work is needed. He also highlighted a recent article in the

*Intowner* regarding the planned renovations to St. Thomas' Park. The revision will be major and the ANC has supported the project.

## **OLD BUSINESS**

**St. Luke's Episcopal Church BZA Hearings** Commissioner Jackson reported on the outcome of the hearings. BZA only adopted some of the ANC conditions for approving the exceptions for accessory parking lots in residential zones. The church was given four years exceptions, not two as the ANC requested. The Church Street lot driveway was not ordered closed and St. Luke's is allowed to contract for use of the P Street lot with neighborhood organizations. Neighbors on Church Street asked that the ANC consider requesting a rehearing because they did not feel the ANC was given great weight and the decision was inconsistent with the February case for the National Association for the Education of Young Children.

In the discussion that ensued, neighbors present were most concerned about the use of the Church Street driveway, the definition of accessory use, the fact that Commissioner Jackson was not given an opportunity to respond to errors by the church's attorney after the ANC statement and the impact organizations using the lot would have on the neighborhood. Ruby Van Croft, Sr. Warden of the Church, responded that the church had no desire to make this a commercial endeavor. They will post signs stating when the lot will be used by the church or other groups and it will be available to residents at other times. The church is opposed to closing the Church Street driveway because they feel the alley is too small to handle the traffic from the lot.

Commissioner Shannon asked Commissioner Jackson whether the ANC recommendations were given consideration. He reported the BZA did indeed go over each one, but disagreed with the need for some of our conditions although they did not ask questions when uncertain during their deliberations. Chairman Pitsor reviewed the requirements for requesting a rehearing. A case for not giving great weight to the ANC position was considered weak. However, there was agreement of a case based on Commissioner Jackson not being allowed to respond to opposing council and that given the difference in St. Luke's decision and the NAEYC application decision, with both applications raising very similar facts and issues, one had to be a mistake because there was no way to determine precedent in parking lot cases. Chairman Pitsor then moved and Commissioner Micone seconded that:

ANC 2B send a letter to the BZA requesting a rehearing based on the following reasons: 1) the hearing procedure was violated by not giving Commissioner Jackson opportunity to respond and cross examine opposing counsel and 2) the BZA's action on the St. Luke's application is inconsistent with their decision on the NAEYC application which contained very similar facts and issues.

The motion passed unanimously. Chairman Pitsor appointed Commissioner Jackson to represent ANC 2B before the BZA in this matter.

**NEW BUSINESS**

There was no new business discussed at this meeting.

Chairman Pitsor announced the next public meeting on October 11. This meeting was adjourned at 10:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Donald Jackson". The signature is written in dark ink and has a long, sweeping horizontal line extending to the right.

Donald Jackson,  
Secretary