

**MINUTES OF THE NOVEMBER 14<sup>TH</sup>, 2001 PUBLIC  
MEETING OF ADVISORY NEIGHBORHOOD  
COMMISSION 2B (Dupont Circle)**

**St. Thomas parish, 1772 Church Street, NW  
7:30 p.m.**

Chair Vince Micone called the Public Meeting to order at 7: 30 p.m. Commissioners who were present were asked to identify themselves; Norma Zane Chaplain, 2B01, Irv Morgan, 2B07, Doug Damron, 2B05, Jeff Hopp, 2B04, David Jolliffe, 2B03, and Vicne Micone, 2B02. Absent was Marilyn Newton, 2B06.

Prior to any further business, the Chair announced that Commissioner Doug Damron (2B05) had tendered his resignation because he had moved from his single member district to Foggy Bottom. The Chair declared that there was a vacancy in single member district 2B05. By this declaration, the Chair was notifying the public that there was a vacancy and that those seeking to petition for the special election must have been registered voters in the District of Columbia for 30 days prior to seeking the position and live in the single member district where the vacancy exists. If more than one person petitions for election to single member district 2B05 then an election will be held at a time specified during a scheduled meeting of ANC 2B. If there is only one petition then that petitioner is declared to be the commissioner from the vacant single member district. The Chair announced that Commissioner Damron could not vote but could sit on the dais and otherwise represent the people of his single member district.

Since Damron had been Secretary of ANC2B, a vacancy was created in the secretary's position. Commissioner Hopp moved and Commissioner Chaplain seconded that Commissioner Marilyn Newton (2B06) be elected to fill the secretary's position. There being no further nominations, a vote was taken in which the AYES were UNANIMOUS, there being no NAYS and no ASTENTIONS. Marilyn Newton was UNANIMOUSLY elected as Secretary of ANC 2B.

**LOCAL POLICE AND CRIME REPORTS**

The New Commander Cheryl Peacock, who has been commander since September 7th, was introduced. She then introduced Lt. Groomes of PSA 309 to give her report. Lt. Groomes reported on crimes in the 14<sup>th</sup>, 15<sup>th</sup>, and 17<sup>th</sup> Street corridors. She reported that if any one was having trouble because of low hanging tree limbs, she would have an officer come out and saw it off. She admonished everyone not to leave coats, packages, food or other visible valuables in cars. Lt. Hill from PSA 308 stated that there had been a slight increase in robberies since the last report but there was no real pattern. He reiterated what Lt. Groomes had said about not leaving stuff in cars and he further added to be alert.

Commander Peacock then reported that she had put in a request for 22 additional foot beats in the Dupont Circle Area, 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, and 18<sup>th</sup>, Streets. Overtime is being authorized. Traffic Unit has been assigned to heavily enforce double parking, alley

parking, and those who have moved in the city and have not gotten proper district parking permits. She invited everyone to the Public Safety Meeting to be held on Thursday, November 15<sup>th</sup> at 7:30 p.m. in the 3<sup>rd</sup> District Police Station.

The Chair then recognized Brett Parsons of the Gay and Lesbian Liaison Unit of the MPD. He stated that his unit was working closely with Commander Peacock and other 3<sup>rd</sup> District officers. He then handed out a poster with a picture of Douglas Small who had been missing since November 5<sup>th</sup>. He asked for help if anyone knew any particulars about this case. He gave out the web site [www.mpd.org](http://www.mpd.org).

Commander Peacock then took the floor to stated that robberies are up in the 3<sup>rd</sup> District and that the 3<sup>rd</sup>, District led the city in robberies last month (627). She stated that she has 195 officers available in the District 24 hours a day 7 days a week. She will have 5 new officers as of Sunday, November 18<sup>th</sup>. Officers who were otherwise assigned because of the events of September the 11<sup>th</sup> are now back on regular duty. She also noted and was alarmed that the use of shotguns in robberies is increasing. The floor was opened for those in attendance to ask questions of the police or voice concerns. On audience member decried the fact that robbers can kick in even a metal door.

The Chair noted that the Executive Director of ANC 2B, Frank M. Montgomery would be the liaison of ANC 2B with the Police.

#### OPEN FORUM and ANNOUCEMENTS

The Chair introduced Jeff Coudriet of Jack Evans office, Clark Ray Services Coordinator for Ward 2, and Mike Fasano, President of the Dupont Circle Citizens Association.

#### ISSUES

##### 1. Presentation by Steve Callcott on Historic Preservation Process

The D.C. Historic Preservation Review Board reviews building permits for alterations to buildings or new construction in the District. The Dupont Circle Historic Preservation office reviews alterations and new construction in the Dupont circle area.

There are several historic districts in the Dupont Circle area: the Dupont Circle Historic District, the 16<sup>th</sup> Street Historic District, Massachusetts Avenue Historic District, and Sheridan Kalorama Historic District. At the beginning of his presentation Mr. Callcott distributed copies of the Rules and Regulations of the Historic Preservation Review Board to both the Commission and to those in attendance who were interested. Copies of the Dupont Circle Historic District booklet were made available.

Mr. Callcott stated that even though the fronts of buildings were emphasized, the Review Board reviews the whole exterior of buildings, including the backs of them. The newest issue that the Board has had to deal with is roof top additions. When an One can find information online by going to the Web Site at [www.dchistoric.org](http://www.dchistoric.org) When replacing windows on the fronts of buildings in the Historic District, they must be wooden. Obtain building permits at the Building Permit Office at 941 N. Capitol

Street, NE. The Historic Preservation Review Board meets on the 4<sup>th</sup> Thursday of each month. Your application for review must be in 3 & 1/2 weeks before the Board meets. There is about a month's turnaround time. Of the last 3000 building permits only 300 hundred went to the Historic Review Board. Most applications for review can be handled at the staff level. The Board is trying to let people know that they live in an historic district by distributing maps of boundaries of historic districts. The staff is also trying to develop standards for signage for historic districts; the D.C. Heritage Trail System is an example of standardizing historic district and site signage. Mr. Callcott responded to questions from the Commission concerning procedure and some egregious violations of the Historic Code especially at 1500 O Street NW and a famous case at 1321 21<sup>st</sup> Street, NW that has been around for 15 or more years even after a court order had been entered and the owner is still in violation. Another example is 2100 R Street NW, Anton Gallery. Mr. Callcott referred all inquirers to the enforcement Officer of the Department of Consumer and Regulatory Affairs. All orders must be enforced by that office, if they are not, nothing is accomplished.

#### OPEN FORUM and ANNOUNCEMENTS

At this point the Chair returned to the open forum and announcements part of the agenda having failed to do so at the time allotted.

Vic Delagon spoke about his missing 13 pound very friendly male cat with white markings. He was offering a \$200 dollar reward for the return of his cat. He handed out fliers.

Mike Fasano of the DCCA announced that on December 11<sup>th</sup>, at Mimi's Restaurant on P Street, NW, 25% of proceeds of sales from 5:00 p.m. to 12:00p.m. would go to help the Green Door a facility in the District that helps those with mental disabilities. A Christmas tree sale was announced for the first three weekends in December, Friday evenings and all day Saturday and Sunday, on the public patio space of the Italian Kitchen on 17<sup>th</sup> and R streets. All proceeds of the sale will go to benefit the Ross Elementary School on 1730 R Street.

#### ISSUES

##### 2. Proposed Bus and Heavy Truck Ban on 21<sup>st</sup> Street between Massachusetts and Florida Avenues, NW

The street closing was part of a negotiated Voluntary Agreement entered into by the neighbors, ANC 2B, and the Phillips Gallery. Dick Sussman, a neighbor, and Jay Gates from the Phillips Gallery spoke in favor of the Agreement to ask the ANC to ask the City to ban buses and heavy trucks on 21<sup>st</sup> Street between Massachusetts and Florida Avenues. This agreement does not ban small buses for the handicapped. The Chair moved and Commissioner Chaplain seconded that ANC 2B request the appropriate rule making authority to ban buses and heavy trucks on 21<sup>st</sup> Street between Massachusetts and Florida Avenues. Without OBJECTION the motion was APPROVED.

3. Proposed Use of Public Space for an ATM at the Dupont North Metro Entrance

A Mr. Rogan of Riggs Construction was present representing Riggs Bank. The ATM will be on Riggs property but will face on Metro property. The construction will match the present building. The Dupont Conservancy had approved this but it has not been present to the DCCA. Commissioner Morgan at the last Public Meeting raised issues about safety, congestion, and interference with the elevator that is used by handicapped persons. Mr. Rogan referred to a letter from Metro stating that the proposed ATM would have no adverse affect on Metro customers. There would be no potential interference with the elevator, bike racks or public telephones. There were other questions concerning other possible placements of the ATM, after which the chair moved and Commissioner Hopp seconded that ANC 2B approve the use of public space by Riggs Bank on the Dupont Circle Metro Plaza. The motion passed upon a vote of 4 AYES, 1 NAY and NO ABSTENTIONS. Commissioner Damron did not vote.

4. Proposed Use of a Public Space for an Enclosed Sidewalk Café at Baja Fresh, 19<sup>th</sup> Street, NW, South of Dupont Circle

A Mr. Spinelli represented the café that is located at 1333 New Hampshire Avenue. The public space use would consist of 230 square feet with 40 seats and line up with an existing rail for stairs to a basement store. The resin chairs would be green and the resin tables would be white with two large trashcans. There would also be a connection for a hose that the owners say will be used every day. Hours for this corporate store (not a franchise) will be from 11:00 a.m. until 10:00 p.m. Monday through Thursday, Saturday, and Sunday and from 11:00 a.m. until 11:00 p.m. on Fridays. The furniture will be stored inside every night. It was noted that there was 18 feet of clearance from the proposed boundary of the unenclosed café to the tree box. The café's application is for 12 months use but the owners plan not to put heaters out but just to use when the weather is warm enough. Commissioner Hopp moved and Commissioner Chaplain seconded that ANC 2B support the use of public space by Baja Fresh for an unenclosed sidewalk café at 1333 New Hampshire Avenue. Upon a vote the AYES were UNANIMOUS there being NO NAYS and NO ABSTENTIONS. Motion passed UNANIMOUSLY.

5. Persistent Problem Area Work Plan for Improvements on 17<sup>th</sup> Street, NW  
The task at hand is to get DC agency heads to be proactive rather than reactive The Action Plan has 165 action items dealing with infrastructure, enforcement, and long term improvement. In put from this plan goes directly to the mayor. An audience member stated that some tickets for double-parked trucks were being written on 19<sup>th</sup> Street where the Hilton loading docks are located, but the tickets are not being turned in.

6. Proposed Use of Public Space for an Enclosed Sidewalk Café at Jury's New Hampshire Avenue NW, North of Dupont Circle – concept only, not for vote  
Present were Mr. Peter Hilary, manager of Jury's and Mr. Tio Adamstein, architect, who has designed award winning restaurants in the area such as Levantes. The proposed enclosed sidewalk café will be on the 19<sup>th</sup> Street side of the 1949 structure. Jury's is looking at a very high- end enclosure, clean and transparent. The entire façade can open up in clement weather with pivoting doors. Mr. Adamstein stated that

the hotel is only taking 72 by 18 feet well within the current space requirements. Jury's restaurant has 62 seats 26 of which are in unenclosed sidewalk café. Everything has been designed to be taken down in 24 hours; this includes plumbing and electrical wiring and outlets. During the presentation, photos of the site were being shown the Commissioners that depicted grass and trees on the 19<sup>th</sup> Street side of the hotel. Since the photographs have been taken, the trees and grass have been removed and replaced with brick pavers. In response to a question from Commissioner Morgan, about the trees, Mr. Hilary stated that he was told by an official to take the trees down, but he doesn't know or remember who that person was.

Mike Fasano representing the DCCA stated that the Dupont Circle Citizens Association are strongly against the hotel's plan to enclose a public space; it is almost a taking of public space for only \$10.00 per square foot. Mr. Oystrenic of the DCCA said that it was not an issue of the quality of the product but the appropriate concerns of the neighbors over the precedent that this sets.

Dudley Canada, speaking for the Dupont Circle Conservancy said that the proposed enclosure for the public space would have a positive impact on the streetscape. The light, open canopy with glass wall around it would be a real asset to the community. Mr. Adamstein added that the hotel would plant grass and trees in area not taken by the enclosed public space. Since this was concept only no action was taken.

7. ABC Substantial Change: ABC Application #22982 by Uni A Sushi Place, 2122 P Street, NW for a Substantial Change for a Sidewalk Café

The restaurant has a public space permit but DC law prohibits expansion under the DC Moratorium. This application is invalid because it is in violation of the law. Questions were raised about why the ABC Board with its many attorneys let this application proceed. The Chair moved to oppose the substantial change since it was in violation of DC Law. After a second by Commissioner Hopp, a vote was taken in which there were 5 Ayes, no NAYS, and no ABSTENTIONS; therefore the VOTE was UNANIMOUS.

8. Request for Hearing on Concept for renovations of the 17<sup>th</sup> Street Hardware on 17<sup>th</sup> Street. Present for this concept hearing were the co-owner John Spaulding and his architect. This came in too late to make the agenda but a hearing is necessary because of a variance involving a rear yard set back. The owners desire to extend the building back to their line on the alley. This will not affect traffic in the alley. Trash will be inside and the owners are not seeking to add to the top floor or make the building taller. The plan is to redesign the interior of the store to make it more user friendly. McDonalds, which is next door, already goes to the alley line. No parking spaces will be taken behind store because they aren't any there now. No action taken since this a concept hearing only.

#### COMMISSION ADMINISTRATIVE MATTERS

Without OBJECTION the minutes of the October 10<sup>th</sup> Public Meeting were approved as presented and amended.

FY 2001 Fourth Quarter Financial Report

Treasurer Jeff Hopp (2B04) handed out copies of the 4<sup>th</sup> Quarter Financial Report. After comments and discussion, Hopp moved that the Report be accepted as presented. After a 2<sup>nd</sup> by Commissioner Morgan, a vote was taken in which the AYES were UNANIMOUS, there being NO NAYS and NO ABSTENTIONS.

Although approved at a previous Public Meeting of ANC 2B, the Chair moved that ANC 2B allocate \$250.00 to go towards the cost (attorney's fees) of the mediation which resulted in the Voluntary Agreement reached by the neighbors, ANC2B, and the Phillips Gallery. After a second a vote was taken that was UNANIMOUS, there being NO NAYS, NO ABSTENTIONS and the AYES being UNANIMOUS.

#### Proposed FY 2002 Budget

After handing out copies of the proposed 2002 budget and after discussion, the Chair moved adoption of the proposed FY 2002 Budget. After a 2<sup>nd</sup> by Commissioner Chaplain, the vote was UNANIMOUSLY in favor, there being NO NAYS and NO ABSTENTIONS and the AYES being UNANIMOUS.

#### COMMISSIONER REPORTS

Commissioners Chaplain, Morgan and Damron had no reports. Chair Micone addressed the fact that a pole with a Walk signal on the corner of Rhode Island and Dupont Circle and been taken down and not replaced posing a hazard to pedestrians. The Chair moved that he be authorized to send a letter on behalf of ANC 2B to the Department of Public Works and to the District Division of Transportation asking these groups to look into this situation and replace the pole with the walk signal at the corner of Rhode Island and Dupont Circle. After a second by Commissioner Morgan the motion was approved WITHOUT OBJECTION.

Commissioner Micone after discussing several unsuccessful attempts by Councilmember Patterson (Ward 3) to change residential parking permits, he moved that he be authorized to write a letter of behalf of ANC 2B to the DDOT opposing any change in the residential parking permit rules without a full public exchange and scrutiny of the matter. After a second by Commissioner Hopp, the motion was APPROVED without OBJECTION.

Chair Micone stated that he had had complaints from the DCCA about two proposed signs in ANC 2B one at 1120 Connecticut Avenue and one at 1730 Rhode Island Avenue. The permits for these signs were issued by the DCRA under a controversial "Special Signs" regulation. Commissioner Chaplain moved and Commissioner Hopp seconded a motion to authorize the Chair to send a letter on behalf ANC2B asking that these permits issued for 1120 Connecticut Avenue and 1730 Rhode Island Avenue be revoked as issued in error; to be addressed to the DCRA and the Mayor's office. Without OBJECTION, the motion was APPROVED.

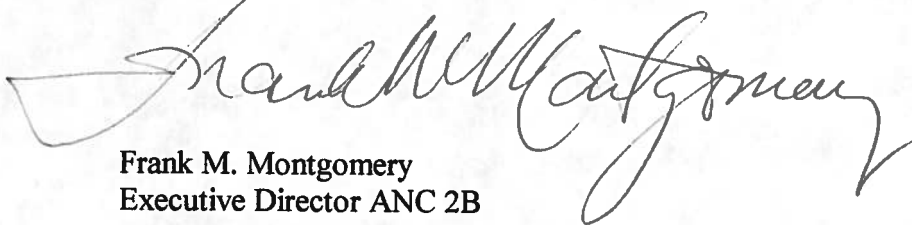
There being no Old Business, the Commission proceeded to New Business. Dick Sussman, who chaired a committee to study the idea of creating a new Department of Transportation for the District of Columbia, presented a resolution to

the Commission for their adoption supporting the creation of such a department. After discussion and comments, Commissioner Hopp moved and Commissioner Jolliffe seconded that ANC 2B adopt the resolution supporting the creation of a new Department of Transportation for the District of Columbia. Upon a vote the AYES were UNANIMOUS, there being NO NAYS and NO ABSTENTIONS.

Chair Micone, reported that he had had no response from a letter that he had previously been authorized to write on behalf of ANC 2B concerning the public space process. He asked that he be given authorization to write another letter to the Mayor concerning the public space permit process which authorization was GRANTED by the Commission without OBJECTION.

There being no further business to come before the Commission the Public Meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, reading "Frank M. Montgomery". The signature is written in dark ink and is positioned above the printed name and title.

Frank M. Montgomery  
Executive Director ANC 2B