

14th & Q Street Shelter
ABC Board Notice requirements - Nathanson's bill
Dunn's River Falls ABC new app.
Dupont Szechuan Agreement
Hopkins Street Citizen's Assoc.
Redistricting

Letters:

✓ to: Linda Cropp and appropriate offices
re: Ward Two redistricting

to: ABC Board
re: Closing of Chicago Bar & Grill

✓ to: John Ray's office
re: Nathanson's ABC bill

✓ to: Mayor Dixon
re: Closing of shelter at 14th & Q Streets

MINUTES OF THE APRIL 24, 1991, MEETING OF THE DUPONT CIRCLE ANC (ANC 2B)

The Dupont Circle ANC held a regularly scheduled meeting on Wednesday, April 24, 1991, at 7:30 p.m. at St. Thomas Church. Commissioners Rieffel, Grandis, Taylor, Bass and Moses were present; Commissioner Evans was absent.

Chairman Rieffel called the meeting to order at 7:30 p.m. and introduced Sgt. Kenneth Ford, of the Third District Police, who gave a crime report.

During the open forum, Mr. Bob Westgate inquired about who gave permission to remove the parking signs on P Street between 15th and 17th Steets, NW. Commissioner Gaugler stated that he is looking into the situation. Ms. Louis Wusthoff then introduced herself as an anti-crime activist and requested to be placed on the next meeting's agenda to discuss her proposal to reduce violent crime through transcendental meditation. Mr. Kyle Pitsor reported that the DCCA had met with Metro officials regarding the bike lockers at the Q Street Metro. Metro had proposed removing the lockers on the south side of the street only.

Ms. Taylor moved, and Mr. Gaugler seconded, a motion to approve the minutes of the last meeting. The motion passed unanimously.

ISSUES:

I. Mr. Chris Bray reported on the progress of the newly-formed Hopkins Street Citizens Association. During Mr. Bray's presentation, Mr. Hoy, of the Sala Thai Restaurant, and Mr. David Chow, of Pan Asian Restaurant, introduced themselves and discussed problems they have with trash removal.

II. Though invited to the meeting, members of the Lauren Condominium Board failed to show up, and the scheduled discussion with them was canceled.

Mr. Grandis moved, and Mr. Gaugler seconded, a motion to write a letter to the ABC Board suggesting that the procedure under DC Law allowing the ABC Board to shut down or temporarily suspend a license pending renewal be applied to the Chicago Bar & Grill due to documented violations of DC Law. The motion was passed unanimously.

III. Representing the ABC new application of Dunn's River Falls, 1736 Connecticut Ave, Ms. Sarah Hinds took questions from the Commissioners and audience.

Ms. Moses moved, and Ms. Taylor seconded, a motion to support the ABC new application of Dunn's River Falls on the condition that their sign comply with HPRB regulations. The motion was passed unanimously.

IV. Ms. Rieffel reported on the proposed voluntary agreement between the Dupont Szechuan Restaurant and the ANC.

<< SEE ATTACHED MOTION >>

Under Commissioner Reports, Mr. Grandis announced that a hearing is coming up in June regarding a bill introduced by Council Chairman John Wilson that would impose the same regulations on gas stations as other establishments in the District.

Mr. Gaugler announced that due to his resignation, effective April 30, this would be his last ANC meeting as a Commissioner, and that he had turned over the treasurer's materials to Ms. Rieffel. He also reported on the state of the budget and presented the quarterly report.

Ms. Rieffel moved, and Mr. Grandis seconded, a motion to approve the quarterly report. The motion was passed unanimously.

Under old business, Mr. Bass reported that Council would be holding a hearing on Council Member Nathanson's proposed legislation to revise ABC notice requirements.

Mr. Bass moved, and Ms. Rieffel seconded, a motion to express the following recommendations regarding Bill 9-83 and Bill 9-125:

1) *Dupont Circle ANC 2B strongly supports Bill 9-83, "Advisory Neighborhood Commissions Notice Clarification Act."* There is currently an inherent conflict between the notice rules of the Alcoholic Beverage Control Board and the

notice requirements of ANCs. The ABC Board has made clear to ANC 2B its inability to conform its notice rules to those of the ANC law. Therefore, ANCs are faced with the choice of either not receiving and giving to the neighborhood adequate notice of a proposed ABC license action, or of being excluded from the ABC licensing process. Dupont Circle ANC 2B has often been caught in this bind and we urge the Council to reconcile the procedures of these two bodies, as Bill 9-83 does.

We likewise endorse your proposal in Bill 9-125 as providing further assurance of adequate notice by the ABC Board to ANCs. However, *enactment of Bill 9-83 is absolutely essential to curing the problem of notice curtailment that currently exists*. In addition, we request that the bill to be amended to extend the prohibition against benefits to include the protestant as well as applicant.

2) *We also strongly endorse the requirement of Bill 9-83 that the ABC Board give "great weight" to the written comments of an ANC, even if a representative of the ANC is not present at the hearing*. Every other District government agency is required to do give "great weight" to written ANC comments. Because of the tremendous potential impact of ABC licenses on neighborhoods, the ABC Board ought to be required to consider these impacts during the licensing process, whether they are brought to the Board's attention in written or oral form.

3) *Finally, we urge the Council to consider granting the ABC Board the authority to take emergency action, including possible suspension of license pending show cause hearing, against a licensee which is in gross violation of the law*. The Board now has no authority to do so, although it has asked the Council for emergency powers. There are occasions, as currently exists at an establishment in the Dupont Circle area, when the operation of an ABC-licensed establishment presents a life-threatening and neighborhood-destroying situation. Because of continuing assaults and shootings at the Dupont Circle establishment, ANC 2B has pleaded with the ABC Board to immediately suspend the license of this outlaw operation. But the Board insists it has no authority to do so. We urge the Council to grant this emergency power to the Board.

Also under new business, Ms. Rieffel and Mr. Grandis reported on the redistricting hearing they had recently attended.

Mr. Grandis moved, and Ms. Rieffel seconded, a motion to write a letter to Council Member Linda Cropp's office encouraging the inclusion of Census tract 42.1 or 15th Street into Ward Two, and reiterating the importance of the 6% undercount in Wards 6, 7, and 8. The letter would also request that public hearings be held on these issues. The motion was passed unanimously.

Mr. Gaugler reported that \$125,000 is left over from the budget for the 17th Street plan and

requested that a letter be send suggesting that the funds be used for tree planting on 17th Street.

Under new business, Mr. Bass reported that the Logan Circle Citizen's Association is trying to close the shelter at 14th And Q Streets, NW.

Mr. Bass moved, and Ms. Rieffel seconded, a motion to send the following remarks to Mayor Dixon:

Dupont Circle ANC 2B urges you to close the city-run Trust Clinic at 14th and Q Streets, N.W., as an overnight shelter immediately. This facility is operating without a Certificate of Occupancy, and was illegally located within 500 feet of another major shelter (Central Union Mission).

The Trust Clinic shelter, with 130 beds, has produced an extraordinary concentration of homeless persons in this neighborhood -- over 258 beds in a two-block radius -- that is adversely impacting the nearby Logan and Dupont residential areas, destroying the quality of life there, and crippling development of the city's theater district along 14th Street.

Ward 2 continues to have more than its fair share of massive, poorly-run shelters. We urge you to direct the Dept. of Human Services to stop this ruinous shelter-siting policy, and to begin siting smaller, compatible facilities for the homeless in geographic equality throughout the city's wards.

The motion was passed unanimously.

Mr. Grandis made a statement regarding a letter sent by the Jack Evans Campaign Committee to the constituency of ANC 2B that was written and signed by five ANC Commissioners, expressing their high regard for Mr. Evans. Mr. Grandis reported that through extensive inquiry, he had been told by Council for the Election and Ethics Board that the letter constituted no violations of Board procedures.

The meeting was adjourned at 10:30 p.m.

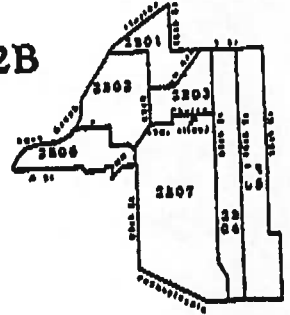
Respectfully submitted,

Nancy Melville
Staff Coordinator



**DUPONT CIRCLE
ADVISORY NEIGHBORHOOD COMMISSION 2B**

1526 Connecticut Avenue, N.W.
Washington, D.C. 20036-1104
Telephone: (202) 332-9263 Fax: (202) 387-3226



Draft

AGREEMENT

Made this ___ day of May, 1991, by and between

**DUPONT SZECHUAN RESTAURANT
1602 17th Street, N.W. ("Dupont Szechuan")**

AND

**THE DUPONT CIRCLE ANC (ANC 2B),
MARIANNE MOORE,
DANIEL KATZ,
AND MARY VANDENBROUCKE
("Protestants")**

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control (ABC) Board is Dupont Szechuan's application for a Retailer's Class CR License (Case No. 27106-91009P); and,

WHEREAS, the premises 1602 17th Street, N.W. are within the jurisdictional boundaries of the Dupont Circle Advisory Neighborhood Commission; and

WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding Dupont Szechuan's operating plans; and

WHEREAS, Dupont Szechuan recognizes the concerns expressed by the protestants and by other residents that the restaurant as previously operated experienced problems with rodents, and that scrupulous cleanliness is necessary to avoid a re-infestation; and

WHEREAS, Dupont Szechuan further recognizes that the Dupont Circle Advisory Neighborhood Commission and the other protestants reserve the right to protest the renewal of Dupont Szechuan's public space permit independently of the protest to the Alcoholic Beverage Control Board that gave rise to this agreement;

NOW, THEREFORE, in consideration of the premises above recited, and the mutual covenants and promises set forth below, the parties agree as follows:

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Dupont Szechuan will take the following actions no later than Wednesday, May 29, 1991:

1. Dupont Szechuan will maintain its arrangement with "Garcia's" to pick up the garbage of the restaurant no less often than three times a week.
2. Dupont Szechuan will store all garbage of the restaurant in closed, rat-proof containers. If Dupont Szechuan experiences difficulty keeping these containers closed because, for example, vagrants rifle through them searching for food, Dupont Szechuan will construct a shed or similar structure to control access to the garbage containers.
3. Dupont Szechuan will hose down the areas in front of and in the rear of the establishment daily to remove food debris, except in below-freezing weather.
4. Dupont Szechuan will remove bases of umbrella tables and other unsightly debris that may harbor rats from the front of the premises, and will maintain both the front and rear of the premises free of debris.
5. Dupont Szechuan will install either a spotlight or a motion-detector light on the exterior of the rear, to discourage use of the rear of the premises for public urination and defecation.
6. Dupont Szechuan will install wiring or screening on the rear of the premises and take any other necessary steps necessary to completely secure the building against entry by rats.
7. Dupont Szechuan will maintain the sidewalk and tree box in front of premises free of litter and trash by removing litter and trash daily or more often.
8. Dupont Szechuan will keep the back door of the establishment closed at all times. Employees will avoid shouting and banging pots and pans in such a manner as to disturb the neighbors.
9. Dupont Szechuan will obtain any needed permits for the delivery of food; all deliveries will bicycle, and never by car.
10. Dupont Szechuan will not permit any food material to be delivered to or stored on the exterior of the building.

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11. Dupont Szechuan will discontinue outdoor food and beverage service no later than [times consistent with Fox & Hounds and Java House]

12. Dupont Szechuan will comply with all applicable signage regulations, including those for historic districts, and will remove any signs that are in violation.

13. Protestants agree to promptly notify Dupont Szechuan of any perceived violations of this agreement and will give Dupont Szechuan a minimum of 7 calendar days to correct the perceived violation before notifying the ABC Board. This 7 day notice period shall not be required, however, for violations that, in the judgment of protestants, involve an immediate threat to public health and safety, in which case protestants shall notify both Dupont Szechuan and appropriate authorities as soon as possible.

14. In consideration of, and reliance upon, the commitments reflected in paragraphs 1 through 13 above, the protestants will recommend to the ABC Board non-objection to Dupont Szechuan's pending license application.

15. The parties further agree that any failure of Dupont Szechuan to adhere to the foregoing commitments will constitute grounds for the ANC or any other protestant to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5 to obtain Dupont Szechuan's compliance with the terms of this agreement.

for Dupont Szechuan
Date: _____

Alaire Bretz Rieffel
Chairman, for Dupont Circle ANC
Date: _____

Daniel Katz
Protestant
Date: _____

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Meredith

Marianne Moore
Protestant
Date: _____

Mary VandenBroucke, R.N.
Protestant
Date: _____