

Letters:

To: Edward Meyer, Commissioner, PSC
Re: Thanks for PSC presentation

To: PSC
Re: Case No. 829, 10092, Section 605.2(d)

To: PSC
Re: Removal of pay phone at 15th and Church

To: ABC
Re: Food For Thought

To: ABC
Re: Trio Pizza

To: ABC
Re: Mr. P's

To: HPRB
Re: 1314 19th Street, N.W.

To: Driscoll & Draude
Re: 1717 Rhode Island Avenue, N.W.

To: Albert G. Dobbins, III
Re: Comprehensive Plan

To: Lawrence Saltzman - Pink Panthers
Re: Cooperation with Police, invitation to ANC meeting

MINUTES OF THE DECEMBER 16, 1992 MEETING OF THE DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION 2B

The Dupont Circle ANC 2B held a regularly scheduled meeting December 16, 1992 at St. Thomas Parish. Commissioners, Grandis, Shannon, Bass, Schwager, Meier, Taylor and Pagano were present. Chairman Bass called the meeting to order at 7:35 p.m. Chairman Bass presented Commissioners Grandis, Schwager, and Meier with plaques commemorating their work on the ANC. Capt. Swope of the Second District gave a police report and once again reminded those present to be aware of pick pockets especially near Metro Escalators and on L and 20th Streets, N.W. Lt. Lauro of the U.S. Park Police also gave a report and warned those present about a gang of five individuals who are attacking and robbing people in the P Street Beach area.

Adoption of the Minutes

Ms. Schwager moved and Ms. Taylor seconded, a motion to adopt the minutes of the November 18, 1992 meeting of the ANC 2B. This motion passed with Commissioner Shannon in abstention.

Issues:

II. Public Service Commission

Edward Meyer, Phylicia Fauntleroy, and other representatives from the D.C. Public Service Commission, were present at the meeting to inform residents of the process to report payphone complaints. Residents can call the Hotline number at 737-4PSC or call directly to the PSC and they will inspect the phone and if necessary contact the owner of the phone and all complainants, (if they wish to be identified) and an informal hearing will be held. If, however, a resolution is not found at that hearing, a formal hearing will take place. Mr. Meyer reported that the energy rates for D.C. are the lowest of all major cities on the East coast, but cautioned that Conservation Plans are needed. Mr. Meyer also reported that the Georgetown Cogenerator plant is still waiting for final approval.

III. Food For Thought, 1738 Connecticut Avenue, N.W., ABC Application No. 10227

Commissioner Grandis recused himself from the following discussion.

The Applicants for ABC license No. 10227 for Magic People, Inc., t/a Food For Thought were invited to the meeting but did not attend. Neighbors of Food For Thought were in attendance however, and informed the ANC that the Applicants have refused to honor the agreement between the neighbors and FFT and in fact, have only lived up to one term of the agreement which was to take down an old awning.

Mr. Pagano moved and Ms. Shannon seconded, a motion to oppose ABC Application No. 10227, Retailers Class "CR" for Magic People, Inc., t/a Food For Thought, 1738 Connecticut Avenue, N.W., for the following reasons: 1) applicant's failure to comply with the terms of the previous voluntary agreement that was entered into in 1989; 2) applicant has shown deliberate disregard to this agreement and; 3) the conduct of this establishment impacts on the peace, order, and quiet of the surrounding neighborhood. This motion passed unanimously. Commissioner Grandis was in abstention.

In addition, the condition of the Applicant's property is causing deterioration of residential property values adjacent to applicant's premises, according to neighbors.

IV. Trio Pizza, 1624 Q Street, N.W., ABC Application No. 11003

George Mallios, owner of Trio Pizza, 1624 Q Street, N.W. was present at the meeting to discuss the renewal of ABC license No. 11003 Class "DR". Commissioner Shannon informed Mr. Mallios that although things have improved somewhat, the ANC has still received complaints that Trio delivery drivers are continuing to double park on Q Street. Ms. Shannon reminded Mr. Mallios that back in September the ANC wrote a letter to him stating it's concern over the illegal parking situation and telling him that this issue would be a part of the discussion of the renewal of his license. Ms. Shannon then asked Mr. Mallios if he would sign a voluntary agreement stating that he would not authorize his

drivers to double park, but Mr. Mallios refused to sign. Ms. Shannon offered to change the wording, but Mr. Mallios stated he would not sign any Voluntary Agreement.

Ms. Shannon moved and Mr. Pagano seconded, a motion that ANC 2B oppose ABC Application No. 11003, Retailer's Class "DR" for G&G Investments, Inc., t/a Trio Pizza, 1624 Q Street, N.W. for the following reasons: 1) because of citizens complaints, ANC 2B wrote a letter to the applicant dated September 24, 1992 expressing it's concern over double parking (sometimes as many as three double parked cars at once) on Q Street by delivery drivers of Trio Pizza and stating that this issue would be a concern in the renewal of the applicant's license; 2) Citizen complaints have continued since the 9/24 letter was sent; 3) double parking on Q Street not only is illegal but a hazard to public safety motorists and pedestrians; 4) the applicant refused to enter into a voluntary agreement about this issue. This motion passed unanimously.

V. Mr. P's, 2147 P Street, N.W., ABC Application No. 252

Eli Gottesdiener and Nancy Fiedler, Protestants of Mr. P's, were present at the meeting to address the issue of the renewal of ABC license No. 252. Mr. Bass informed the Protestants that representatives from Mr. P's would not be attending the meeting because the ANC had been denied party status, and applicant only that day had retained attorney Stephen O'Brien to represent them in this case. Mr. Bass then informed them that although the ABC Board struck the ANC as protestants in this case, the ANC could act as mediator between them and Mr. P's if they so wished. Mr. Pagano, within whose district Mr. P's is located said that he would be happy to act as ANC mediator. Mr. Gottesdiener expressed his disappointment that the ANC was not allowed to be protestants and requested the ANC to write a letter to the Board asking to be reconsidered. Ms. Gottesdiener and Ms. Fiedler accepted the ANC's offer to mediate.

Mr. Bass moved and Ms. Shannon seconded, a motion to authorize Commissioner Jay Pagano to act as mediator between the protestants and New Dot, Inc., t/a Mr. P's in this case. This motion passed unanimously.

Mr. Bass moved and Mr. Meier seconded, a motion that ANC 2B write a letter to the ABC Board stating that ANC 2B feels the Board arbitrarily excluded the ANC from the case and did not recognize the pro forma letter sent to the Board in regard to New Dot, Inc., t/a Mr. P's. This motion passed unanimously.

VI. H.P.A. No. 93-96, 1314 19th Street, N.W.

Marie and Tomayo Aponte, owners of the property at 1314 19th Street, N.W., and their architect, Angel Clarens, were present to discuss plans to add a handicapped ramp to the front of the property in compliance with the Disability Act. The plans in part, will include: 1) placing the entrance of the building back to its original level; 2) adding new steps; 3) adding a ramp at basement level.

Ms. Schwager moved and Ms. Taylor seconded, a motion that ANC 2B support H.P.A. application No. 93-96 for a handicapped ramp at 1314 19th Street, N.W. This motion passed unanimously.

VII. 1717 Rhode Island Avenue, N.W.

Alison Prince, of Wilkes Artis was present at the meeting to discuss plans for a new extension for the P.U.D. at 1717 Rhode Island Avenue, N.W. The ANC opposed the original P.U.D., and residents in the audience requested that the ANC oppose the extension. Ms. Prince informed the ANC that if the extension is not granted, the P.U.D. would not be lost but there would be a drop dead date for construction that the applicants could not meet.

Ms. Schwager moved and Ms. Taylor seconded, a motion that ANC 2B opposes extension of the P.U.D. for St. Matthews, 1717 Rhode Island Ave., N.W. ANC 2B hereby authorized Driscoll & Draude to represent Dupont Circle ANC 2B in writing and in proceedings before the Zoning Commission related to an extension of Zoning Commission Order Nos. 496 and 496-A (1717 Rhode Island Avenue, N.W., St. Matthews). This motion passed unanimously.

In addition, the ANC hereby provides notice of a special meeting on December 29 to consider and adopt the brief in opposition.

Ms. Schwager moved and Ms. Taylor seconded, a motion to approve payment of \$100 along with funding from DCCA and RAC to retain Driscoll & Draude. This motion passed unanimously.

VIII. Comprehensive Plan

The following motion was made in regard to the Comprehensive Plan:

Mr. Bass moved and Ms. Schwager seconded, a motion that:
Having duly considered the issue at a public meeting on December 16, 1992, Dupont Circle ANC 2B hereby proposes no substantive changes to portion of the Comprehensive Plan for the National Capital covering the Dupont Circle area (north of M Street, N.W.). There are no changed conditions and no rationale to justify alterations to the recently enacted plan.

Likewise, ANC 2B is strongly opposed to any substantive change proposed by any other party dealing with the Dupont Circle area portion of the Comprehensive Plan. This motion passed unanimously.

A list of technical corrections to the Comprehensive Plan is attached to the motion.

IX. D.C. Alcohol Control Coalition Statement of Purpose

Mr. Bass moved and Mr. Pagano seconded, a motion that ANC 2B adopt the D.C. Alcohol Control Coalition Statement of Purpose with one amendment. This motion passed unanimously.

Commissioner Reports

Mr. Grandis reported that the ANC has been successful at staying within its budget. He also requested that staff coordinator, Hollie Saiz call the auditor's office to ask why the ANC has not yet received its next allotment.

Mr. Grandis moved and Ms. Shannon seconded, a motion that ANC 2B donate \$50 to the third district children's Christmas party fund. This motion passed unanimously.

Mr. Bass moved and Ms. Schwager seconded, a motion to grant staff coordinator, Hollie Saiz a \$100 Christmas bonus. This motion passed unanimously.

Mr. Bass moved and Mr. Pagano seconded, a motion that ANC 2B requests the removal of the public pay phone at 15th and Church Streets, N.W., on the grounds that it is a continuing and major nuisance to the nearby residents. This immediate area has experienced an upsurge in drug-related crime. This particular pay phone attracts groups of persons who make noise disturbing the neighbors and may be using the phone for illegal purposes, despite the fact that there is only one-way calling on this phone. We respectfully request that you honor the neighborhood's petition and order the removal of the COCOT. This motion passed unanimously.

Mr. Bass moved and Ms. Schwager seconded, a motion that ANC 2B strongly urges that the Public Service Commission (PSC) modify its proposal to add a third instance in which a formal hearing is required:

3) if an Advisory Neighborhood Commission (ANC), pursuant to a meeting and valid vote, files as a complainant.

We urge this modification because 1 D.C. Code 261 requires D.C. regulatory and independent agencies to provide "great weight" to the advisory opinions ANCs. AN ANC, as the statutory ad elected representative of its neighborhood, should be accorded more credibility for its advisory opinion on a COCOT than individual complaints in this process. Therefore, if the ANC cannot reach an agreement in the informal process with a COCOT owner, the PSC should grant the ANC's complaint the required great weight and move the complaint forward to a formal hearing. This motion passed unanimously.

The meeting adjourned at 10:40 p.m.

Respectfully submitted,



Martha Shannon, Secretary, ANC 2B