



**DUPONT CIRCLE
ADVISORY NEIGHBORHOOD COMMISSION 2B**

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Letters:

To: Historic Preservation Review Board
✓ Re: Ruth's Chris Steak House *Instruction pg 6*
Re: La Tomate

To: Public Space Commission
Re: Italian Kitchen's use of public space
Re: JR's Bar and Grill
Re: Udderly Cool

To: Councilmember James Nathanson
Re: Juvenile Curfew Amendment Act

To: ABC Board
Re: Sushi Taro

MINUTES OF THE JUNE 8, 1994 MEETING OF THE DUPONT CIRCLE ANC 2B

The Dupont Circle ANC 2B held a regularly scheduled public meeting on June 8, 1994 at St. Thomas Parish. Commissioners Shannon, Gamble, Bass, Taylor, Holmes, Pagano, and Ray were present. Chairman Gamble called the meeting to order at 7:40 pm.

Introduction of the Commissioners

Adoption of the Minutes:

Mr. Ray moved and Ms. Shannon seconded a motion to adopt the minutes of the May 25, 1994 meeting of the Dupont Circle ANC 2B. This motion passed with Commissioner Gamble abstaining.

Commissioner Shannon added Italian Kitchen to the agenda.

POLICE CRIME REPORT

A Third District officer of the 3rd District reported a rash of office and storage area thefts. He said that many of the storage areas did not have locks. He gave the crime statistics for May. Commissioner Bass asked how difficult it would be for the police to implement the Juvenile Curfew Amendment Act on a long term basis. *The officer* said that would depend on the guidelines. Ms. Taylor said that the ANC would want police input on this matter. A resident said that there was a lot of drug dealing on 17th Street

COMMISSIONERS

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|---------------------------------|---------------|--------------------------------|----------------|----------------------------------|-----------------------------------|-------------------------------|
| 01 Larry Ray
Parliamentarian | 02 Jay Pagano | 03 Martha Shannon
Secretary | 04 Dennis Bass | 05 Russell Gamble
Chairperson | 06 Pam Taylor
Vice Chairperson | 07 Dennis Holmes
Treasurer |
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between R and Corcoran Sts. The officer said that he would alert the department of this activity.

Officer Connors of Youth Services - 2nd District gave the crime statistics for the 2nd District. She said that there had also been an increase in office thefts, especially purses.

Officer Roofner of the Park Police reported on the increase of foot patrol in the parks. Officer Summerville will be patrolling on a daily basis. He said that the bathrooms at Dupont Circle had been reopened and the Park Service had been notified to keep them cleaned up. If the Dupont Circle ANC wanted them closed again ANC would need to notify the park service. Mr. Bass said the ANC wanted the restrooms reopened and that Dupont Down Under is negotiating a lease and will monitor them. Commissioner Ray said that he had four letters he wanted the ANC to vote on at the July 13 meeting.

PEPCO REPORT

Don Jackson of PEPCO reported on PEPCO's Energy Saving Coupon program.

ISSUES:

I.

Commissioner Gamble introduced JR's application for use of public space. He said that after JR's presentation at the ANC meeting of April 13 he and Commissioners Holmes and Shannon had met with several of the neighbors who had expressed opposition, and the general manager of the bar to determine what the specific objections were and if a compromise could be reached. ANC also conferred with the Public Space Committee to determine if there were any legal barriers to issuing a public space use permit to an establishment which has a "CT" license. Another concern is the impact of noise and other activities from JR's and the addition of 15 seats to the total capacity of outdoor seating on 17th Street. Part of the difficulty of these issues, in general, is the difference in viewpoints of the residents and the commercial interests in the community. JR' did acknowledge that they were aware of the complaints and were making efforts to resolve them. Mr. Gamble said that JR's had taken some steps to address some of the problems particularly in relation to the noise. In the past month JR's has redesigned their sound system to reduce the level of noise and have indicated their willingness to make physical changes to alleviate concerns that do not relate to the sidewalk cafe. Mr. Gamble said that for these reasons he moved to adopt a Voluntary Agreement with JR's which would establish limitations on the number of seats, hours, and noise. Mr. Gamble said the ANC had received many letters in support and in opposition to the proposed outdoor cafe. and asked that discussion from concerned residents be limited to points that have not been covered by other residents and that an equal block of fifteen minutes be allotted for those in favor and

those opposed.

MOTION

Ms. Taylor moved and Mr. Holmes seconded to limit the discussion to fifteen minutes each for those opposed and those for the Voluntary Agreement with JR's. The motion passed unanimously.

Dennis Holmes reminded the audience that Mr. Gamble represents the east side of 17th Street and he represents the west side. Those speaking in opposition to the Voluntary Agreement emphasized that all permits for use of public space for outdoor cafes on 17th Street had been granted to restaurants, and for at least the last five years, no public space permits for cafes have been granted to "CT" licensees anywhere in the District. JR's has a "CT" licenses and does not serve food. Opponents also cited that JR's is directly across the street from residential property; there are ongoing problems with noise from JR's which would be worse with an outdoor cafe; there have been a number of disorderly complaints involving JR's; and, there is a lack of trust in the management of JR's.

Those in favor of the Voluntary Agreement said that customers at the Fox and Hounds consumed little food and therefore there was no reason to deny JR's a public space permit; that 15 seats would not significantly add to the noise level; and that they felt JR's had been responsive to complaints from neighbors. Eric Little, general manager of JR's said that he would be happy to work with the terms of the Voluntary Agreement and that JR's can control the activity of the 15 proposed seats.

MOTION

Mr. Gamble moved and Mr. Ray seconded a motion to approve a Voluntary Agreement with JR's Bar and Grill. The motion failed with five opposed and two in favor.

MOTION

Commissioner Holmes moved and Ms. Taylor seconded that ANC 2B oppose JR's Bar and Grill's application for the use of public space because
 1) the licensee is a "CT" license and serves no food which is contrary to all the public space permittees on 17th Street and 2) the applicant is directly across the street from two large apartment complexes, and
 (3) the service of alcohol in the absence of food service would disturb the peace, order, and quiet of the residents of the immediate vicinity. The motion passed, five in favor and two opposed.

II.

Mr. Gamble introduced the owner of Italian Kitchen 1631-41 17th Street, NW. Mr. Askari presented plans for proposed use of public space for an outdoor cafe.

MOTION

Commissioner Shannon moved and Mr. Bass seconded to support the application for use of public space on the R Street side of the property Italian Kitchen 1631-41 17th Street, NW, for use of a sidewalk cafe with specifications as presented in the submitted plans with the change to 10' clearance on the sidewalk and the total seating of the outdoor area be limited to 80. The motion passed with six in favor and Mr. Pagano voting against.

III.

Mr. Bass presented his proposed testimony on extension of Bill 10-531 "City-wide Moratorium on Class "B" Liquor Licenses" which is now in effect in four wards and half of Ward 2 and a companion Bill 10-385 which would permit caterers to provide liquor for their clients. Mr. Bass proposed that the commission support the first bill in its entirety and asked that they also support a cap on existing licenses. He said whereas Bill 10-531 addresses existing problems a cap would address future problems. He further proposed that the commissioners support a temporary moratorium on Class "C" and "D" licenses as well. He proposed that the ANC 2B take no position on the Class "H" license for caterers, but that if the council committee acts favorably on this bill that the ANC request 1) licensees be subject to the same guidelines as mandated by law concerning peace, order, and quiet, which other ABC licensees are subject to and 2) revenue from the sale of catered food may not be counted toward the 45 percent requirement for on-premises food sales for Retailer License Classes CR, CH, DR, or DH. Ms. Shannon suggested that the inclusion of Class "C" and "D" licenses weakens the testimony and detracts from the testimony proposed for a cap for Class "B" licenses.

MOTION

Mr. Bass moved and Mr. Gamble seconded to approve proposed testimony on Bill 10-531 as amended by the Commission and to take no position on Bill 10-385 except to note that if the council committee approves Bill 10-385 ANC 2B requests that 1) licensees be subject to the same guidelines as mandated by law concerning peace, order, and quiet, which other ABC licensees are subject to and 2) revenue from the sale of catered food may not be counted toward the 45 percent requirement for on-premises food sales for Retailer License Classes CR, CH, DR, or DH. The motion passed unanimously.

IV.

Mr. Gamble presented Mr. Hay and Mr. Zalensky of Boston Chicken 1635 Connecticut Avenue. Mr. Hay said that construction for the restaurant had begun. The operation will have two levels. The first floor will be kitchen and service area, the second floor will be dining, seating 90 persons. He said they would be opening in late July or early August. Ms. Taylor asked if they were going to restore the facade of the building. Mr. Hay said that they would be conforming to plans already presented and approved.

COMMISSIONER REPORTS

Mr. Gamble reported that the ANC office had been moved to 1601 Connecticut Avenue NW, Suite 802.

Mr. Ray reported that he went to the roll call protest hearing for the Ambassel June 1. There are three actions pending with the ABC Board concerning Ambassel 1) the complaint of live music and dancing (a substantial change, under the license) 2) the complaint that the ANC 2B filed involving the managerial contract with Bossanova and 3) the protest for violations under its ABC license. Mr. Ray said that he had talked to Commander Collins about the situation at the Cafe Rabelais. Commander Collins said that the Third District had been successful in clean up the situation and was continuing to monitor it.

Mr. Pagano reported on the request by La Tomate for an awning.

MOTION

Commissioner Pagano moved and Ms. Shannon seconded to send a letter to the Historic Preservation Review Board asking them to postpone their decision on a proposed awning at La Tomate Restaurant 1701 Connecticut Avenue, NW until after the ANC 2B addressed this issue at their meeting on July 13. This motion passed unanimously.

MOTION

Commissioner Gamble moved and Ms. Shannon seconded a motion to protest the reissuance of a Class "CR" license Application No. 25553 for New Japan, Inc. t/a as Sushi Taro 1503 17th St., because of the impact on the peace, order, and quiet of the surrounding neighborhood due to trash and waste disposal problems and rodent infestation. Sushi Taro had been unresponsive about cooperating on a Voluntary Agreement This motion passed unanimously.

MOTION

Commissioner Gamble moved and Mr. Bass seconded to accept a Voluntary Agreement between Jana Corporation and the three protestants, ANC 2B, Bruce Knarr, and Meredith DeHart. This motion passed unanimously.

Commissioner Taylor reported that Bartucci Pizza is moving into 1218 Connecticut Avenue, NW. She said that Geary Simon of Dupont Down Under presented plans for entrance canopies to the Conservancy and the Conservancy asked Mr. Simon to redesign the entrance as they did not like the fact that each entrance was different.

Commissioner Gamble said that he wants Ruth's Chris Steak House to be on the July 13 agenda.

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MOTION

Commissioner Taylor moved and Mr. Gamble seconded to send a letter to the Historic Preservation Review Board requesting them to postpone action on Ruth's Chris proposed design for an enclosed cafe until the ANC 2B has discussed that issue at their July 13 meeting. This motion passed unanimously.

MOTION

Mr. Holmes moved and Mr. Pagano seconded to reimburse Commissioner Ray \$36.98 for ANC 2B related expenses. This motion passed with six in favor and one against (Taylor).

OLD BUSINESS**MOTION**

Commissioner Gamble moved and Ms. Shannon seconded that Mr. Ray and Ms. Taylor contact and work with appropriate organizations to help Pride, Inc. facilitate the Annual Pride Day Festival for 1995. The motion passed unanimously.

NEW BUSINESS

Commissioner Taylor said that she feels the ANC 2B Newsletter is helpful in maintaining community relations and communication and she volunteered to coordinate and edit the newsletter.

MOTION

Commissioner Bass moved and Mr. Ray seconded a letter from ANC 2B to Councilmember James Nathanson supporting the "Juvenile Curfew Amendment Act of 1994" requiring that youths under the age of 17 be off the streets by 11p.m. on school nights and by midnight on weekends. This vote passed with five in favor and two abstentions (Shannon and Taylor).

The meeting adjourned at 10:30pm.

Respectfully submitted,

Martha Shannon
Secretary, ANC 2B