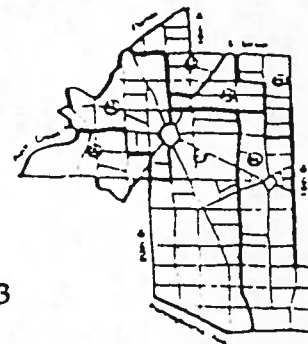




**DUPONT CIRCLE
ADVISORY NEIGHBORHOOD COMMISSION 2B**
The Dupont Down Under Mall
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Letters

To: City Council (Jarvis, cc Evans)
Re: Carnegie Endowment for World Peace

To: ABC
Re: Oasis, Fairfax Market -Carryout, Internat'l Market and Deli
Italian Kitchen

To: PSC
Re: Trios/Fox and Hounds
Quality Inn/Jana Corporation
Radisson/Barcelo (See November Minutes)

To: Special Assistant for the Mayor
Re: Nominees for the open seats - HPRB

**MINUTES DECEMBER 13, 1995 MEETING OF ADVISORY NEIGHBORHOOD
COMMISSION 2B**

all commissioners present

POLICE CRIME REPORTS

Sgt. Roofner of the Park Police gave the statistics for the month of November. He reported that the Bathrooms at the entrance of Dupont Down Under might be changed over into an auxiliary Police Station. He asked the commissioners and the residents if they would have a preference as to whether the bathrooms stayed open or closed until the decision and change over. He said that his preference was for the bathrooms to be closed until construction begins. A resident said he would prefer the bathrooms be closed. Mr. Pitsor asked what the current situation is. Sgt. Roofner said the doors are padlocked now but they could be permanently sealed with steel doors, as the padlocking that is being done now is not effective. Dr. Fernandez asked if the homeless would stay if the doors were permanently sealed. Sgt. Roofner said he thought they would leave. Dr. Fernandez said that the Dupont West Citizens Association suggested putting the ANC 2B office in the renovated building, and matter will be on the ANC agenda for January. Captain Burrell of the Second District gives the crime statistics. She said that the officers of the Second District have been on permanent shifts as of October 1. Dr. Fernandez

COMMISSIONERS

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|-------------------|------------------|--------------------|-------------------|------------------|--------------------|----------------|
| Brad Haransky | 02 Stephen Smith | 03 Jonathan Heller | 04 Donald Jackson | 05 Erik Wenple | 06 Henry Fernandez | 07 Kyle Pitsor |
| <i>Vice-Chair</i> | | <i>Treasurer</i> | | <i>Secretary</i> | <i>Chairperson</i> | |

Book was available in the ANC 2B office and also at any public library. Dr. Fernandez asked if there were any complaints about 1500 Market at 1500 Mass. Ave., N.W. Mr. Heller said that a handful or less of violations, if they actually do exist, are sufficient reason for the ANC to file a protest, and that ANC 2B should not work against businesses, but work with businesses to solve existing problems. Mr. Pitsor proposed that rather than taking a position on the renewals ANC 2B indicate that the establishments up for renewal had been cited for Sanitation Code violations. A resident asked any interested parties to accompany the neighborhood watch group on their walks through the neighborhood to help assess for themselves what some of the problems with trash and other issues are. The proprietor of Fairfax Market said he would do that.

MOTION

Mr. Pitsor moved and Dr. Fernandez seconded that ANC 2B take no position on the renewals of the Class "B" Liquor Licenses for 1) International Market and Deli, address, 2) Oasis, address, 3) Fairfax Market, address. However they would like it noted that during the meeting concerns were expressed about these establishments having had various Sanitation Code violations. The motion passed 6-1. Mr. Jackson opposed.

2. Mr. Heller said that in September ANC 2B voted unanimously to support the concept for the expansion of Dupont Italian Kitchen dining area on the second floor. He said the issue the ANC is to address is the application for an amendment to the existing liquor license. Mr. Heller said that the drawings have been modified slightly in that a kitchen that was proposed for the second floor has been deleted and replaced by a storage area. He said the seating configuration has also been altered to allow for the movement of the bathrooms, and the actual number of seats as stated in the initial presentation is a few more. Mr. Asanazi said that the total seating capacity of the restaurant would be 120, and that at the moment it is 50 - this is the interior seating. Dr. Fernandez asked if the upstairs would be leased out, or if Italian Kitchen would be operating the new space. Mr. Askanazi said Italian Kitchen would be operating the upstairs space. Dr. Fernandez asked if the name would be different. Mr. Askanazi said no, it would be Italian Kitchen. Dr. Fernandez asked if the entire menu would be served including the space where the bar is operated. Mr. Askanazi said yes. Pam Taylor, a Kalorama resident, said that the expansion was in violation of the existing Liquor License Moratorium. She said the scope of the expansion was tantamount to issuing a new liquor license and the ABC Committee of DCCA was overwhelming opposed to this amendment. Dr. Fernandez said there was another establishment that came before the ANC, Carmella Kitty's. He said that he had read the letter submitted by Ms. Taylor to the ABC Board stating that the protest would be withdrawn if Carmella Kitty's showed

that it had passed fire inspection codes. Dr. Fernandez said that Carmella Kitty's also expanded significantly (they needed an amendment to their liquor license) with seating on the second floor, and in that letter there was no protest of that expansion. Dr. Fernandez asked Ms. Taylor why she had no objection based on the moratorium in that case. Dr. Fernandez asked if the Carmella Kitty's protest from DCCA to the ABC Board had been thrown out. Ms. Taylor said yes. Mr. George Nelson, a resident, said that if the moratorium, which had been created for 17th street was not useful, it should be thrown out. Mr. Pitsor read the moratorium. Mr. Pitsor said that during the creation of the moratorium the issue of seating capacity was addressed. He said the reason for the discussion of seating capacity was relevant to the moratorium because additional seating would contribute to the problems that the moratorium addressed. He said in the petition that the ABC Board approved for the renewal of licenses extra seating is taken into consideration as a factor along with new licenses. He said, however, there is no cap to the moratorium, that the addition of a cap was looked at during the discussions and scrapped. He said that the seating expansion matters covered by the moratorium was left on a case-by-case basis. He said the issue of the seating capacity is relevant according to the language of the moratorium. Mr. Grandis speaking as a resident said that he was puzzled by the extent of the discussion. He said that Italian Kitchen is a fine establishment and the responsibility of the ANC was to look at the laws, and that nothing that is being proposed violated the moratorium. A resident said that Italian Kitchen does provide a service to the neighborhood and deserves the support of the residents. Mr. Van Essen said he wanted to clarify that Mr. Pitsor was not representing DCCA on this issue. Mr. Jackson asked if Italian Kitchen would maintain the existing hours of operation. Mr. Askanizi said yes. Mr. Askanizi said that the building was one square, one lot. Mr. Jackson asked if the requirement for food service with alcohol would remain the same. Mr. Askanizi said yes. Mr. Pitsor asked that since the Italian Kitchen was not going to add the additional kitchen was the kitchen adequate to serve the outside as well during the summer months? Mr. Askanizi said yes. Mr. Heller said he wanted to restate that the plans for this expansion were approved unanimously at the September meeting of the ANC and it seems it would be unfair to not support it at this time. He said as far as the moratorium goes, he would hope that the intent of the Moratorium wasn't to be applied to people who wanted to have a glass of wine with their meal. He said he didn't feel that caused the kind of problems that the Moratorium was designed to address. Dr. Fernandez asked if the seating capacity in the summer was 100 people outside and 50 people inside, and with the proposal Italian Kitchen will seat not more than 120 people inside. Mr. Askanizi said yes that was correct. Mr. Wemple asked if Mr. Askanizi, in response to neighborhood concerns, was going to take down a wall to make sure there was no separate entrance. Mr. Askanizi said yes that is his plan. Mr. Wemple

asked the commissioners if any consideration had been given to putting a rider on the Voluntary Agreement stating that ANC 2B's support is conditional on the upstairs only being operated as part of Italian Kitchen. Mr. Heller said if that were ever the case that there would have to a significant change application at that time. Mr. Pitsor said he wanted to comment on the remarks made in the discussion of the moratorium. He said the moratorium does not prevent an increase in occupancy. He said it was contemplated during the renewal that matters of increased occupancy would occur, and this should be looked at on a case-by-case basis as to whether that increased occupancy was germane to the moratorium. He said that is the point that he was referencing, not that the moratorium prohibited expansion.

MOTION

Mr. Heller moved and Mr. Smith seconded support for the amendment to the liquor license for Dupont Italian Kitchen, 1631-41 17th Street. The motion passed 6-1. Mr. Pitsor opposed.

3. Mr. Wemple said that Mr. Grandis and Mr. Malios would present a proposal to enclose public space at the Fox and Hounds Restaurant on 17th Street. Mr. Wemple gave a brief description of the actions concerning this issue over the past few months. He said these issues were for increased hours of operation on the patio, not supported by the ANC, and a proposal for the enclosure of Trios, again not supported. He said the present proposal is for the enclosure of Fox and Hounds, which involves an additional 15 feet for an enclosed seating area. He said the area would be enclosed with panels that could be opened and closed very easily. He said in addition there would be an additional 10 feet of seating space that would be unenclosed. He said the roof of the enclosed area would be canvas. Mr. Grandis circulated a drawing of the proposed enclosure. Mr. Heller asked if the residents had seen this new design. Mr. Wemple said that the ANC had turned down an application to enclose the entirety of Trios while supporting an awning and landscaping over Fox and Hounds. Mr. Wemple said that Trios went to public space to request and amendment with a partial enclosure. He said as a result of the meeting with the public space that the present design, which was available around August or September were created. Mr. Pitsor said that in the July 12 meeting of the ANC, Trios cited economic reasons for wanting the enclosed space, and was at that time willing to settle for the awning. He said in that this was acceptable in July, why is this no longer economically supportable. Mr. Grandis said that in July the rendering showed the existing awning, and the area where people sit at the other end of the public space as completely enclosed. He said what they wanted to get a sense of in July was what the ANC would find acceptable. He said that Trios didn't make a representation in July that the awning or the landscaping alone would solve its problems. He said it did give Trios the chance to look at the approved awning concept and determine that this would not give