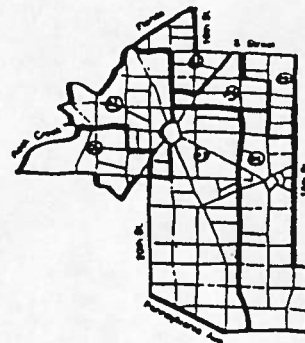




**DUPONT CIRCLE
ADVISORY NEIGHBORHOOD COMMISSION 2B**

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Letters:

- To: Joe Englert
- Re: Carmella Kitty's
- To: ABC
- Re: Trumpets
- To: Public Space
- Re: Trumpets
- To: Public Space
- Re: JR's Bar and Grill
- To: Jack Evans
- Re: Noise Bill
- To: John Ray
- Re: Noise Bill
- To: BZA
- Re: Chancery Eritrea
- To: Public Service Commission
- Re: Pay Phone Diplomat Parking
- To: Office of Emergency Preparedness
- Re: P Street Block Party

MINUTES OF THE JUNE 14, 1995 MEETING OF ANC 2B DUPONT CIRCLE

The Dupont Circle ANC 2B held a regularly scheduled public meeting on June 14, 1995 at St. Thomas Parish. Commissioners Fernandez, Heller, Smith, Bass, Wemple and Haransky were present. Chairman Fernandez called the meeting to order at 7:30 pm.

Introduction of the Commissioners

Adoption of the Minutes: Dr. Fernandez moved to adopt the minutes of the May 12, 1995 meeting. The motion passed unanimously.

POLICE CRIME REPORT

Captain MacManus gave the crime statistics for the Third District. he said that crime was down 15% over all from the same time in 1994. However, he added that between June of 1994 and 1995 crime was up due to the persisting problem of theft from auto. A resident asked if anything could be done about the problem of trash at Stead Playground, which was a result of the nightly drinking and gambling. Captain Macmanus said he would give that problem special attention. Dr. Fernandez commended the Third District's efforts and arrests.

COMMISSIONERS

- 01 Brad Haransky
- 02 Stephen Smith
- 03 Jonathan Heller
Treasurer
- 04 Dennis Bass
- 05 Erik Wemple
Secretary
- 06 Henry Fernandez
Chairperson
- 07 Kyle Pitsor
Vice-Chair

Captain Taylor gave the statistics for the Second District. He recommended that residents have their bikes registered as bike theft was a problem.

Lt. Roofner of the Park Police introduced two new officers to the residents and commissioners. He said that there was a third officer that he had intended to introduce but that this officer had made an arrest in Dupont Circle at 7p.m. and was therefore unavailable. Mr. Heller asked if the bike messengers in Dupont Circle were dealing drugs.

ISSUES:

1. Dr. Fernandez introduced Mr. Charles Parker of Emmaus Services for the Aging. Mr. Parker told the commissioners and residents about the services his organization offered. He said that they had a volunteer program that was very flexible and encouraged residents to contact him if they would be available to volunteer in any way. Mr. Heller asked if theirs was a walk-in facility. Mr. Parker said no. Mr. Haransky asked if Emmaus could use companions for elderly persons who were not homebound. Mr. Parker said yes, that not all the people Emmaus services are housebound.
2. Mr. Haransky introduced Mr. Charles Ray, the representative for the State of Eritrea. Mr. Ray asked the commissioners to support the BZA application filed for the State of Eritrea.

MOTION

Mr. Haransky moved and Mr. Heller seconded to support the BZA application for the State of Eritrea, 1708 New Hampshire Avenue with the condition that the designated diplomat parking be limited to two spaces and the hours for restricted use be during business hours, Monday through Friday. The motion passed unanimously.

3. Mr. Heller said the issues before the ANC for Trumpets, 1633 Q Street, are the application for the use of public space and a revision of the Voluntary Agreement with the ANC. Mr. Heller said that there was some confusion over whether or not the space was in fact public space. He said that under the previous Voluntary Agreement Trumpets was prohibited from serving alcohol outside and dancing was banned on the inside. Mr. Heller said that the Voluntary Agreement had been altered to read that on certain occasions dancing would be allowed and there is no clause prohibiting the serving of alcohol on the patio. He said the new agreement would allow dancing on three special occasions per year. He said that DCCA had proposed a prohibition against the portable bar being brought out into the public space area. Mr. Heller said he would like this clause to be brought up for comment and a vote by the ANC. Mr. Heller said that the application for the use of public space is for 6 tables and 13 seats and the hours of operation will be until 11PM on weekdays and midnight on weekends.

CONCURRED

Mr. Heller introduced Mr. Nemeroff of Trumpets. Mr. Nemeroff concurred with Mr. Heller's presentation. Mr. Nemeroff added that there will be a full menu on the patio and there will be a monitor to keep people from taking any beverages inside. Mr. Nemeroff said that Trumpets had agreed with DCCA not to have the portable daiquiri bar on the patio. Mr. Heller said that the ANC would entertain a separate motion on the issue of the outside bar as put forth in the ANC's Voluntary Agreement. Dr. Fernandez asked if Trumpet's wanted the daiquiri bar outside. Mr. Nemeroff said it was Trumpet's preference to have the bar outside on certain occasions but, they had yielded to DCCA's provision and agreed to keep the bar inside. A resident said that any decisions on public space should be deferred until after the ANC had established guidelines for the use of public space and that the moratorium limiting the service of alcohol should be supported. Mr. Nemeroff said that Trumpet's application for the use of public space fulfilled all the requirements of the District's Public Space Commission. Mr. Wemple said the guidelines aren't a factor in considering this particular application. Mr. Van Essen said that DCCA was satisfied with the Voluntary Agreement that had been worked out with them. Mr. Bass asked Mr. Heller if what he was proposing was an amendment to the ABC license, an amendment to the Voluntary Agreement, or a new Voluntary Agreement. Mr. Heller said yes. Mr. Bass recused himself from the vote. Mr. Bass said that the existing license for a summer garden was not correct and the Trumpets had to reapply for a sidewalk cafe ABC license. He said that whatever the vote was, the Voluntary Agreement needed to be affixed to the new ABC application. Dr. Fernandez asked Mr. Heller if the only clause that differentiates the Voluntary Agreement from DCCA and ANC 2B is the clause concerning the placement of the portable bar. Mr. Heller said yes. Dr. Fernandez asked Mr. Heller if he was unwilling to cooperate on this clause with DCCA.

MOTION

Mr. Heller moved and Mr. Smith seconded a motion that ANC 2B omit the clause negotiated separately for a Voluntary Agreement barring Trumpet's from using an outdoor portable bar be omitted from the version of the Voluntary Agreement the ANC votes on and submits to the ABC Board. The motion did not pass (three opposed, one abstained, and one for). *Smith abstained, Heller for.*

MOTION

Mr. Heller moved and Dr. Fernandez seconded ANC 2B approve the Voluntary Agreement and write the ABC Board in support of the Voluntary Agreement with Trumpet's as submitted. The motion passed (four for and one abstention).

MOTION

Mr. Heller moved and Mr. Smith seconded to write the Public Space Commission supporting the application

by Trumpet's for the use of public space for an outdoor cafe. The motion passed unanimously.

4. Mr. Heller introduced Mr. Englert of Carmella Kitty's restaurant, 1602 17th Street. Mr. Heller said the motion to be considered is an amendment to the existing ABC license to expand the restaurant to the second floor. Mr. Englert said that although initially there was some confusion over whether the issue was a BZA or an ABC issue, the answer from DCRA is it is an ABC issue as the zoning issues have already been resolved. He said that the restaurant's request is to use one half of the second floor for restaurant seating and for serving alcohol. He said that Carmella's is asking for an expansion of 25 seats although they are allowed up to 45 seats. Mr. Haranksy asked if all public safety requirements had been met for use of the second floor. Mr. Englert said that they had satisfied all those requirements.

MOTION

Mr. Heller moved and Mr. Wemple seconded to approve the concept for additional seating on the second floor of Carmella Kitty's - 1702 17th Street. The motion passed unanimously.

5. Dr. Fernandez introduced the issue of a proposed application for use of public space and amendment to ABC license for JR's Bar and Grill. Mr. Wemple read the terms of the new Voluntary Agreement. Mr. Wemple introduced Mr. Eric Little, who represents JR's. Mr. Little gave a brief history of JR's and said he believed JR's has had a positive impact on the neighborhood. Mr. Little said that JR's outdoor cafe would close at 10 PM on weekdays and 11 PM on weekends, which is an hour earlier than the other establishments on the block. He reread the terms of the Voluntary Agreement. Dr. Fernandez said that as a point of clarification the issue being entertained at this time is of public space only, not the ABC issue. Mr. Haransky asked if Mr. Little was willing to extend the hours of dining until 10 PM on the weekends. Mr. Little said that when the Voluntary Agreement was being drawn up this item was not deemed an issue. Dr. Fernandez commented on a question of the status of JR's ABC license. He said that four months ago he had urged JR's to not apply for a use of public space permit and to participate in mediation with concerned neighbors. A resident said that he felt JR's was a good neighbor and he felt it was unfair for them not to be able to have an outdoor patio as all the other establishments on the block had been granted that privilege. Mr. Wemple responded to a resident's question that JR's had a certificate of occupancy as a restaurant and an ABC license to operate as a tavern. Mr. Haransky said that JR's can operate an outdoor patio with its current license as long as public space grants them the use of public space certificate. He said, if and when a use of public space certificate is granted, JR's then has to go before the ABC Board and apply for an amendment to its existing license because of substantial change. They however, at

this point have the right to serve food on the patio under the present guidelines of their ABC license. A resident said that JR's had not been a good neighbor in terms of a variety of types of noise that are a result of their operation. Mr. Wemple said that he thought the issue of JR's should be postponed until after the ANC had voted on the Public Space Committee guidelines. Mr. Little said that as a courtesy to the new ANC he had held off applying for a use of public space permit in February, and that was before there was even an ANC committee to establish guidelines. A resident said that in that all other business on 17th Street have use of outdoor space he felt it was unfair to hold up JR's. A resident said he opposes JR's having use of outdoor space in that they are a bar. Mr. Wemple said that JR's has a certificate of occupancy as a restaurant and an ABC License as a tavern. The President of the 17th Street Merchant's Association said that D.C. Law does not prohibit a Class "CT" license holder from using public space and operating an outdoor cafe, and further it would not set a precedent. Mr. Smith said that the ANC Public Space Committee's guidelines haven't been set or approved, and that when they are passed they aren't rules but simply recommendations. Mr. Heller said the proprietor of the business next to JR's supports this application. Dr. Fernandez said this issue has generated a great deal of interest. He said one of the requests was to postpone the discussion of JR's because a SMD Commissioner was not available. He said that the absence of a commissioner was not cause to postpone a discussion or a vote. He said further that as a courtesy, Mr. Little had postponed his application for use of public space while the issue was being mediated earlier in the year, and for that reason it would not be fair to postpone it again. Dr. Fernandez thanked the mediation lawyer, Paul Taylor, and others for their time. Dr. Fernandez said ANC has received petitions from groups representing both sides of the issue. Dr. Fernandez said that unfortunately mediation collapsed before a voluntary agreement could be worked out, but that since then a voluntary agreement has been worked out, with as strong terms as were in mediation.

MOTION

Mr. Wemple moved and Mr. Bass seconded to table a decision on JR's use of public space permit. The motion didn't pass. Two for, three against, and one abstention.

MOTION

Mr. Smith moved and Dr. Fernandez seconded ANC 2B support JR's application for use of public space, with the understanding that JR's will sign the Voluntary Agreement which was presented to the ANC. The motion passed four to two. (*Bass and Wemple against*)

MOTION

Mr. Heller moved and Mr. Smith seconded ANC 2B continue to monitor the issue of problems with noise

associated with JR's. The motion passed 3 to 2. *(Fernandez and Bass opposed)*

Dr. Fernandez said that the ABC Board required JR's be placarded for forty-five days. Mr. Heller said he felt the issue of JR's application for ABC amendment should be addressed at this meeting. Mr. Smith said he thought the ANC should go forward with a motion on this issue.

MOTION

Dr. Fernandez moved and Mr. Wemple seconded the issue of JR's proposed ABC amendment be tabled until the July meeting of the ANC. The motion passed 3 to 2. *(Smith and Heller against)*

Mr. Bass said he was moved by the efforts of the Chair and JR's to ameliorate a very contentious issue.

6. Mr. Wemple said that he would like to table the ANC Public Space Committee report. He said that in the distributed handout of the guidelines the bracketed areas were still open and he would appreciate input from concerned residents and businesses in these areas for the July ANC meeting. Mr. Heller said that the ANC Public Space Committee had received comments and would continue to urge further comments by the members of the community.

MOTION

Mr. Heller moved and Mr. Smith seconded to table the discussion of ANC 2B's Public Space Committee's report. The motion passed 3 to 2 with one abstention.

7. Mr. Bass said there were two important bills pending before the D.C. Council's committee on consumer and regulatory affairs concerning enforcement of noise laws in D.C. He said Councilmember Evans' bill is limited to residential areas, and Councilmember Ray's bill covers both commercial and residential. He said both bills allow the police to enforce the D.C. Noise Control Act by issuing civil fines for violations, and they don't require a decibel reading. He said the police can use a "reasonable person test" to determine if the noise is in violation. He said these bills were important as getting meter readings to verify whether a noise is illegal is virtually impossible.

MOTION

Mr. Bass moved and Mr. Haransky seconded ANC 2B support the concepts of bills 11-131 and 11-114, that the current noise control laws should be enforceable by the Metropolitan Police and that the police may issue civil fines for violation of the law in residentially zoned areas. The motion passed 5 to 1.

MOTION

Mr. Wemple moved and Dr. Fernandez seconded to oppose a proposed installation of a Public Pay Phone at Diplomat Parking, 1513 O Street as there is no need for a phone at that location. The motion passed unanimously.

COMMISSIONERS REPORT

MOTION

Mr. Heller moved and Dr. Fernandez seconded a letter be sent to the Office of Emergency Preparedness supporting the P Street block party on June 17. The motion passed 5 for 1 abstention.

Mr. Wemple said the Scott Circle Residents are meeting on June 21 at 7:30 at the Quality Inn.

Dr. Fernandez reported that he was starting efforts to improve P Street between Dupont Circle and Rock Creek Park. He said an important part of this effort will be the development of the empty lot on P Street, between 21st and 22nd Streets. He said he had met with the owners of that property, and would report progress to members of the community.

Respectfully submitted,
Erik Wemple
Secretary, ANC 2B