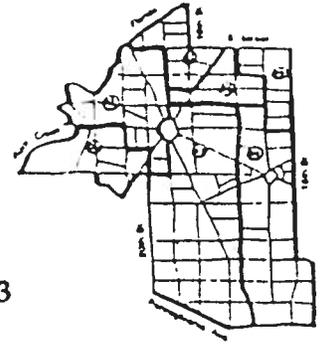




**DUPONT CIRCLE
ADVISORY NEIGHBORHOOD COMMISSION 2B**
The Dupont Down Under Mall
1900 Massachusetts Avenue, NW
Washington, DC 20036



Telephone: (202) 82 ANC 2B [822-6222] Fax: (202) 822-6223

Letters

To: ABC Board
Re: Carmelia Kitty's

To: ABC Board
Re: Hay-Adams Hotel

To: Public Space Committee
Re: Sesto Cafe

To: Office of Emergency Preparedness
Re: Halloween Celebration

To: Department of Public Works
Re: Trash Pick-up

To: Department Consumer and Regulatory Affairs
Re: ABC Inspectors

To: Historic Preservation Review Board
Re: Raku Restaurant

MINUTES OF THE OCTOBER 11, 1995 PUBLIC MEETING - ANC 2B

Introduction of the Commissioners.

Dr. Fernandez called the meeting to order at 7:40 p.m. Commissioners Heller, Wemple, Pitsor Haransky and Jackson were present. Dr Fernandez welcomed newly appointed commissioner Don Jackson.

Dr. Fernandez asked the audience not to drink or eat in the meeting and to take papers and so forth with them when they leave.

MOTION

Commissioner Pitsor moved and Mr. Heller seconded to adopt the minutes of the September 12 meeting as amended in discussion. The motion passed unanimously.

POLICE CRIME REPORT

Captain Westover of the 3rd District reported that theft from autos was down for the first time in a very long time. He

COMMISSIONERS

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|---------------------------------------|------------------|--|-------------------|------------------------------------|--|----------------|
| 01 Brad Haransky
<i>Vice-Chair</i> | 02 Stephen Smith | 03 Jonathan Heller
<i>Treasurer</i> | 04 Donald Jackson | 05 Erik Wemple
<i>Secretary</i> | 06 Henry Fernandez
<i>Chairperson</i> | 07 Kyle Pitsor |
|---------------------------------------|------------------|--|-------------------|------------------------------------|--|----------------|

cited the aggressive campaign to alert residents of the dangers of theft from autos as a factor in this decrease. Captain Westover said that if any citizen is accosted by a robber and told to give up their money, to do so without hesitation as the robber might be armed even if no weapon is visible. Dr. Fernandez asked about the 3rd District's plan for the Halloween Street Festival. Captain Westover said there was a plan in place, although he was somewhat concerned about the late date of the application. He said that there was no problem with the street closing from 7:00p.m until 10:00p.m. Mr. Wemple asked if there was anything the commissioners could do to help. Captain Westover said the commissioners could ask neighbors to be patient about parking during the hours of the street closing. He said he was also concerned about complaints of loud music. Joe Englert, a resident, said there was clear drug dealing activity going on along 17th Street, and he wondered if the police were aware of it and what they were doing about it. Officer Zelinka said the department was aware of it, and had plainclothes personnel observing buys and were making arrests. Commissioner Wemple thanked Captain Westover for coming to the Scott Circle meeting.

ISSUES:

1. Dr. Fernandez introduced Ms. Claudia McCoin of Bell Atlantic (BA). Ms. McCoin said she was at the meeting to present Bell Atlantic's position on Bill No. 11-258, "Telecommunications Competition Act of 1995", which is before the City Council. Ms. McCoin said Bell Atlantic thought this Bill did not provide for a balanced and fair competition not only fair for Bell Atlantic, but also fair for the city and the consumers. She said as the legislation is now drafted Bell Atlantic will continue to be regulated as it is today, whereas the new interests that will come into the market would be able to operate freely under deregulation. She said the new bill actually states that the Public Service Commission will not be able to regulate the rates, service or service quality of those new interests. She said some of the concerns were about complaints that consumers would have and the problems if those complaints could no longer be filed with the Public Service Commission. Ms. McCoin said Bell Atlantic is concerned with having to provide their network to other companies at no charge. She said another concern BA has is what provisions and protections are provided for the city. She said BA had been charged by the Long Distance Coalition as not being supportive of competition, and are in fact the only ones who are not supportive. She said this charge is untrue in that BA knows that competition is a reality. She said that BA is only concerned that the legislation be balanced. She said that BA had proposed a piece of legislation prior to Bill 11-258, which did address the problem of deregulation with a more balanced approach. She said in addition, both the People's Council, the Public Service Commission, and various branches of

the executive branch of the government have expressed concern. She said the PSC has drafted a piece of legislation that is more balanced, and presented to the City Council. She referred the Commissioners to the packet she had presented to the audience and the Commissioners.

Dr. Fernandez introduced Ms. Beverly Spellman of AT&T, who represented the Long Distance Coalition. Ms. Spellman said she first wanted to tell the Commissioners and the audience what the proposed legislation does. She said it first establishes the role of the PSC. She said although the bill exempts the coalition from price regulation, it does not establish any other regulatory oversight. She said the second thing is that the bill mandates that the PSC will hold a large proceeding in which it will put in place the conditions necessary to give the local competition an opportunity to take hold. She said the third thing the Bill does is put in place a universal service fund. She said the fourth thing that the Bill does is ask that right of way be available to all carriers. She said the Bill is not perfect and the Coalition has introduced an amendment which they feel addresses the concerns of BA and other parties. She said although the Bill is not perfect, it is a good vehicle for starting the process. She said the long Bill and the short Bill proposed by the PSC support regulation, and goes in the opposite direction of all the other states. She said the Coalition does not support the PSC Bill, as it is inconsistent with Bills already in place in other states. She said the Coalition has asked BA to come to the table for discussions and they have instead introduced their own legislation without any discussion. She said price regulation would only affect BA as long as the were the monopoly provider. Mr. Wemple asked what his options would be if he moved into a place and wanted two separate lines, a local phone and fax or computer line. Ms. McCoin said that at this point other carriers would have to use BA's network, and it would be several years before other carriers would be able to even offer that type of service competitively. Dr. Fernandez asked Ms. McCoin if it were true that Sprint wants to use the local TV lines. Ms. McCoin said yes, that was their plan. Ms. Spellman, addressing the same questions, said that what Ms. McCoin said is correct. She said, "however, at the second stage of competition is when the Coalition begins to "build out." She said at that point other carriers would not have to buy the entire network package from BA. She said at the third stage, when the Coalition has a network in place, they will be able to weave an interconnection that will be seamless to the consumer. Mr. Haransky asked if the marketing techniques of competing companies would affect the consumer, late night phone calls, etc. Ms. Spellman said the organization that AT&T belonged to did not support calls to consumers after 8P.M. Dr. Fernandez asked about the pending Bill's provision for an independent fund that would take care of indigent, the elderly, etc. Ms. McCoin said the Universal Service Fund basic structure insures there are dollars available to cover discount services to the needy. Ms. McCoin

said at this point BA is the only one who contributes and they are concerned as to how this responsibility would be handled if Bill 11-258 passed. Dr. Fernandez asked if it were the case that at the present the services for the elderly and poor were provided by BA. Ms. McCoin said yes, that was the case. Mr. Pitsor asked both parties what they envisioned as where the communications industry would be in five years. Ms. McCoin said it's impossible to know all of where they would be with the deregulation of telephone services. She said given the rate of the development of technology anything is possible, and that BA is trying to put in new technology throughout the city in all wards, whereas that would not be true of the new interests coming in, because they would be servicing only certain areas. Ms. Spellman said that it would take several years for services to evolve. She said that there would be a wider array of services. Mr. Heller asked if the current bill provided for any interconnection fees. Ms. Spellman said that the interpretation of the Bill says that there is no interconnection fees. She said her bill stated that PSC should determine what the interconnection fees should be. Mr. Jackson asked in the event of major repairs to lines being necessary who would pay for that. Ms. Spellman said the PSC would have to determine that. Ms. McCoins said that if current legislation stays the way it is that BA would have to absorb all the costs. Ms. Spellman said that their amendments do address this problem. Ms. Meehan, a resident said that her bill was very complicated (her telephone bill, that is). Ms. McCoin explained Ms. Meehan's personal telephone bill to the Commissioners and audience. Dr. Fernandez asked the other Commissioners if any vote on this could be postponed until the next meeting of the ANC as the material from BA hadn't arrived to be reviewed until October 11. The Commissioners approved this idea. Further action on this issue will be addressed at the November meeting.

2. Mr. Heller introduced Mr. Joe Englert of Carmella Kitty's. Mr. Englert said that he was seeking the support of the ANC to the proposed amendment to his liquor license, which would allow the serving of alcohol on the second floor of Carmella Kitty's. Mr. Englert said he has checked with Zoning and it is strictly an ABC issue. Dr. Fernandez asked if the amendment constituted a substantial change to the ABC license. Mr. Englert said yes. Mr. Englert said he had apprised the ANC and other neighborhood organizations of his intentions to expand seating on the second floor and to provide the service of alcohol per Voluntary Agreements. Dr. Fernandez asked if there are any comments or questions from the commissioners. Mr Pitsor asked if there were any changes other than the ones proposed in the Public Space application. Mr. Englert said no, that Mr. Hampton Cross of the Department of Consumer and Regulatory Affairs said that the only process necessary to complete was the ABC. Mr. Pitsor said that it appeared Carmella's was in compliance with all public safety regulations. Mr. Englert said as far as he knew that was the

case. Mr. Englert said he has the Certificate of Occupancy for all three floors. Mr. Heller asked Mr. Englert to clarify what floor is the first, and so on. Mr. Englert clarified the designation of the floors. Dr. Fernandez said that the consideration should be for the proposed change and an empowerment of an ANC Commissioner to enter into a Voluntary Agreement that would reflect the amendment. Mr. Heller said the application number is the same as already in the Voluntary Agreement so the vote only has to be on the amendment. Mr. Pitsor said the action would have to include the attachment to the existing ABC license. Mr. Rayfield, a resident, said that when the owners of Carmella Kitty's originally applied for a license they specifically said that they were content with the seating proposed and did not see a reason for expansion in the future. He said at that time residents expressed their skepticism as to whether the owners would continue to maintain that view. He said this is another instance where the moratorium on liquor licenses is not being upheld, as there was no difference between allowing an existing establishment to have more seats and new operations. He said that improper and inadequate trash storage continues to be a problem with Carmella Kitty's. Dr. Fernandez told Mr. Englert that the fines for trash and garbage storage violations are going up. Mr. Englert said he had never had a citation for garbage, and in fact always got high marks from the Health Department. Mr. Pitsor asked if this would be an opportunity to review and clarify the Voluntary Agreement. Mr. Wemple said that persons who have concerns need to document them for the commissioners to consider, that it was not sufficient to just appear and say there are problems with garbage or anything else. Mr. Heller said there is a renewal of liquor licenses in the spring and he would be happy at that point to do any revisions that are deemed necessary. Mr. Haransky asked Mr. Englert if he had received any complaints or protests from residents about the trash. Mr. Englert said he had received one complaint about oil, which he wasn't responsible for. Mr. Carney, a resident, said the rat patrol had reported rats. Mr. Wemple said that the commission needed documentation of violations. Mr. Grandis said that Carmella Kitty's has been an exceptionally good neighbor, and he hoped the ANC would support the ABC amendment. Ms. Meehan said she thought the 2nd floor was unsafe in terms of fire. Dr. Fernandez asked if the building had smoke detectors. Mr. Englert said, of course. Mr. Englert said he had a certificate of occupancy, which includes approval from a fire inspector.

MOTION

Mr. Heller moved and Mr. Wemple seconded to support the expansion of seating on the 2nd floor of Carmella Kitty's to 24 seats - ABC Application No. 27106. The motion passed unanimously.

3. Dr. Fernandez introduced Mr. Grandis who introduced the designers and architects for RAKU, 1900 Q Street. Mr. Grandis

said that his client is asking the ANC to support the proposed design for a new restaurant, Raku, at the corner of 19th and Q Streets. Mr. Grandis said the issue he was presenting to the ANC was of concern to the Historic Preservation Review Board. Mr. Russell Sears presented the design drawings to the commissioners and explained his plan. Mr. Pitsor said that the Conservancy supports the designs, which had also been presented to them.

MOTION

Mr. Heller moved and Dr. Fernandez seconded to support the designs as presented by RAKU, and to send a letter to the Historic Preservation Review Board stating this support. The motion passed unanimously.

COMMISSIONERS REPORTS

Mr. Haransky reported that the enclosed patio of Ruth's Chris Steak House is almost finished, and looks good.

Mr. Jackson reported The JCC has started their renovation. He said the JCC would like to make a presentation to the ANC on the programs that will be starting in a year. He said he is going to be holding an open forum for his constituents on October 21, at Saint Luke's Church, 15th and P Streets.

Mr. Wemple said the meeting of the Scott Circle Residents on September 27 went very well, and there will be another meeting in December or January.

Dr. Fernandez for Mr. Smith reported the Church of Scientology put up an 8-foot cross on the side of the Frazer Mansion. He said the cross doesn't cover any architectural detailing, so that issue has been resolved.

MOTION

Mr. Heller moved and Dr. Fernandez seconded to adopt the fourth quarter fiscal financial report for 1995 as presented to the commissioners. The motion passed unanimously.

Dr. Fernandez reported that he, Mr. Smith, and some residents had organized a meeting with the P Street Merchants Association to apprise them of the new sanitation laws. He said this was to make the merchants aware of their responsibilities, and to alert them to the new fine structure. He said the meeting went fairly well and about 12 merchants showed up.

NEW BUSINESS

Mr. Wemple proposed a motion to support Sesto Cafe's, 15th and K Streets, application for a use of public space permit (outdoor cafe, 15 seats). He said he had heard no complaints from residents about this application.

MOTION

Mr. Wemple moved and Mr. Jackson seconded a motion to support the application for use of public space as an outdoor cafe by Sesto Cafe, 15th and K Streets. The motion passed unanimously.

Mr. Wemple said the Hay-Adams had applied for an amendment to their liquor license to allow them to serve liquor on their rooftop restaurant for private parties.

MOTION

Mr. Wemple moved and Mr. Heller seconded support for an amendment to the liquor license of the Hay-Adams Hotel, One Farragut Sq. The motion passed unanimously.

Mr. Heller announced he had submitted the application for the street closing for the Halloween Celebration on 17th Street. He said the sponsors are several of the business on 17th Street, along with the 17th Street Merchant's Association.

MOTION

Mr. Heller moved and Mr. Jackson seconded the ANC endorse the

Halloween Celebration as a co-sponsor group. The motion passed unanimously.

Mr. Heller said he would like to discuss amending the ANC 2B bylaws during the November meeting. He said he would like the amendment to be one that would prohibit ANC sitting commissioners from holding officer or committee chairs in locally oriented civic or business group. The amendment would be discussed at the ANC Meeting on November 8.

Mr. Haransky said the ABC Board is looking for support to have the ABC Inspectors continue reporting directly to the ABC Board rather than being moved to an agency that would have all city inspectors in one office under Mr. Hampton Cross's direction.

MOTION

Mr. Haransky moved and Mr. Pitsor seconded that a letter be sent to Hampton Cross urging him to let the ABC Board keep its inspectors in their office, rather than moving them to another regulatory agency. The motion passed unanimously.

A resident complained that the city sanitation trucks were picking up garbage at 6 a.m.

MOTION

Dr. Fernandez moved and Mr. Wemple seconded to ask the Department of Public Works not allow any trash pick-ups in residential areas before 7:00a.m.

The meeting adjourned at 10:00p.m.

Respectfully Submitted,

Erik Wemple
Secretary