



**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: Department Public Works  
 Re: Two-way Stop Sign 20th and N Sts.

To: Captain Macmanus  
 Re: Community Gratitude for Service

MINUTES OF SEPTEMBER 13, 1995 MEETING - ANC 2B

Dr. Fernandez called the meeting to order at 7:35p.m. Commissioners Smith, Heller, Wemple, Pitsor and Haransky were present.

POLICE CRIME REPORTS

Inspector Barnes of the 2nd District said she planned to implement some changes in the structure of the 2nd District to increase efficiency. She said she was changing the policy from rotating shifts to that of permanent shifts effective October 1st. She added that because the foot and bike patrol will be on a permanent schedule, familiarity with neighbors will be better and problems should ease. Dr. Fernandez asked if the boundaries of these beats had been established yet. Inspector Barnes said no, that she had not as yet completed her assessment of the crime patterns.

Inspector Proctor of the 3rd District said she is implementing a policy of high-intensity policing whereby there will be foot patrol officers somewhere in any given area at all times. She stressed the importance of the problem, which is ongoing, of theft from autos. She said that the 2nd District is going to begin an aggressive policy of distributing leaflets and speaking directly to motorists as they are leaving their cars about what creates a situation for a potential theft. Inspector Proctor introduced Captain Westover (Captain Macmanus has been reassigned to another precinct). Captain Westover defined the items that should never be visible. He said although this was obvious, even small items and small amounts of change could provoke a break-in. Mr. Pitsor commented that the flyer that had been distributed did say valuable articles and perhaps should be changed to read any articles. He asked how the ANC could be of

**COMMISSIONERS**

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

help in spreading the work about the problems of theft from auto. A resident, Marilyn Groves, said there was a great deal of illegal vending on 17th Street and suggested that an active check by the police could be helpful. Inspector Proctor said that she would address this problem within a few weeks.

#### MOTION

Dr. Fernandez moved and Mr. Smith seconded to send a letter to Captain MacManus expressing the community's thanks and wishing him well in his new assignment. The motion passed unanimously.

Sergeant Roofner of the Park Police gave the crime stats. He said that the scooter officer assigned for the summer to Dupont Circle had been very effective, but had to be reassigned due to a shortage of manpower. Sergeant Roofner stated that the force was short by 20 percent.

Dr. Fernandez said Trio Restaurant had asked to be removed from the agenda. He asked if the representative from the D.C. Recycling Program was present and wished to speak. The Recycling Program was not represented and was removed from the agenda.

#### ADMINISTRATIVE MATTERS

The Commissioners discussed amendments and changes in the April 12 minutes.

#### MOTION

Dr. Fernandez moved and Mr. Smith seconded to adopt the minutes of the April 12 meeting with amendments and corrections noted by the Commissioners in discussion. The motion passed unanimously.

The Commissioners discussed amendments and changes in the July 12 minutes.

#### MOTION

Dr. Fernandez moved and Mr. Pitsor seconded to adopt the minutes of the July 12 meeting with amendments and corrections noted by the Commissioners in discussion. The motion passed unanimously.

Dr. Fernandez said as a point of clarification that by approving the July minutes the ANC 2B's Public Space Guidelines were also approved.

Dr. Fernandez introduced Mr. Donald Jackson as the certified candidate to fill the ANC 2B SMD04 vacancy. Mr. Jackson said he had been attending ANC 2B meetings for the past two years, initially in his capacity as an outreach officer for PEPCO, and had become very interested in community issues. He told the audience that he was listed in the phone book and would welcome calls from neighbors.

#### MOTION

Dr. Fernandez moved and Mr. Haransky seconded the appointment of Mr. Donald Jackson to fill the vacant seat of SMD04 Commissioner, and that a letter be sent to the D.C. Board of Elections in support of this appointment. The motion passed unanimously.

Dr. Fernandez said that he expected Mr. Jackson would be seated on the ANC for the meeting in October.

Dr. Fernandez said that he wanted to reconsider the positions of officers of the ANC 2B. He said that at a recent meeting of the Public Space Committee several ANC 2B Commissioners were present to support the ANC's vote for JR's Bar and Grill's application for outdoor seating. He said that in this hearing Mr. Pitsor was present to express his views as an opponent of the application. Dr. Fernandez said that in his testimony Mr. Pitsor strongly urged the Committee to ignore the ANC's vote, and to set aside the 'great weight' provision of D.C. Law that requires D.C. agencies to give strong consideration to an ANC's views. He said unfortunately in his opinion Mr. Pitsor's statements may have had the effect of undermining both the statutory influence and the integrity of the Dupont Circle ANC. Dr. Fernandez said that as chairman he found this troubling and based on these actions he has lost confidence in Mr. Pitsor's ability to perform his duties as Vice Chair in a manner that would represent the vote of the ANC. He said for this reason he was introducing a motion to remove Mr. Pitsor from his position as Vice Chair. Dr. Fernandez asked if there was a second to this motion. Mr. Heller seconded the motion. Dr. Fernandez opened the discussion to commissioners and called on Mr. Pitsor. Mr. Pitsor said, "on August 24, I testified before the D.C. Public Space Committee in my capacity as Commissioner for SMD 07 which includes the majority of residents that would be directly impacted by the public space application. My testimony was not that of Vice Chair, but as a SMD Commissioner. The Commission position was presented by the Chair, and testimony was also offered by two current SMD Commissioners. In my comments I raised several issues which, in my opinion, the Public Space Committee should consider in deciding whether public space should be granted to the applicant. Several of those issues had to deal with the manner, process, and facts used in considering the application. Under D.C. law, City agencies and boards are directed to give ANC positions 'great weight' when considering a matter. Whether an agency or board accepts an ANC position is a matter for each agency and board to determine based on particulars of the matter before it. Factors that may be considered in assessing an ANC position are the process and facts upon which an ANC used in reaching a position. Being able to offer and explain an opposing view is a central tenet of the democratic process. SMD Commissioners routinely testify before boards and agencies in opposition to 'official' Commission

positions. In so doing are they seeking to undermine the ANC process? No, their ability to offer dissenting views and to advocate for a particular outcome is part and parcel of the democratic process in which the ANC operates. Comment has been made regarding the pledge we as Commissioners take when sworn into office. I would like to read that pledge for the benefit of all. (Mr. Pitsor reads the pledge). I believe that my actions as a Commissioner have been wholly consistent with that pledge."

Mr. Haransky said that he had attended that meeting, and was disturbed when he heard Mr. Pitsor ask the committee to dismiss the "great weight" of ANC 2B. He said he had no problem with a commissioner testifying against a vote of the ANC, but he did have a problem with a commissioner asking a committee to dismiss the "great weight" of an ANC. He said as he understood from speaking with Mr. Pitsor about this issue, Mr. Pitsor feels he has done no wrong, and will do nothing to rectify this situation. Mr. Haransky asked if Mr. Pitsor realized the damage and disservice he had done by asking a committee of a government agency to dismiss the "great weight" of an ANC. He asked Mr. Pitsor if he was going to do anything to rectify the situation. Mr. Pitsor said he was speaking before the committee as the SMD representative and was questioning the factual and procedural aspect of the JR's vote. He said it was up to the Public Space Committee to reach a decision. He said he didn't feel he had undermined the "great weight" consideration with his testimony and had spoken in a manner which was consistent with his obligations. Mr. Smith said that as he understood things Mr. Pitsor was on vacation during the July meeting when the vote on JR's took place, and that Mr. Pitsor had adequate notice of the agenda to alter his plans so that he could attend the meeting. Mr. Pitsor said that much has been made of this. He said that his plans to go overseas had been made many months in advance and the issue was brought before the commission over his objections. Mr. Smith said that he felt Mr. Pitsor had done a real disservice to all ANCs and undermined the democratic process. He added that Mr. Pitsor's vote would not have changed the outcome of the decision, which was in support of JR's application. Mr. Pitsor said he felt because he wasn't present to represent the views of his constituents, that his position had been undermined. Mr. Wemple said that the "great weight" presumption is not automatically instilled in ANC decisions; the ANC must insure that its decisions have "great weight" by reaching them properly. Mr. Heller said he believed Dr. Fernandez's decision went even beyond the issue of "great weight." He said the issue is that the ANC cannot be 100% sure that Mr. Pitsor, as Vice Chair, would be able to uphold the decisions of the ANC if the Chair were not available. Dr. Fernandez asked Mr. Pitsor if he had any comments. Mr. Pitsor restated that he had spoken at the meeting as an SMD Commissioner.

#### MOTION

Dr. Fernandez moved and Mr. Heller seconded to remove

Mr. Pitsor as Vice Chair of ANC 2B. The motion passed 3-2-1. Mr. Pitsor and Mr. Wemple opposed and Mr. Haransky abstained.

Dr. Fernandez asked for guidance on what to do with the vacant seat of Vice Chair. Dr. Fernandez nominated Mr. Haransky to fill the vacant position of Vice Chair.

MOTION

Dr. Fernandez nominated Mr. Haransky to be the ANC 2B Vice Chair. The motion passed 5-0-1. Mr. Pitsor abstained.

1. Mr. Heller introduced the issue of the traffic problem on Corcoran Street. Mr. Heller asked if Mr. Meyers was present. He said Mr. Meyers lives at 1601 18th Street, which is at the corner of 18th, New Hampshire and Q Streets, and that he has observed a number of accidents at this intersection. Mr. Heller said that Mr. Meyers has been in contact with the Department of Public Works and Dr. Gridlock of the Washington Post. Mr. Meyers requested the ANC address the issue of accidents at this intersection and he proposed that the one-way direction of Corcoran Street be reversed between 18th and 19th. Mr. Heller asked for comments and suggestions from anyone who lives on this block. A resident, who said he lives at 1819 Corcoran Street, suggested one possible solution would be a convex mirror to improve visibility. Mr. Heller said that the bulk of the responses he had received to changing the direction of Corcoran Street in this block is a bad idea for a variety of reasons. Mr. Heller proposed some alternatives to changing the direction of the one-way street. Mr. Haransky said he has also gotten calls about the problem of the intersection. Mr. Heller said he would like to get together with residents to discuss this problem.

MOTION

Dr. Fernandez moved and Mr. Smith seconded to postpone the discussion of the traffic problem at the intersection of 18th, New Hampshire and Corcoran Streets until the October meeting, so that Mr. Heller and Mr. Haransky would have time to work with residents on this issue. The motion passed unanimously.

2. Dr. Fernandez said the discussion of Trio Restaurant has been postponed.

3. Dr. Fernandez said that the ANC did not have the plans from Public Space for Udderly Cool. He said there are questions regarding Udderly Cool's use of the public space and whether or not it is in compliance with its permit and its intended use.

MOTION

Dr. Fernandez moved and Mr. Smith seconded to postpone the discussion of Udderly Cool's use of public space until the October meeting of the ANC 2B. The motion passed unanimously.

4. Mr. Haransky introduced Mr. Ramzi Osseiran, of RNJS Ltd. Mr. Osseiran said he has been managing a restaurant for 10 years in the Dupont Circle area. He said he will be opening his own place on 18th Street. Mr. Osseiran said he is applying for an ABC license next week and would like the support of the ANC. He added that he is in full agreement with the terms of the ANC 2B Voluntary Agreement. Dr. Fernandez said that there is no action necessary at this time. He said that when the license is applied for and the Voluntary Agreement presented the ANC would like to review the issue.

5. Mr. Wemple introduced the discussion of the Sanitation Bill and issues. He said that within the next three months the Department of Public Works (DPW) will be enforcing higher fines for violations of Sanitation Laws for both residents and businesses within the entire District of Columbia. He said that before these higher fines kick in there is going to be an extensive educational campaign given by the DPW to help residents and businesses understand exactly what the Sanitation guidelines are. He said there is a "Committee of 8,000", a coalition of civic leaders from throughout the city, working very closely with the DPW on these issues. He said that his reason for making this presentation is to solicit the aid of the ANC and the commissioners to get the word out about the responsibility of citizens and businesses under the Sanitation Codes and the pending higher fines for violations. Mr. Wemple said that in the coming weeks he would spread the word to other ANCs.

MOTION

Mr. Wemple moved and Dr. Fernandez seconded to support the participation of the ANC in raising awareness of sanitation issues. The motion passed unanimously.

Mr. Wemple added that the DPW is increasing the number of Sanitation Enforcers by 24.

6. Dr. Fernandez introduced the discussion of an two-way stop sign at the corner of 20th and N Street. He said at this time the stop sign is only on N Street, which is a one-way street going west. He said that traffic moves very fast on 20th Street, and that he personally knew of a couple accidents at this intersection. He added that this intersection is a hazard for pedestrians. A resident said that it was very difficult to cross the street. Mr. Jackson verified this situation. Mr. Smith asked if a stop light would be more effective than a sign. Mr. Heller said that a sign would be better in that there is not a huge amount of traffic going west on N Street.

MOTION

Dr. Fernandez moved and Mr. Haransky seconded to send a letter to the Department of Public Works requesting them to place a stop sign on 20th Street at the corner of N Street with appropriate markings defining the pedestrian crosswalk. The motion passed unanimously.

7. Mr. Heller introduced the discussion of the concept for the expansion of seating on the second floor of Italian Kitchen, 1631-41 17th Street. He said there is currently some room for dining on the second floor, but the rest of the floor is vacant. Mr. Michael Askarinam, the owner of Italian Kitchen, said they wish to utilize the space on the second floor for dining as they are a popular restaurant and need the seating. He said they would also re-configure the downstairs and the current entrance to allow some area for patrons who are waiting to be seated. Mr. Askarinam said he was coming to the ANC for pre-approval before re-negotiating his lease, or filing the application for use of the space, which is already zoned commercial. Mr. Askarinam handed out copies of the blueprints to the commissioners, and told them the current seating is for 50 people and this additional seating would be for 60. Mr. Pitsor asked where the primary entrance for the second floor would be. Mr. Askarinam said he hopes to have two entrances. Mr. Pitsor asked what the current FAR was and if Italian Kitchen would need a variance for zoning. Mr. Askarinam said they have no zoning problem. Mr. Pitsor asked exactly what the ANC was being asked to do. Mr. Heller said that this was a concept review, which Italian Kitchen had requested before spending money on a renegotiated lease, an architect, and other expenses, before having some idea if the ANC would be supportive of the idea of an expansion. Mr. Pitsor asked what approval the ANC would have to make excepting the amendment of the liquor license. Mr. Askarinam said that the ABC license was really the only issue. Mr. Smith asked if Mr. Askarinam was before him only for an approval of the concept. Mr. Askarinam said yes, that was correct.

#### MOTION

Mr. Heller moved and Mr. Smith seconded that the ANC support the concept plans as presented for an expansion of the second floor for additional restaurant seating at Italian Kitchen. This is with the understanding that the application for an amendment to the liquor license will come before the ANC for review, and any other amendments for zoning variances and the like will also need to be reviewed. The motion passed unanimously.

#### COMMISSIONERS REPORT

Mr. Haransky reported on construction on T Street of the water pipes. He said there will also be construction on the opposite side when Ruth's Chris Steak House starts its construction. He said it might block traffic on New Hampshire Avenue.

Mr. Smith reported on complaints at the Frazer Mansion - 20th and R Streets. He said he did advise The Church of Scientology on what hours they could work, and what equipment they could use. He said after speaking with them that problem

was cleared up. Dr. Fernandez said that he understands that the Church of Scientology has completed work on the Frazer mansion and would like to host a block party and have tours of the mansion. The Church also wants to come back with a revised plan for a cross to go on the facade of the building.

Mr. Wemple reported that there will be a meeting at the Sumner School on September 27 at 7 p.m. for Scott Circle residents. He said the seating would be limited to 120 persons.

Dr. Fernandez reported that he and Ms. Eastment of the Orange Hat Patrol had met with Inspector Barnes of the 2nd District to talk about safety matters west of Connecticut Avenue. He said many different topics were discussed. Inspector Barnes pledged to put a foot officer on P Street most evenings.

Mr. Pitsor reported on the problem of heavy bus and truck traffic on Q Street. He said many letters had been sent to the DPW from community groups and residents concerning this problem. He said the city would be mounting signs along major truck routes advising drivers of pending restrictions on weight limits. He said this would give drivers of heavy vehicles time to choose alternate routes which allow heavy traffic. He said this is exclusive of local deliveries. Mr. Pitsor displayed a sign which will warn trucks that commercial traffic is not permitted on Q Street. Mr. Heller said that this sign was not what was voted on. Mr. Pitsor said the city's engineers recommended this approach as one method, there will also be other signs on weight limit, axle limit, and no through trucks signs. Mr. Pitsor said the DPW did traffic studies and conducted their own analysis based on the letters they had received from residents and other concerned groups.

Mr. Pitsor said he had received an application for a proposed amendment to the ABC license for Dupont Plaza Hotel. The proposed change includes an outdoor cafe with a seating capacity of up to 124. He said the ANC had already reviewed a public space application for this hotel. He said that this notice had just been received, and comments would need to be filed by October 2. Mr. Pitsor said he has not received any calls from residents, but would like to open up the topic to any other commissioners on any calls they may have received. Mr. Heller said he published a letter in the Rock Creek Current expressing his concern the public did not have time to respond to the issue, but had gotten no comments from his constituents. He said in that we had already voted support it would not be fitting to take another position. Dr. Fernandez said he felt uncomfortable supporting 120 seats, but he had no comment from his constituents either. Mr. Wemple said that there appeared to be no community concerns. Mr. Pitsor said as an option ANC could take no position, or we could vote to support the ABC application. Mr. Pitsor said because the ANC had given no notice



Mr.

Smith said he had heard no opposition.

Mr. Heller reported the potholes on Corcoran Street had been fixed. He said early morning trash pick-up had been a problem in his SMD. He said he has complained to the DPW and gotten no response. He suggested residents complain about this problem to the DPW. Mr. Haransky said he had a number for the private trash companies which might help. Mr. Heller said he had tried the D.C. Noise Control office but the process there is slow.

#### OLD BUSINESS

Mr. Heller introduced the amended language for the ANC 2Bs Public Space guidelines. He said the amendment expands the scope on one section of the guidelines, and is more inclusive. Mr. Wemple read the amendment.

#### MOTION

Mr. Heller moved and Mr. Wemple seconded approval of the revised language amendment to the ANC 2B Public Space guidelines as read. The motion passed unanimously.

#### NEW BUSINESS

Mr. Haransky proposed an ANC committee be created for the study of traffic patterns in Dupont Circle to try to identify problems with traffic. He suggested this committee coordinate with local businesses and civic organizations. Dr. Fernandez created this committee and appointed Mr. Haransky to head this committee.

#### OPEN FORUM

A resident asked for a clarification on the vote to elect a new Vice Chair. Dr. Fernandez said any commissioner is permitted to speak in any forum they wish. He said he was pleased with the diversity of views of the current commissioners, and encourages the commissioners to speak up and express their views. He said, however, that at the Public Space Committee it was not that Mr. Pitsor or anyone else was testifying in favor or against an issue, but rather that Mr. Pitsor questioned the legitimacy of the ANC vote and asked that the "great weight" provision accorded the ANCs be set aside by the Committee. Dr. Fernandez said the vote of the ANC on the position of Vice Chair was a vote of confidence. He said that the action of Mr. Pitsor at the PSC meeting caused him to lose confidence in Mr. Pitsor's ability to perform his duties as Vice Chair. Dr. Fernandez said that the vote was an internal administrative matter. Ms. Shannon said her perception was that Mr. Pitsor was commenting on procedures of a single issue. She said she thought it was appalling to deprive Mr. Pitsor of his position because he took a position critical of

the procedures of the ANC. Dr. Fernandez said he asked Mr. Pitsor to reaffirm the deliberative democratic process of the ANC, the legitimacy of the vote, and to reaffirm again the "great weight" of the ANC vote by writing a letter to the PSC. To date Mr. Pitsor has not done that. Ms. Shannon asked why Mr. Pitsor should be required to do that in that he was criticizing the commission on their procedure on that issue. Dr. Fernandez said that the vote that was taken by the ANC was legal and followed procedures outlined in the guidelines. He said that even if Mr. Pitsor had been present and voted against, he would not have changed the outcome of the vote. Ms. Shannon said she was not speaking to the result of the vote but to the procedure that was followed by this commission. Mr. Wemple asked if he were to go to a forum in which a regulatory agency was considering an ANC decision the moment he raised any doubts, objections, or skepticism about the vote aren't I inherently raising questions about the "great weight". He asked what are the distinctions between the decision and the status of "great weight". Dr. Fernandez said that there is a difference. A resident asked Mr. Wemple if he would want to be in a position where he was unable to express his views. Mr. Wemple said no, that he did want the right to respond and express his views. He said he was unclear as to where the line was that Mr. Pitsor had crossed. Mr. Smith said that he was elected because he had very strong views on particular issues. He said for instance he was opposed in principle to the public space guidelines of the ANC. Mr. Smith said, "However, should they be called into question, and I was the Chair of this ANC, even if I had voted against the guidelines, if I had to testify on the behalf of the commission, then I would have to speak on behalf of the guidelines." He said he would not undermine the democratic process and say the guidelines were arrived at in an artificial manner, and the process was invalid. A resident said that he agreed with the action of the commission in that if Mr. Pitsor were to represent the ANC it was his duty not to undermine the position of the ANC by asking the accord of "great weight" be discounted or dismissed. He said that by doing that Mr. Pitsor undermined the right of other citizens, who were in the majority on this issue. He said because Mr. Pitsor was the Vice Chair if the Chair had not been at the hearing Mr. Pitsor would have been under the obligation to represent the vote of the ANC, and his actions at that meeting indicate that he does not have that capacity. Mr. Haransky said he was dismayed by Mr. Pitsor's minimizing the importance of the other commissioners votes based on the boundaries of their respective SMDs. He said Mr. Pitsor's dismissal of "great weight" was inexcusable. Mr. Haransky said the "great weight" status was very important to having the vote of the ANCs taken seriously by the various D.C. agencies and regulatory commissions and it was critical not to undermine this status. Mr. Heller said if Mr. Pitsor's position had been that of secretary or treasurer the discussion would not have been necessary. However, as Vice Chair Mr. Pitsor's actions called

into question the other commissioners confidence that he would be able to perform the duties of Vice Chair, and that is why we took this vote. A resident said that because the issue was contentious, he feels it has been blown out of proportion. He said that there were procedural issues that were in question. Dr. Fernandez said his responsibility as chair is to make sure that ANC decisions are upheld by other bodies. He said that in the future if there are split votes again he cannot encourage what happened at the PSC meeting under discussion - "I can not encourage other commissioners will do the same and undermine the 'great weight', the credibility, of the ANC". Mr. Pitsor restated his position that his testimony was that of commissioner, not as that of Vice Chair. He said he was representing his constituents, not the view of the ANC. He said it was not an officer's responsibility; it was the responsibility of an SMD commissioner. Mr. Pitsor said, "During the hearing I made reference to the distribution of the side that I represented, I did this because this is directly relevant, according to the Public Space Guidelines, to those neighbors that are immediately impacted by being within certain geographical boundaries." He said he looked forward to working collaboratively and cooperatively on the many issues that confront our community, and looked forward to this matter being somehow positive in terms of moving forward.

The meeting was adjourned at 10:45p.m.

Respectfully Submitted,

Eric Wemple, Secretary  
ANC 2B, Dupont Circle