

Officer Connor of the Second District gave the crime statistics. She directs the residents attention to three composite drawings of suspects in serious crimes. She said there is a public notice from the Board of Parole on the table which states that if any citizen has been a victim of a violent crime; a family member killed or oneself having been physically injured that the injured party or family member has a say in the parole of the suspect. She said the citizen should send in the application on the form and then be present at the parole hearing. Officer Connor said that all citizens are invited to attend an award banquet on April 26 from 6pm until 11pm at the McNair Officers Club 4th and P Streets. She said this banquet was to honor citizens who have helped the police catch criminals and have been active in their community. Mr. Heller asked if there was any progress on the robbery shooting that occurred on N Street. Officer Connor said no, but the composite of the suspect had been distributed. Mr. Pitsor asked who were the trained officers for vending violations. Officer Connor said that 2D had a number of trained officers. Mr. Pitsor said there continued to be problems with vending violations around Riggs Bank on the Circle.

Captain Westover of the Third District gives the crime statistics. He said that theft from autos is a city wide problem. He said the campaign to educate the public has helped in a sharp decrease in this problem. He said the motor cycle squad has helped. He said that any citizen is welcomed to ride with an officer to help them understand how the police work.

(Dr. Fernandez arrived at 8:00pm)

Dr. Fernandez asked Captain Westover if he had any information about a shooting of a man and a woman at 14th and V Streets. He said the shooting occurred about 10 days ago around 11:30pm. Captain Westover said it wasn't his sector and he didn't have any information. He said he would check with Captain Briell and get back to Dr. Fernandez. Dr. Fernandez said he would also call Captain Briell. Officer Eggleston said the flower shop at Connecticut and Q Street had been robbed 2 or 3 times. She said they had a composite drawing of the suspect which she would distribute. A resident asked about the liability involved in citizens riding with patrol officers. Captain Westover said that officers were not to respond to Code One calls if they had a rider. A resident asked if Captain Westover would consider using bikes for patrol. Captain Westover said that various tactics were always being considered and that the Third District does have patrol officers on bikes. A resident asked what should residents do when they are solicited over the phone to contribute to the Police Department. Dr. Fernandez said that a resident should ask for something in writing. Captain Westover said that a resident could contribute to a fund called Heroes, Inc. for police and fire fighters who have fallen in the line of duty. He suggested that residents contact Lt. Shields of the Police Academy. Mr. Pitsor

asked if a resident should verify a solicitation by calling the Precinct. Captain Westover said yes.

OPEN FORUM

Ms. Eccles, a resident, said that RAC will be hosting an Annual Garden Walk on June 2, between 2 and 6pm. She said it will be between S and W Streets. Ms. Young, a resident announced Clean-up Day on April 27. She said that various crews will concentrate on different areas, such as flower boxes, alleys, gutters, etc. Mr. Jackson said that PEPCO has asked that citizens not attempt to clean out inside of light pole bases as there is always the possibility of exposed or loose wires. He said the call PEPCO for this service. A resident asked if the full agenda could be put on the ANC message tape.

Mr. Jackson announced the American Guild of Organists is celebrating its one hundred year anniversary. He said there were three events on April 13 and 14. He gave the information about time and locations.

Dr. Fernandez announced that Mr. Phil Pannel is running for the D.C. Democratic Committee.

Michelle Sedgewick of Jack Evans office gave her report. She said that the Council was in recess this week. She said the Committee of the Whole would be meeting April 16 and there were several nominations to the Historic Preservation Review Board under consideration. She said on Thursday at 10am (April 18) there would be a hearing on the legislation on special ABC exceptions for private clubs. She left telephone numbers for the residents to call if they had any questions. Mr. Pitsor asked if the Department of Public Works, who had completed negotiations on the contract with PEPCO, was being held up because of a layover in the Council. Ms. Sedgewick said that she didn't know what the lay over period was, but she did know that the Council did have the contract. She said that for a contract over a certain dollar amount that Council approval is required. Mr. Heller asked about the status of the noise bill. Ms. Sedgewick said there has been lots of behind the scenes activity on the noise bill. She said there is also a graffiti bill pending. She said that Mr. Ray and Mr. Evans have introduced separate bills.

Dr. Fernandez said that the ANC had voted unanimously in opposition to an increase in campaign contribution limits. He said that he understood that Mr. Evans had voted to overturn that legislation, "Proposition 41", which would increase campaign contribution limits again. Dr. Fernandez asked for an explanation for this vote. Ms. Sedgewick said that Lyle Blachard of Jack Evans office would have more information. She said that one problem with the limits is that it has a reverse effect and people make contributions to PACs, which are harder to control - there is less accountability. Dr.

Fernandez said that he testified against the bill, and asked Ms. Sedgewick to express his displeasure to Mr. Evans. A resident asked if Mr. Evans had taken a position on the bill which would give H.H. Leonard's a special exception. Ms. Sedgewick said not to her knowledge. Dr. Fernandez said that the ANC had voted in opposition to special exceptions.

ISSUES

1. Mr. Heller introduced the organizers of the 1995 Freedom Festival and Gay Pride Parade. Ms. Webely said there would be lots of activities going on during the festival. She said the festival would be held on June 8 and 9. She cited the details of the parade route, noting the changes from last year. She indicated that any residences or business that would be along the route of the parade would be given timely, written notice. She said the organizers had made arrangements with the Park Police for permits and escorts. She said the parade would be approximately two and a half hours long. Dr. Fernandez clarified that one major change in the route of the parade would be it will go from Dupont Circle West on Mass. Avenue, South on 22nd, and then East on P Street. Mr. Woods said that a draft letter would be sent to all concerned alerting them of the time and particulars of the planned parade route. Mr. Carney said that during the last festival the dance didn't end as scheduled and the noise was deafening, and there was also a problem with trash. Ms. Webely said that the decibel level would be set lower, the dance would end on time and that the organizers would be sure that trash was not a problem. A resident asked about the parking problems the festival created. She suggested that lots be made available in that lots in the area were not usually used on the weekend. Ms. Webely thanked her for her suggestion and said she would check into the possibility of using various lots. A resident asked how he could volunteer. Ms. Webely gave him a number. Mr. Pitsor said that last year there had been posting on public furniture and he wanted assurance that this would not happen this year. Mr. Webely said that it would not.

MOTION

Mr. Heller moved and Dr. Fernandez seconded letters of support for the 1996 Freedom Festival and Gay Pride Parade be sent to the Office of Emergency Preparedness, Metro Police - Second District and Third District. The motion passed unanimously.

Cresco-Cox

2. Mr. Jackson introduces Mr. Steve Dickens and Ms. Joanna Michels who represent Cresco Architects. Ms. Michels said that they are seeking the support of the ANC for their application to the Board of Zoning Adjustment for three variances and one special exception for 1523 and 1525 16th Street. Mr. Dickens said the buildings are in a serious state of dilapidation and the variances and special exception are necessary for the renovation and restoration of the properties. He said they will be removing additions that had been added to the building over the years. Ms. Michels said the

building would be mixed use of three floors of offices and apartments, and the apartments would be on the top floor. Mr. Dickens said the first variance is the rear yard set back and relates to the carriage house, which is to be moved. He said this would conform more to the existing look of the block. He said the second variance is a lot occupancy variance. He said the third variance is a roof structure set back variance for the mechanical penthouse, even though it is enclosed. He said the special exception for non-residential use in an SP zone. Mr. Heller asked which floors would be for offices and which floors would be residential. Mr. Dickens said the basement and the first and second floor would be for offices, and the third floor is residential and in the front of the building on 16th Street there is a fourth floor and that will also be for residential. He said the building is 40% residential and 60% offices. Dr. Fernandez said the Dupont Circle Conservancy supports the variances and special exception. Ms. Eccles said she would like to see the buildings all for residential use. Mr. Pitsor said he was pleased that the residential use exceeded the requirements. A resident said that he was happy that the building was being renovated as for eight years it had been vacant and there had been problems with squatters.

Mr. Pitsor said that although it would be nice to have more residential that the plan for this property was a good one.

MOTION

Mr. Jackson moved and Mr. Heller seconded that ANC 2B send a letter of support for the three variances and one special exception for BZA application number 16106, 1523,25 16th Street. The motion passed unanimously.

3. Dr. Fernandez introduced issues 3 and 4 both ABC amendments, one for Gabriel's Restaurant 2121 P Street and Cafe Japone 2032 P Street. He asked if the representatives of either of those restaurants was present. Mr. Asmos, the attorney for Cafe Japone said the amendment was to add 20 seats, which would bring the indoor seating up to 65. He said the overall operation of the business would not be any different. Mr. Heller asked if they had already applied. Mr. Asmos said that they had not applied yet, but were presenting this as a concept. Dr. Fernandez asked if the current ABC license was also for the outdoor cafe. A resident asked if Cafe Japone had been before the DCCA. Mr. Asmos said no. A resident ask what the space was currently being used for. Mr. Asmos said it was vacant. Mr. Pitsor asked if the staircase that would be added were internal. Mr. Osmos said yes. Ms. Shannon said she thought it would be wiser to wait for the specs than to vote on the concept. Dr. Fernandez said that he would move to support the concept for expansion as presented, but would want to review the plans when they were available and that the ANC could change its vote at that time. Mr. Pitsor said Cafe Japone was in a moratorium zone. Mr. Osmos said that Cafe would be placarded in the next couple days. Mr. Pitsor said that if the placarding was

going up he thought the ANC should postpone a vote on the concept. Dr. Fernandez said the community would have 45 days to comment after Cafe Japone was placarded.

MOTION

Dr. Fernandez moved and Mr. Heller seconded to write the ABC Board in support of the concept as presented by Cafe Japone for an expansion of the indoor seating to 65. The motion passed 4 to 1. Mr. Pitsor was opposed.

A resident commented on the fact that there was a moratorium on liquor license on P Street. Dr. Fernandez said the moratorium only applies to new licenses not to amended licenses.

4. Dr. Fernandez asked if the representative for Gabriel's restaurant was present. He said the amendment for Gabriel's was for an outdoor cafe. He said Gabriel's has already presented the concept and plans and the ANC has already taken a vote on the public space application. Dr. Fernandez said that the ANC needed to take a vote on the amendment to the liquor license. Mr. Pitsor asked if the negotiations had been completed between the ANC Chair and Gabriel's. Dr. Fernandez said that the negotiations had been completed. Mr. Pitsor asked what the hours of closing would be. Dr. Fernandez said the closing hours would be 11pm every night.

MOTION

Dr. Fernandez moved and Mr. Heller seconded a letter of support be sent to the ABC Board in support of the amendment for Gabriel's. The motion passed unanimously.

5. Mr. Pitsor said the California Pizza Kitchen called him and asked to be taken off the April 10 agenda. He asked that a letter be sent to the Public Space Commission asking them to postpone any action on the application for use of public space by California Pizza Kitchen until the ANC has had an opportunity to review the application.

MOTION

Mr. Pitsor moved and Dr. Fernandez seconded a letter be sent to the Public Space Commission requesting them to not proceed with the application for the use of public space by California Pizza Kitchen until such time as the ANC had an opportunity to review the application. The motion passed unanimously.

6. Dr. Fernandez said the next issue was a discussion of the proposed draft revisions to the D.C. sidewalk cafe regulations. He introduced Ms. Simpson-Mason to present information. Dr. Fernandez said that as he understood it this was the first copy of the proposed draft revisions and they had not yet been printed in the D.C. Register. Ms. Simpson-Mason said she was with the Department of Public Works (DPW). She said the regulations for outdoor cafes

which were first established in 1967 had not been updated since 1984. She said the Public Space Committee had found a lot of ambiguities and inconsistencies in the regulations. She said that they want to revise the regulations to solve this problem and make the process consistent. She said they wanted to deal with the citizen's concerns as well as the concerns of businesses. Ms. Mason said that one problem was that businesses had no way to appeal decisions given by the Public Space Commission. Dr. Fernandez asked if the formal 30 day review period could be extended. Ms. Mason said no, comments were taken for 30 days after proposed changes were published in the D.C. Register. Dr. Fernandez asked if any of the commissioners would like to comment. Mr. Pitsor asked if it were possible in terms of publishing proposed regulations to have a comment period which would be longer than 30 days. He said the reason he was asking this was given the scheduling problems of meetings sometimes 30 days was not sufficient for the ANC or other community groups to have time to review. He suggested a 45 day comment period. Mr. Haransky asked if it would be possible for the Public Space Commission to hold pre-meeting that would be open to the public. Ms. Mason said that was an idea that was under consideration. Dr. Fernandez said that the ANC had gone through a very elaborate process to craft public space guidelines for ANC 2B. He said that quite a few of the changes proposed by the draft from the PSC seem to reflect the guidelines created by the ANC. He asked if the guidelines had been used. Ms. Mason said she had received a copy of the guidelines, and that some points had been included. Dr. Fernandez asked if in putting together the draft if PSC had input from the business community. Ms. Mason said they are getting that input at this time. Mr. Heller asked Ms. Mason if she had met with anyone that was present in the room to write up the draft. Ms. Mason said yes she had. Mr. Heller asked Ms. Mason if she had been advised that when the ANC adopted the guidelines they also adopted a motion that the ANC did not want the guidelines codified, that they wanted them to retain their flexibility. Dr. Fernandez said that the ANC had struggled very hard to involve the business community (in the structuring of the guidelines) and the business community reluctantly agreed to participate in the drafting of the guidelines with the understanding that the guidelines would not be codified - would not become part of regulations. Dr. Fernandez said he understands that the Dupont Circle Merchant's Association has unanimously voted to oppose these draft guidelines. He asked if Ms. Mason was aware of this. Ms. Mason said no she was not. Ms. Swagger asked why all the concern over the possible codification. Mr. Heller said that a lot of this stuff (the draft regulations) is right out of the DCCA agenda. Ms. Mason said she begged to differ with Mr. Heller. Mr. Heller said that, "There were a lot of things in the draft that did not come from you (Ms. Mason) but the rest of it has been expressed over and over again to the ANC by the...", Dr. Fernandez called for order and asked Ms. Mason to continue. Ms. Mason said that the process is still open regardless of where they (the guidelines) came from. She said there is plenty

of time for the ANC to define their interests and provide additional comments. She said what the PSC is trying to do is come up with a set of guidelines that everyone can live with. A resident asked if other parts of the city were being considered in the guidelines, ie. their input being gathered and considered. He asked, if the guidelines end up being put together by a few people, what is the appeal process down the road. Ms. Mason said the draft has been circulated throughout the city, and there would be an appeal process. A resident said that this is the first he had heard of the proposed change in regulations and he wanted to know how he could get a copy of the D.C. Register. Ms. Mason said he should ask the ANC. Ms. Mason said the draft is not yet published in the D.C. Register. Mr. Fasano, a resident, said that when the ANC developed the guidelines they had taken on a difficult task and did a good job. He said that it was good in that ANC is a advisory body and not a regulatory agency. He said that DCRA and PSC are regulatory bodies and there are already regulations already in effect so this is not creating new regulations. He said that the draft is changes to the old regulations. He said the regulations should be regularly and routinely reviewed and revised. He said that exception clauses should be included. Mr. Haransky said he felt it was commendable whenever there were attempts to change things, but the proposed regulations are more limiting then what is now available. He said that it is very restrictive to business. He said there seems that there is a need to check with other agencies, such as ABC, to make sure there are not conflicts. He said there is a need to go much further in developing regulations. He said it took the ANC 6 months to come up with guidelines that were flexible, so I hope that for this there is a lot longer then 6 months for development. He said he wanted to be very involved in this process. He said that the PSC needed a lot of time before they declared the 30 day period. Ms. Mason said that PSC intended to coordinate with other agencies. Mr. Jackson said what struck him was the standardization and the knowledge that throughout the city there are such diverse neighborhoods. He said even if there were exceptions would the PSC have the staff to consider them properly, because the regulations are so standard and don't take the diversity into consideration. Mr. Pitsor said he would like to commend the city for looking at the regulations and seeing if they could be approved upon. He said attempting to bring more consistency and equity to the process for all is something that all groups strive for. He said that it is clear that this is a working draft and that PSC is soliciting comments from residents and businesses. He said he was looking forward to the opportunity to providing commentary to the PSC before the draft was published in the D.C. Register through a meeting that the PSC might convene for various parties in the city. He said the issue of consulting with other agencies is very important as the use of public space is really a land use issue and has to be looked at in terms of land use and comprehensive planning. A resident said he would encourage the ANC to make the draft regulations more available to the community at large. A resident asked about the fee schedule. Ms.

Mason said the fee issue was covered that it was a Council issue. Mr. Haransky said that there were a variety of fee schedules. Dr. Fernandez said he had a suggestion for the ANC on how to deal with the issue of the proposed draft regulations. He said, "as some of the ANC's guidelines are reflected in the proposed regulations I suggest to the PSC that other city agencies be consulted, other ANCs and neighborhood groups be consulted, other stake holders such as the business community be consulted and then that the PSC publish another draft." He said then he would like the ANC to reconstitute the Public Space Committee that it had last year and hold a town meeting to discuss the new draft regulations after other stake holders have had a chance to comment on the regulations. He said if there was a separate town meeting in a couple months the ANC would have time to circulate the new draft through the community. He said this would provide a process in which specific comments can be given from the community about the points that are proposed changes. He said that basically what he wanted was for the PSC to issue new regulations for the ANC to reconstitute their Public Space Committee to solicit comments and then to provide those comments to the PSC. Dr. Fernandez said at this point he was suggesting that the ANC not make any specific comments on the proposed regulations.

A resident asked if the purpose of reconstituting the ANC Public Space Committee was to nullify the proposed changes. Dr. Fernandez said the purpose was to solicit comments from the community. The resident said that the issue is such a hot issue and she felt the way the ANC seems to be constituted at this point is very hostile to the residents. Mr. Heller said that was not true at all. The residents said she thought Mr. Heller was particularly hostile. Mr. Heller told the resident, "You are full of shit." The resident said that the residents who had lived in the area for long periods of time felt helpless. She said the restaurants are really up in their faces and they have a real interest in this issue. She said it was very disheartening to see the ANC that is supposed to be representing the residents is hostile to the residents. Mr. Haransky said that he took great offense to the comments of the resident because even though he doesn't live on 17th Street his SMD has had more growth than 17th Street has. He said he never doesn't care what neighbors think. He said he had spoken to many people about issues on 17th Street. He said in reference to the JR's issue that all the things said were not valid complaints. The PSC also thought were not valid issues. He said the PSC didn't find the things that the residents felt were relevant to the JR's case relevant at all, such as police reports. He said that he felt the residents perception that the Commissioners were hostile was completely wrong. He said the purpose of the ANC was to find a medium ground as to who is presenting a fair, clear and concise picture of an issue. He said the resident can't call the ANC hostile simply because she doesn't like a vote. He said initially he thought the former commission was not representing his view but as he got to know the commissioners he could see that what they

were doing was looking for a balance between sides of an issue. Dr. Fernandez gavelled for order and said the public space issue was closed. Dr. Fernandez said that the comments were no longer comments about public space. Dr. Fernandez asked if there were anymore comments from commissions on the draft revisions of the public space regulations.

COMMISSIONERS REPORT

Mr. Pitsor reported that two historic buildings that the ANC had supported landmarking had been approved by HPRB - the Spencer Stable at 2120 P Street and the Codman Carriage House at 1425 22nd Street. He said there are a series of Ward 2 comprehensive plan meetings coming up. He said he had a schedule that he would be happy to share with anyone who was interested. He said comment on the comprehensive plan are due at the end of June. He said that was all he had to say for his Commissioner's report. He said however, "I think it is unfortunate when commissioners take positions relative to organizations and attribute attributes to organizations without foundation, and that contributes to the concerns of people that the ANC represents businesses when they observe that kind of behavior and I find that regrettable."

Mr. Jackson said the JCC was still opening in October and hope to have a representative come and talk about their program offerings in either May or June.

OLD BUSINESS

Mr. Pitsor said that at the last meeting it was reported that street cleaning was to be re-instituted April 1. He said that there will be orange cards on cars informing residents that the program has been re-instituted and after April 15 cars will be ticketed.

NEW BUSINESS

Mr. Heller said the Metro is closing the Dupont South escalators for replacement in August for about six months.

Dr. Fernandez said that the Connecticut Avenue Via Duct under Dupont Circle will be restricted over the next 12 months for construction.

OPEN FORUM

A resident asked Mr. Haransky about the JR's issues. Mr. Haransky said he had talked to residents about the JR's issue and heard their positions for hours. He said one of the key issues that was discussed was police reports. He said there was no merit in that complaint as it couldn't be given that it was that location. He said there complaints about the noise level, and that JR's made

efforts to work with that problem. He said the type of complaints he was hearing were not there. He said that the PSC also determined that police reports and noise were not substantial enough to be considered issues. He said that although he was not the SMD commissioner for JR's a lot of residents did seek him out as he would vote on the issue. He said that the neighbors in the audience should have done the same. He said that he has voted for things that he himself has been initially against. He said he listens to all sides and that residents should call commissioners and express their views. Ms. Madeliene Lane, a resident, said that this commission was run very differently than the old commission. She said her and her neighbors have very different concerns than the concerns that are being expressed by the ANC. She said that the ANC seems to be very concerned about the business community. She said she was concerned about the community over the next 10 or 20 years. She said she didn't want to see the community become just a strip of bars, any kind of bars. She said that she and other neighbors are in the neighborhood for the long haul and she is aghast at the way the commissioners are smug and behaving as if the residents have no say, it is infuriating, because it is not what the ANC has been in the past. She said she didn't feel comfortable when she voices a complaint being hissed at by Mr. Heller and having her concerns dismissed so lightly. She said that ABC licensing issues are very important to the neighbors. She said there are places in the city where the business community can do any damn thing they want, but this is a residential community and it's time that this be taken into account. Mr. Lane said he understands that the ANC has to listen to the business community, and that he himself enjoys the shops, but it has to be considered that this is a residential community and that the ANC represents the citizens. Mr. Haransky said he has talked to long term residents and heard a lot of what Mr. Lane is saying. He said he is most concerned with the business issues as it is the businesses that are encroaching most. He said when he became a commissioner he had already been fighting a liquor license on the issue of noise for two and a half years. He said sometimes it is better to work with an existing business, which has a good track record, then for them to sell out, and then the neighborhood may be stuck with something they don't want at all. He said that although the adoption of the ANC Public Space Guidelines was controversial the effort was to help promote compromise to satisfy the greatest number of people. He said it was a first step in trying to get different visions to come together. He said that some businesses abuse the privileges that they have and ask for more, but sometimes other businesses get the flack for this. Dr. Fernandez apologized to the woman in the front who thought she was cut off earlier in the evening. The resident said that she loved the neighborhood, but she objected to not being able to express her views. Dr. Fernandez said that unless there were any other substantive issues he wanted to formally adjourn the meeting and continue discussion and dialogue with any residents who wished to stay and discuss anything. He asked if there were any neighborhood matters that a

resident wanted to bring up. Mr. Phil Carney asked about the issue of the taxi stand in front of the Dupont Plaza Hotel. Mr. Heller said that Chairman Fernandez said he thought the issue of the taxi stand might work better as part of a larger examination of different parking situations. He said he is still concerned about it because he doesn't see it used "as anything other than a free parking for cabs but I deferred to the chairman." Dr. Fernandez said that Mr. Harold Smith from the Bureau of parking has volunteered to walk around the Dupont Circle area to identify possible sites where residential parking can be increased. He said he would like a more comprehensive approach to the issue of parking instead of singling out one hotel in the neighborhood for removal of spaces. He said he had requested that the item of the taxis at the Dupont Plaza not be put on the agenda until after these other efforts had been tried. Mr. Pitsor said he would like to participate in a walk through. He said that as to the removal of the taxi stand at the Dupont Plaza, which is in his SMD he was not consulted. Mr. Heller said the walk around is scheduled for Tuesday, April 22 during the day. Dr. Fernandez asked if there were any other residents who wished to go on the walk around to please let him know after the meeting. A resident asked about the taxi parking again. Mr. Heller said last month he did a survey of the parking situation. He said he passes the taxi stand 4 or 5 times a day and had noted that the drivers leave their taxis, which is against D.C. regulations. A resident said that he had seen color coding on curbs in other cities for parking.

Dr. Fernandez adjourned the meeting at 10:30pm.

Respectfully Submitted,

Donald Jackson, SMD04
Acting Secretary