

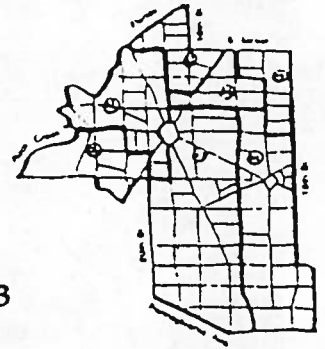


**DUPONT CIRCLE
ADVISORY NEIGHBORHOOD COMMISSION 2B**

The Dupont Down Under Mall
1900 Massachusetts Avenue, NW
Washington, DC 20036

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

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Letters

To: ABC
Re: Mediterranean Blue
Casa Pena
Prego Secondo
Marvis
Metro Market

To: Mayor
cc: Brimmer, D.C. Control Board
Clinton, President
King, DPW
Re: (Snow removal)

To: Sgt. Givens, 2nd District
cc: Ins. Barnes, Captain Burrell
Re: Service and Promotion

To: City Council - Evans, Clarke
Re: Parking Bill

To: DCRA, 2nd District, 3rd District
Re: Vending violations

MINUTES OF THE JANUARY 24, 1996 MEETING OF ADVISORY NEIGHBORHOOD COMMISSION 2B

Introduction of the Commissioners. Commissioners Fernandez, Haransky, Heller, Wemple and Jackson were present.

Adoption of the minutes as amended - unanimous

POLICE CRIME REPORT

Sgt. Burton of the 3rd District gave the crime statistics. He said that there had been a great decrease in crimes over the same time last year. A resident asked if this was the norm. Sgt. Burton said no, in fact it usually was higher. Mr. Heller asked if the police were monitoring the drug selling in front of the MacDonalds and Safeway on 17th Street. Sgt. Burton said that the situation was being monitored. Officer Zelinka said there had been a rash of muggings by juveniles, and that residents should report any suspicious activity that they see.

Lt. Cullen of the 2nd District gives the stats. He said that

COMMISSIONERS

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| 01 Brad Haransky
Vice-Chair | 02 Stephen Smith | 03 Jonathan Heller
Treasurer | 04 Donald Jackson | 05 Erik Wemple
Secretary | 06 Henry Fernandez
Chairperson | 07 Kyle Pitsor |
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unfortunately crime was up in the 2nd District. He said that robberies were down burglaries were up, and that the burglaries were taking place in office buildings. A resident asked if Francis School was part of the 2nd District. Lt. Cullens said yes. The resident said that there had been a problem with the students from that school intimidating and harassing residents, and vandalizing property especially between 22nd and 20th on O Street. Lt. Cullen said that 2D would send scooter patrols.

Lt. Harrisak of the Park Police asked the residents if they wanted the comfort station on Dupont Circle closed. Mr. Bothwell, a resident, said that the Dupont West Citizens Association and DCCA were working with the D.C. Police to have the comfort station renovated. Dr. Fernandez said that the ANC would be taking up that issue at its February meeting.

MOTION

Dr. Fernandez moved and Mr. Haransky seconded a letter of commendation and congratulations be sent to Sgt. Givens of the 2nd District on his promotion. The motion passed unanimously.

ADMINISTRATIVE MATTERS

Dr. Fernandez opened the floor to commissioners for the election of ANC 2B Officers for 1996.

MOTION

Mr. Heller moved and Mr. Haransky seconded that ANC 2B approve the same officers elected in 1995, who are currently serving. The motion passed unanimously.

MOTION

Mr. Heller moved and Mr. Haransky seconded approval for the Financial Report and asked that the approved Report be sent to the City Auditor. The motion passed unanimously.

MOTION

Dr. Fernandez moved and Mr. Jackson seconded to keep the same schedule of regular meetings held on the first Wednesday of the month for 1996, with meetings to be added on the fourth Wednesday of the month if necessary. The motion passed unanimously.

Dr. Fernandez said that a report by Michelle Sedgewick from Councilmember Evans office would be added to the regular meeting agenda of the ANC. Michelle Sedgewick introduces herself to the audience and said she was pleased to be able to speak with them on a regular basis. Dr. Fernandez said that the ANC would be having a limited open forum for citizens to bring up concerns at the beginning of the meeting after the police reports starting in February. Dr. Fernandez said that he was requesting the police

reports for the future meetings focus more on trends, significant changes and patterns, and questions and answers.

ISSUES

1. Mr. Jackson said that the Postal Inspector, who was to discuss the mail thefts in his SMD were unable to come to this meeting. He said that mail theft has been a problem in his SMD. He said that he wants a postal inspector to come and talk about this problem. He said one thing that helps is for people to post stickers that indicate the building is being watched for theft of mail. He made the stickers available to the audience and said the inspector would come to the February meeting.
2. Dr. Fernandez introduces the issue of D.C. Council Bill 11-505 "The A.B.C. Private Club Exception Amendment Act of 1995," which concerns liquor licenses for private clubs. Mr. Heller reads the bill before the general discussion. He said the bill was introduced by Councilmember Brazil, and it amends D.C. Code 25-116A. He said the reason for this amendment causing concern is that there is a club in Dupont Circle, H.H. Leonard's, that would qualify for a license under the amendment. He said that the case is controversial, and has been in the courts. Mr. Heller said that the ANC would like to structure the discussion to first address the Act, not the merits of the club, and if the subject needed to be expanded then to put it on the February agenda. Mr. Heller said that the law which the amendment would change would also change the liquor license moratorium for P Street. He said the code reads, "The code now states that no retailers license except "B" or "E" shall be issued for any business conducting in a residential use district except for restaurant or tavern, conducted in a hotel or apartment house - this is the pertinent section." Mr. Jackson said that ANC 2B is not the only ANC where there are discussions going on about this problem of liquor establishments in residential areas. A resident, Mr. Bothwell, said he did not see how the commission could consider the amendment in that it is ill-informed. He said there is a large number of private clubs operating all over the city, and a significant number in the Dupont Circle area. He said that being opposed to the law would deny the Cosmos Club, which has been around for decades, a liquor license. Dr. Fernandez asked Mr. Bothwell if he was a member of the Cosmos Club. Mr. Bothwell said no. Dr. Fernandez asked if Mr. Bothwell knew what kind of license the Cosmos had. Mr. Bothwell said, "no." Mr. Bothwell said that the ANC had to do more research because there are more clubs than are being considered. Dr. Fernandez asked Mr. Bothwell if he knew that the Cosmos Club was not part of the P Street moratorium. Mr. Bothwell said he didn't know. Pam Bothwell, a resident, said in presenting the issue Mr. Heller only mentioned H.H. Leonard whereas, there were other clubs to be considered. A resident said, that as he understood it, this bill didn't take anything away from an existing licensee

- it simply allowed others a 6-month period to try and get this same type of license. A resident said that when the moratorium was passed it had large community support and was also supported by the ANC at that time. He said that in supporting an exception the credibility of the moratorium would be in question. He said if parties from other clubs were concerned then they would be at the meeting. Ms. Leonard, a resident and proprietor of H.H. Leonard's said she had a letter from former councilmember Nathanson which said that this law does not apply to H. H. Leonard's, because she already has a license. She said this is a city issue and she hoped that her ANC would look at it as a city issue. She said the issue had should not be acted on hastily. She said that people have been working under false assumptions - the ABC Board says one thing and the Zoning Commission says something else. She said respective to this bill that no new clubs can apply in residential neighborhoods. She said the bill has nothing to do with the moratorium - that the bill is only for private clubs. Mr. Heller said to be fair to both sides - he didn't think the bill as written was good but that it could be changed to address everyone's concerns. He said even if the ANC opposed this bill as written it would behoove the ANC to propose to Councilmember Brazil that it could be made a better bill. Dr. Fernandez asked Ms. Leonard if she said this bill was a city issue. He read from the Bill, "notwithstanding any moratorium on a liquor license." He asked other than P Street and 17th Street which, other moratoriums are applicable. Ms. Leonard mentions other moratorium zones. She said there are hundreds of clubs in the city. Dr. Fernandez asked if people who come to H.H. Leonards are members. Ms. Leonard said absolutely. She said the bar is not open, and that the members have to have reservations to eat. Ms. Eastment said that the Council said this bill affects 12 clubs. Ms. Eastment questioned the purpose of the bill and said she felt it was a bad bill. Mr. Heller said the bill as written is that although it says a club has to have been in existence for three years, it is not clear how this three-year period is defined. He said the bill could be better written, and that it could satisfy everybody. He said, for example, if there were neighborhood concerns that a "CX" license could be sold to a less desirable group, perhaps that could be added to the law prohibiting that sale. He said if the concern was with the number of events held, perhaps a limit could be imposed by the wording of the bill. He said the intent of the bill doesn't have to be thrown out, just refined. H.H. Leonard said all the bill does is give a club the opportunity to apply for a license.

MOTION

Mr. Wemple moved and Mr. Jackson seconded to table the discussion of this proposed bill until the February meeting of ANC 2B. The motion passed 3-2. Dr. Fernandez and Mr. Heller opposed.

Dr. Fernandez said that during New Business he wanted to take up

the issue of the purchase of 2024 O Street by H.H. Leonard, which is of concern to the residents.

3. Mr. Haransky said that Mediterranean Blue wants the support of the ANC for their application for a liquor license.

MOTION

Mr. Haransky moved and Mr. Jackson seconded support for the application for a Class "CR" liquor license with the understanding that Mediterranean Blue will enter into a Voluntary Agreement with ANC 2B. The motion passed 4-0-1. Mr. Heller abstained.

4. Mr. Heller said that the deadline for filing a petition with the ABC Board for Casa Pena had been missed due to the cancellation of the January 10 meeting of the ANC. He requested a letter be sent to ABC asking them for an extension to the filing date for this application to give ANC 2B an opportunity to review this application.

MOTION

Mr. Heller moved and Mr. Haransky seconded a request for an extension of the petition date for Casa Pena's liquor license renewal until the February 14 meeting of ANC 2B in order to give the ANC an opportunity to consider this application. The motion passed unanimously.

MOTION

Dr. Fernandez moved and Mr. Jackson seconded a request for an extension of the petition date for Prego Secondo, Metro Market, and Marvis until the February meeting of ANC 2B in order to give the ANC an opportunity to consider these applications. The motion passed 4-1. Mr. Heller opposed.

5. Dr. Fernandez introduced two bills that are before the D.C. council to limit parking on residential streets. He said one was Bill 11-335, "Residential Parking Improvement Act of 1995" was written by Councilmember Evans. He said the focus of the bill is to regulate parking within highly impacted parking areas, and to prohibit the issuance of residential parking permits to full-time students who fail to comply with all motor vehicle registration requirements of D.C. He said this bill restricts parking on both sides of the streets in these high impact areas. Dr. Fernandez said the second Bill 11-348, "the Residential Permit Parking Sub-zone Act of 1995", introduced by Councilmember Clarke, also attempts to amend the D.C. municipal and highway traffic regulations to permit the establishment of residential parking permit sub-zones on one side of a street upon the petition by at least one adult resident of a majority of the households on the block. He said both bills have been referred to the committee on Public Works and the Environment for consideration. Dr.

Fernandez said the main difference between the bills is that Clarke's Bill will restrict parking on one side of the street and Evan's Bill would designate highly impacted parking areas and restrict parking on both sides of the street. Mr. Wemple said that the restriction is for parking from 12 midnight until 7a.m., so if you are from out of the zone you can't park on the street past 12 up to 7 in the morning. Mr. Haransky said that although this helps residents it keeps visitors out of the city. Mr. Jackson said that the signage is already confusing and this looks to make it more so, and he doesn't see this as a remedy. Dr. Fernandez said that residents of SMD06 have a tremendous problem with parking, especially on Friday and Saturday nights. He said that he would support a bill that restricts one side of the street to resident parking only. Mr. Heller said that a comment he received from a constituent is that this causes problems for delivery and repair people, so to have these restrictions for all times as in Clarke's Bill might be too restrictive. A resident said she supports Mr. Evan's Bill because the residents need places to park. Ms. Eastment, a resident, said she is in support of Evan's Bill as it supports the rights of the residents. A resident said that the suggestion of having a resident side and a visitor side to be a reasonable compromise. He said that delivery trucks already pay for have a special license. Mr. Bothwell asked if residents could park on both sides. Dr. Fernandez said, "correct, residents could take available spaces on the visitor side as well". A resident asked what was the purpose of trying to maintain residential areas downtown if residents did not have the main say in something as crucial as parking. She said that the few residential districts that are left in the city are being eroded. She said she was in very strong favor of Evan's bill. A resident asked if there would be a charge for the sub-zone sticker. Dr. Fernandez said he believed so. Mr. Wemple said the definition of a high impact area is all of Dupont Circle. Michelle Sedgewick of Councilmember Evans office said that the Clarke Bill is city-wide, whereas with Evan's Bill the community can designate what a high-impact area is. Dr. Fernandez said that Dupont West Citizens Association (DWCA) is in support of Evans' bill. Mr. Jackson said a high-impact area is defined as within 5 blocks or 2,000 feet of a commercial area. Mr. Wemple said that temporary parking stickers can be obtained from the police station.

MOTION

Mr. Wemple moved to support Bill 11-335 no second
The motion died.

A resident ask if there was any way a citizen could voice an opinion on this matter. Dr. Fernandez said that they could write to the sub-committee. Ms. Sedgewick said that comments could also be directed to Councilmember Harry Thomas. Mr. Heller said he supports the concepts of the bills; however, as they are written the contents are too complicated, too Byzantine or too stupid to support. He said that he would support the bills if

they were rewritten.

MOTION

Dr. Fernandez moved and Mr. Wemple seconded to support Bill 11-335 "Residential Parking Improvement Act of 1995" providing the high-impact parking areas only designate one side of the street for zoned parking, a guarantee that visitor parking permits be easily obtainable at no cost, and that no additional fees be charged to the residents. The motion passed 4-0-1. Mr. Heller abstained.

6. Mr. Heller said that the Department of Consumer and Regulatory Affairs was accepting commentary concerning changes to areas that allow street vendors. The ANC did not receive timely notice from DCRA. He said that ANC was advised by DCRA that ANC could attend the meetings and apply in person for exceptions. He said the meeting was canceled because of the snow, and that ANC would have to wait for the next cycle. A resident said that some vendors sell cigarettes to minors. A resident said he had noticed violations by vendors on 17th street. He said that the police do not enforce the regulations. A resident said that carts are left out over night on M Street between 21st and 22nd. Dr. Fernandez said he considered the vending carts to be a tremendous eyesore and would prefer if they were banned throughout the District.

MOTION

Dr. Fernandez moved and Mr. Jackson seconded that letters be sent to the Department of Consumer and Regulatory Affairs, the 2nd District, and the 3rd District urging them to enforce the vending regulations in the Dupont Circle area (17th Street, Connecticut Avenue, and M Street between 21st and 22nd Streets) especially the regulations which specify the size of carts, hours of operation, placement of stands/carts, and the leaving of carts overnight. ANC also urges that the law prohibiting the sale of tobacco to minors be enforced. The motion passed unanimously.

COMMISSIONERS REPORTS

Dr. Fernandez reported that at his meeting with Inspector Proctor and a representative of the Cafritz Foundation, the representative said that she would recommend to the full board that the grant proposal written by Dr. Fernandez for a tutoring center at the 3rd District would be approved in full. He said that it was a very positive sign that they would be able to move forward on this project.

NEW BUSINESS

Mr. Heller said that as the city did not do a good job of clearing the snow during the snow storm the ANC wanted to make

recommendations. He said that the individual commissioners have noted the problems in their SMDs. Mr. Wemple said he had been asked to write a letter to Mayor Barry and the City citing the problems that had been noted. He said he would like some community input on the letter. He said the letter basically said that although the residents understood the importance of clearing roads for the thousands of daily commuters they would not tolerate the complete subordination of those interests to the interests of the residents. He said that in other cities residents were given priority over commuters or that both interests were considered equally. Dr. Fernandez said that he wanted to express his displeasure as to how the plowing was handled in his SMD. Dr. Fernandez said he wanted a letter to go to the Mayor, Mr. Brimmer of the Control Board, Mr. King of the Department of Public Works, and Councilmember Evans.

MOTION

Dr. Fernandez moved and Mr. Wemple seconded to send letters to the Mayor, the Control Board, DPW, Councilmember Evans, President Clinton expressing displeasure at the manner in which the snow removal was handled and asking that appropriate plans and functioning equipment be available for possible similar situations. The motion passed unanimously.

Dr. Fernandez said that there are residents of his SMD who are concerned with the recent purchase by H.H. Leonard of 2024 O Street. Dr. Fernandez said that he did feel that people were entitled to run businesses out of their homes. He said he did not believe however, that businesses in residential zoned areas should expand to other lots and homes and that he is concerned that the purchase of 2024 O Street is for that purpose. Ms. Herman, a resident, said that it seemed that gradually houses were being developed for business purposes and as a result of that more and more parking was being lost to commercial loading zones. Ms. Leonard said the property in question comes with 6 parking spaces. She said that she has not settled on this property yet. She asked the ANC to work out a Voluntary Agreement with her. Mr. Jackson asked what Ms. Leonard does with her properties. Ms. Leonard said she uses it as a bed and breakfast and a private club. She said it would be non-profit and 80% of her membership was also non-profit. Dr. Fernandez asked if she planned to move into the house. Ms. Leonard said she didn't know at this time. Dr. Fernandez asked her if that was not a requirement of operating a bed and breakfast. Ms. Leonard said she didn't know. Dr. Fernandez said he would like to have a motion that letters be sent to DCRA stating ANC's wish that no permits be issued for the property at 2024 O Street for 90 days. He said he would also like to have H.H. Leonard and residents work with a mediator during that period to come up with an agreement. Mr. Bothwell said that he would prefer the ANC and residents take Ms. Leonard at her word that she would not start any construction for 90 days. A resident said he would be

reassured by a letter to DCRA. Mr. Haransky said he would like to add to a motion that a clear definition be established of 'use of space' through the mediation process. A resident said he found it hard to believe anyone would buy a property for \$750,000 and not have a plan for it. Dr. Fernandez said he would attempt to get a mediator for 2024 O Street, and in the mean-time in that there are no clear plans for the property he would move that a letter be sent to DCRA asking no construction permits or Certificate of Occupancy be issued for 90 days. Mr. Heller said in that no applications for construction or Certificate of Occupancy had been submitted concerning this property he saw no reason for the proposed motion. Mr. Wemple said that the ANC would be notified of a Certificate of Occupancy application if there were any problems with the zoning.

MOTION

Dr. Fernandez moved and Mr. Jackson seconded to urge the Department of Consumer and Regulatory Affairs that no construction permits or Certificate of Occupancy be issued for 2024 O Street for 90 days pending clarification for the purpose of use through mediation. The motion failed 3-2. Mr. Jackson, Heller, and Mr. Wemple opposed.

Ms. Leonard said she would agree to the mediation suggested by Dr. Fernandez.

The meeting adjourned at 10:20P.M.

Respectfully submitted,
Eric Wemple, Secretary