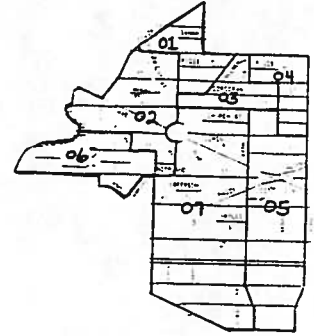




DUPONT CIRCLE  
 ADVISORY NEIGHBORHOOD COMMISSION 2B  
 P.O. Box 33224  
 Washington, D.C. 20033-0224  
 Telephone: 202-822-6222



Letters

To: D.C. Auditor  
 Re: Relocation ANC office

To: DPW/Public Space Committee  
 Re: ~~Public space guidelines and procedures~~

Minutes of Advisory Neighborhood Commission 2B meeting - November 12, 1997.

Dr. Cary, Vice Chair, opened the meeting at 7:30p.m. Commissioners Dehart, Jackson, and Newton were present. Introductions of Commissioners.

ADMINISTRATIVE MATTERS/ANNOUNCEMENTS

Minutes from August, September and October were unanimously approved.

Dr. Cary announced the seats for SMD 01 and SMD 02 were vacant. She explained the procedures and gave the detailed filing dates for anyone seeking to fill those available seats. She said that anyone in the audience who wanted details on the procedure and dates could talk to her after the meeting.

Dr. Cary said she would be absent for a three month sabbatical starting in December. She said her fellow Commissioners had kindly offered to help her constituents in her absence.

MOTION

Mr. Jackson moved and Ms. Newton seconded that Advisory Neighborhood Commission 2B designate Mr. Jackson's residence, 1511 Q Street, as the registered location for the ANC 2B files and equipment until renovations on the new location are completed or until December 31, 1998. The motion passed unanimously.

Mr. Jackson said space at 1511 Q Street would provide a place for the Staff Co-ordinator to work as well as allow access to the records by the Commissioners and residents by appointment. The ANC would maintain its current mailing address.

COMMISSIONERS

SMD 01 (vacant)	SMD 02 Stephen Angle	SMD 03 Francine Cary Vice Chair-Operations	SMD 04 Donald Jackson Secretary	SMD 05 Meredith De Hart Treasurer	SMD 06 Marilyn Newton	SMD 07 Kyle Pitsor Chair
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## POLICE REPORT

Officer Faryniarz gave the crime statistics for the Third District. He said that crime is down 20% overall. He asked residents to warn any visitors they may have not to leave anything in their cars. He told the residents to report any suspicious persons to the police and gave the residents the telephone numbers to call. A resident commended Commander Stanley of the Third District for doing a good job. Officer Faryniarz said there are seventeen officers assigned to the Sector; three or four per shift. He said the Third District is still looking for residents to serve as block leaders and act as liaisons to the police.

Officer Steve Godfrey gave the crime statistics for the Park Police. He said the Park Police are working on the illegal drinking that is taking place under P Street bridge.

## OPEN FORUM

Mr. Heller, a resident, asked if the meeting announcement would continue to be posted in the SMDs with vacancies. Mr. Jackson said yes.

## ISSUES

1. Dr. Cary updated the audience on the issue of an application for a CX liquor license for 2020 O Street, a private club. She said that the ANC presented and discussed this issue in August with all appropriate parties present and represented and voted to protest the issuing of this license. Subsequent to the ANC meeting in August Commissioner Newton, Mr. Steve O'Brien, attorney for H.H. Leonards and Commissioner Pitsor met to discuss a Voluntary Agreement.

Ms. Newton said the discussion that took place in August about the application for a liquor license by H.H. Leonard was very thoroughly addressed at that time. She said Mr. O'Brien prepared a very comprehensive five page proposed Voluntary Agreement addressing issues of hours of operation, number of days per year alcohol would be served, number of persons who would be served per event, vendor delivery hours, the unloading of buses, and trash pickup and parking. Ms. Newton said the proposed agreement has been examined and the commission does not think that the agreement addresses the reasons the protest was made in August: adversely affect the peace, order and quiet of nearby residents; increase in traffic and decrease in parking available for residents; and that the issuance of this license would contribute to an over-concentration of ABC licenses and impair the intent, purpose, and integrity of the Residential Zone Plan and planned use element.

Mr. O'Brien said that H.H. Leonard would be happy to discuss the proposed agreement further. He said that according to their survey

they had signatures from 2,700 people for the issuance of the license and only 56 persons opposed. Dr. Cary said there will be a hearing before the ABC Board on November 19 and ANC 2B is interested in being part of that review process. She said in order to do that ANC 2B would have to maintain its position of protestant. Mr. O'Brien said that at that meeting there will be no opportunity to compromise or negotiate further on the agreement. Dr. Cary said the protest can still be withdrawn after the November 19 meeting. She said the decision of the ANC is based on their interpretation of the regulations governing the issuance of liquor licenses and how the ANC views issues of residential zoning. Mr. Haransky, a resident, said the job of the ANC is to represent the residents and that over the years the issuance of a liquor license for the Mansion on O Street has been consistently opposed by residents.

~~Mr. Jackson said his reason for not introducing a motion on the issue of the Voluntary Agreement is not only the expressed concerns of the residents, but more importantly the oath of office he took. He said his oath stated he was to use his best judgement for making decisions for the District as a whole. And respective to this he has attended meetings at City Hall where residents of the City strongly requested that no liquor licenses of any kind be issued for establishments in residential neighborhoods. Mr. Jackson also said he could not even address a Voluntary Agreement in a residential area unless the events were limited to no more than 50 or 60 persons. Mr. Jackson said he had a problem with liquor licenses in residential neighborhoods.~~

Mr. Heller asked if the license was for all four of the addresses associated with H.H. Leonard's operation. Mr. O'Brien said the license would be for 2020 and 2018 O Street. Mr. Heller asked which other groups were opposing the application. Mr. O'Brien responded and also said that he would be happy to show the list of 2,700 individuals supporting the issuance of the license to anyone that cared to see it. Dr. Cary said that the protest stands and there would be no further action on the issue.

2. Dr. Cary said the President of the city-wide public space task force Peter Waldron reported the findings of their year long review to ANC 2B in June. The recommendations that the task force commented on were streamlining procedures, enforcement and compliance, and community impact provisions. Dr. Cary said the findings of the task force included that many establishments that rent public space do not have up to date Certificate of Occupancy and also are not paying the rent due. She said the ANC wrote a letter to DPW asking them to act on recommendations and give the public another opportunity to comment on the revised rulings.

Dr. Cary said that there has been no action taken by the DPW on this issue, so some ANCs have begun to adopt the recommendations in the hope this will prompt the City to act. Dr. Cary asked Mr.

Jackson to comment on the guidelines that ANC 2B had forged and adopted two years ago.

Mr. Jackson said the Waldron report had fifteen recommendations, but only three or four of these affected ANCs and the rest were on the internal operation of DPW. He said the three items that are consistent with ANC 2B guidelines are hours of operation of sidewalk cafes in residential areas, noise control restrictions, and prohibiting CT and DT licenses operating on public space. Since then the Corporation Counsel has ruled that CT and DT licensed establishments cannot use public space. He said that ANC 2B guidelines do not oppose this use of public space, but now need to be revised to reflect the law. He said the fourth task force recommendation is about ratios of cafes per block, presumably to promote diversity of commercial enterprises in any given area, and the ANC guidelines do not address this issue. Mr. Fasano, a resident, ~~said the guidelines only apply to new applications and only to residential areas, not commercial.~~ Mr. Fasano also pointed out the recommendations included a provision to promote diversity of commercial zones based on guidelines from a hopping center development association. The recommended ratio of sidewalk cafes to other commercial enterprises is a maximum of 25% of total street frontage in the overall area and a maximum of 40% frontage in any single block.

Ms. Dehart said as she understands it other ANCs have adopted the guidelines recommended by the task force and they have also sent letters to the new management of DPW to remind them the guidelines exist and to reiterate their concerns to have them passed. Mr. Fasano said he is aware of this activity and that ANC 3C adopted the guidelines. Dr. Cary said that the ANCs of Logan Circle, Foggy Bottom, Capitol Hill and Georgetown considering the issue in December. Ms. Dehart asked if these ANCs were adopting these recommendations as their own guidelines without waiting for DPW to adopt. Mr. Fasano said yes.

Mr. Heller said that there had been endless testimony on the issue of restrictions when the ANC 2B guidelines were being created and it was found there were no substantial reasons to restrict as the moratorium already did that.

Ms. Dehart said she would like to move that the task force recommendations be adopted as a standard for ANC 2B public space guidelines and send a letter to this effect to the DPW and Control Authority reiterating ANC 2B's support for the task force's recommendations. Mr. Jackson said he would second the motion, but wished to make an amendment.

A resident said she felt that the businesses should be more diversified. Mr. Fasano said the rental of public space is not free enterprise it is free space - given the low rent. He said this distorts the market value and drives up the rents in other areas.

Dr. Cary said that because the City government basically doesn't work the citizens are left to deal with the issues of finance. Ms. Debra Hanrahan said that the Hotel and Restaurant Association contributes heavily to individual city council member's campaign funds and the City Council doesn't have much will to enforce these regulations.

A resident said that the restrictions of numbers is a way to maintain balance and although the guidelines aren't perfect they are an important step forward.

A resident asked if the ANC adopted the task force's recommended guidelines would they conflict with the existing ANC 2B guidelines. Mr. Jackson said he would not accept the task force guidelines as is, but use them to edit the ANC's guidelines. He said he would change the ANC 2B's guidelines wording of the four items he spoke of earlier to match the task force's recommendation. He said the guidelines concerning ratios would be an addition as ANC 2B guidelines don't address this at all, and he had mixed feelings about the advisability of adding this section. He said he would not want to throw out the ANC guidelines as they represented a lot of time and effort from all segments of the community and its a good document. Dr. Cary suggested that rather than adopting the task force's guidelines the ANC state they would consider them as recommendations. She said the hope is the city will do something with the task force's recommendations if their existence is brought to DPW's attention. Dr. Cary suggested if the ANC could use the take force recommendations as guidelines to update its own set of public space guidelines. Mr. Haransky said that the guidelines can always be amended. Mr. Jackson said he wanted to amend the motion to read that ANC 2B is incorporating numbers one through four from the task force guidelines into the appropriate area of ANC 2B's existing guidelines and further that we encourage the DPW to adopt the guidelines presented to them by the Task Force on Use of Public Space. Ms. Dehart said she was concerned that if ANC 2B is using its guidelines, other entities are using theirs, and DPW establishes the regulations there would be no consistency in the situation. Mr. Jackson said he is very comfortable with editing ANC 2B's guidelines as they are very consistent with the items that concern ANC's in the task force's recommendations.

MOTION

Mr. Jackson moved and Ms. Newton seconded that the proposed motion regarding public space guidelines be amended to state ANC 2B was incorporating items one through four from the guideline recommendations of the Public Space Use Task Force into its existing set of Public Space Guidelines. The motion passed unanimously.

MOTION

Ms. Dehart moved and Mr. Jackson seconded ANC 2B send a letter to the Department of Public Works urging them to act on the Public Space Use Task Force's recommendations

and further that ANC 2B has adopted items one through four into its own set of Public Space Guidelines. The motion passed unanimously.

3. Mr. Jackson said one of the procedural recommendations that ANC 2B is asking the DPW to act on is to lengthen the time for notice given to ANCs from 30 to 45 days respective to public space applications. He said the reason is that the ANC often does not receive notice in time to properly review the applications. Mr. Jackson said respective to this he is just announcing two public space applications as there is no time to act on them: a flowers shop in the 1600 block of K Street, and a cafe between H and I Streets on 17th. He said that fortunately neither of these applications should present any problem as the amount of public space requested for use is modest and they are located in the business district. He asked if there were any objections from the audience. There was none.

#### COMMISSIONERS REPORTS

Ms. Newton said the Marriot Corporation is going to be building an extended stay hotel of 101 units on a lot on the south side of P Street between 21st and 22nd Streets. She said they would be coming before the ANC in December. The EXXON gas station (22nd and P Streets) will also be presenting its renovation plans to the ANC at the December meeting. She said that the Safeway at 21st and L Street is closing and a CVS is going in.

Mr. Jackson reported that Riggs Bank will be giving a presentation in December of the renovation plan in the 1500 block of Connecticut Avenue, which is a postponement of the presentation announced for this meeting.

Ms. Dehart reported H Street between Vermont and Pennsylvania Avenues will be under repair for 90 days beginning November 17.

#### OPEN FORUM

A resident asked about the status of Fresh Fields Grocery moving in the area. Dr. Cary suggested that residents write to Fresh Fields expressing their views about a store in the area. Ms. Newton said that the contact person at Fresh Fields is John-Claude Lurie at 713.661.7753.

A resident asked about the status of a proposed construction at 14th and P Streets. Ms. Dehart said Ingersoll and Block Construction owned all the house on the block and tore them down before they were stopped. She said their plan was to put up a large condominium. She said the proposed structure was of a very elegant building, however it is not clear at this time where the project stands.

H.H. Leonard announced she would be having an open house on the Saturday the week after Thanksgiving and hoped that people would attend.

The meeting adjourned at 9:20p.m.

Respectfully submitted,

Donald Jackson, Secretary  
ANC 2B, Dupont Circle